

By: Representative Smith

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1733

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
2 BONDS FOR THE PURPOSE OF REPAIRS AND RENOVATIONS FOR STATE  
3 INSTITUTIONS OF HIGHER LEARNING; TO AUTHORIZE THE ISSUANCE OF  
4 STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF REPAIRS AND  
5 RENOVATIONS FOR COMMUNITY AND JUNIOR COLLEGES; TO AUTHORIZE THE  
6 ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR  
7 CAPITAL IMPROVEMENTS AT THE STATE-OWNED SHIPYARD LOCATED IN  
8 JACKSON COUNTY, MISSISSIPPI; TO PROVIDE THAT THE ISSUANCE OF SUCH  
9 BONDS SHALL BE CONDITIONED ON THE LESSEE INCURRING A CERTAIN  
10 AMOUNT OF DEBT AND/OR DEDICATING A CERTAIN AMOUNT OF FUNDS FOR  
11 CAPITAL IMPROVEMENTS, CAPITAL INVESTMENTS OR CAPITAL UPGRADES TO  
12 SHIPYARDS IN MISSISSIPPI OWNED OR LEASED BY SUCH LESSEE; TO  
13 AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO  
14 PROVIDE FUNDS FOR THE CONSTRUCTION, FURNISHING AND EQUIPPING OF A  
15 NEW HIGHWAY SAFETY PATROL SUBSTATION IN STARKVILLE, MISSISSIPPI;  
16 TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO  
17 PROVIDE FUNDS TO THE MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES  
18 AND PARKS TO ASSIST IN PAYING COSTS ASSOCIATED WITH REPAIR AND  
19 RENOVATION OF CAPITAL FACILITIES, IMPROVEMENTS, DAMS, ROOFING,  
20 WASTEWATER AND WATER WELL MANDATES, AND OTHER FACILITY MAINTENANCE  
21 ITEMS AND PURPOSES; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL  
22 OBLIGATION BONDS TO PROVIDE FUNDS FOR THE MISSISSIPPI WATERSHED  
23 REPAIR AND REHABILITATION COST-SHARE PROGRAM; TO AMEND SECTION  
24 51-37-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO  
25 AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE  
26 PURPOSE OF PROVIDING FUNDS FOR THE MISSISSIPPI COMMUNITY HERITAGE  
27 PRESERVATION GRANT FUND; TO AMEND SECTION 39-5-145, MISSISSIPPI  
28 CODE OF 1972, IN CONFORMITY THERETO; TO AUTHORIZE THE ISSUANCE OF  
29 STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR CONSTRUCTION,  
30 REPAIR, RENOVATION AND REPLACEMENT OF BUILDINGS AT THE ALCOHOLIC  
31 BEVERAGE CONTROL WAREHOUSE LOCATED IN MADISON COUNTY, MISSISSIPPI,  
32 AND FOR THE PURCHASE OR RENOVATION OF EQUIPMENT AT SUCH WAREHOUSE;  
33 TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS TO  
34 PROVIDE MATCHING FUNDS FOR FEDERAL FUNDS FOR THE WATER POLLUTION



35 CONTROL REVOLVING FUND; TO AMEND SECTION 49-17-85, MISSISSIPPI  
36 CODE OF 1972, TO AUTHORIZE INTEREST AND INVESTMENT EARNINGS ON  
37 MONEY IN THE WATER POLLUTION CONTROL REVOLVING FUND TO BE UTILIZED  
38 TO PAY DEBT SERVICE ON THE BONDS AUTHORIZED TO BE ISSUED BY THIS  
39 ACT; TO BRING FORWARD SECTION 27-70-5, MISSISSIPPI CODE OF 1972,  
40 WHICH IMPOSES A TOBACCO EQUITY TAX ON CIGARETTES MADE BY  
41 NONSETTLING MANUFACTURERS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
42 BRING FORWARD SECTION 57-89-7, MISSISSIPPI CODE OF 1972, WHICH  
43 AUTHORIZES CERTAIN REBATES TO MOTION PICTURE PRODUCTION COMPANIES  
44 UNDER THE MISSISSIPPI MOTION PICTURE INCENTIVE ACT, FOR PURPOSES  
45 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 27-55-11,  
46 MISSISSIPPI CODE OF 1972, WHICH IMPOSES AN EXCISE TAX ON THE SALE  
47 OF GASOLINE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
48 SECTION 27-55-12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN  
49 EXEMPTIONS FROM THE EXCISE TAX ON FUEL, FOR PURPOSES OF POSSIBLE  
50 AMENDMENT; TO BRING FORWARD SECTION 27-55-519, MISSISSIPPI CODE OF  
51 1972, WHICH IMPOSES AN EXCISE TAX ON THE SALE OF SPECIAL FUEL, FOR  
52 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION  
53 27-55-521, MISSISSIPPI CODE OF 1972, WHICH IMPOSES A SPECIAL  
54 EXCISE TAX ON CERTAIN SALES OR USES OF FUEL, FOR PURPOSES OF  
55 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 27-5-101, MISSISSIPPI  
56 CODE OF 1972, WHICH PROVIDES FOR THE DIVERSION OF FUEL TAX  
57 REVENUE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
58 SECTIONS 27-65-75 AND 65-39-35, MISSISSIPPI CODE OF 1972, FOR  
59 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

61 **SECTION 1.** (1) As used in this section, the following words  
62 shall have the meanings ascribed herein unless the context clearly  
63 requires otherwise:

64 (a) "Accreted value" of any bond means, as of any date  
65 of computation, an amount equal to the sum of (i) the stated  
66 initial value of such bond, plus (ii) the interest accrued thereon  
67 from the issue date to the date of computation at the rate,  
68 compounded semiannually, that is necessary to produce the  
69 approximate yield to maturity shown for bonds of the same  
70 maturity.

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

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



73 (2) (a) (i) A special fund, to be designated as the "2017  
 74 IHL Repairs and Renovation Fund," is created within the State  
 75 Treasury. The fund shall be maintained by the State Treasurer as  
 76 a separate and special fund, separate and apart from the General  
 77 Fund of the state. Unexpended amounts remaining in the fund at  
 78 the end of a fiscal year shall not lapse into the State General  
 79 Fund, and any interest earned or investment earnings on amounts in  
 80 the fund shall be deposited into such fund.

81 (ii) Monies deposited into the fund shall be  
 82 disbursed, in the discretion of the Department of Finance and  
 83 Administration, with the approval of the Board of Trustees of  
 84 State Institutions of Higher Learning on those projects related to  
 85 the universities under its management and control to pay the costs  
 86 of renovation and repair of existing facilities as follows:

		<b>AMOUNT</b>
<b>NAME</b>	<b>PROJECT</b>	<b>ALLOCATED</b>
89	Alcorn State University.....	\$ 1,000,000.00
90	Delta State University.....	\$ 1,000,000.00
91	Jackson State University .....	\$ 1,000,000.00
92	Mississippi University for Women.....	\$ 1,000,000.00
93	Mississippi State University.....	\$ 1,000,000.00
94	Mississippi Valley State University.....	\$ 1,000,000.00
95	University of Mississippi Medical Center.....	\$ 1,000,000.00
96	University of Southern Mississippi.....	\$ 1,000,000.00
97	IHL Education and Research Center.....	\$ 450,000.00



98 **TOTAL.....\$8,450,000.00**

99 (b) (i) Amounts deposited into such special fund shall  
100 be disbursed to pay the costs of projects described in paragraph  
101 (a) of this subsection. If any monies in such special fund are  
102 not used within four (4) years after the date the proceeds of the  
103 bonds authorized under this section are deposited into the special  
104 fund, then the institution of higher learning for which any unused  
105 monies are allocated under paragraph (a) of this subsection shall  
106 provide an accounting of such unused monies to the commission.  
107 Promptly after the commission has certified, by resolution duly  
108 adopted, that the projects described in paragraph (a) of this  
109 subsection shall have been completed, abandoned, or cannot be  
110 completed in a timely fashion, any amounts remaining in such  
111 special fund shall be applied to pay debt service on the bonds  
112 issued under this section, in accordance with the proceedings  
113 authorizing the issuance of such bonds and as directed by the  
114 commission.

115 (ii) Monies in the special fund may be used to  
116 reimburse reasonable actual and necessary costs incurred by the  
117 Department of Finance and Administration, acting through the  
118 Bureau of Building, Grounds and Real Property Management, in  
119 administering or providing assistance directly related to a  
120 project described in paragraph (a) of this subsection. An  
121 accounting of actual costs incurred for which reimbursement is  
122 sought shall be maintained for each project by the Department of



123 Finance and Administration, Bureau of Building, Grounds and Real  
124 Property Management. Reimbursement of reasonable actual and  
125 necessary costs for a project shall not exceed two percent (2%) of  
126 the proceeds of bonds issued for such project. Monies authorized  
127 for a particular project may not be used to reimburse  
128 administrative costs for unrelated projects.

129 (c) The Department of Finance and Administration,  
130 acting through the Bureau of Building, Grounds and Real Property  
131 Management, is expressly authorized and empowered to receive and  
132 expend any local or other source funds in connection with the  
133 expenditure of funds provided for in this subsection. The  
134 expenditure of monies deposited into the special fund shall be  
135 under the direction of the Department of Finance and  
136 Administration, and such funds shall be paid by the State  
137 Treasurer upon warrants issued by such department, which warrants  
138 shall be issued upon requisitions signed by the Executive Director  
139 of the Department of Finance and Administration, or his designee.

140 (d) Any amounts allocated to an institution of higher  
141 learning that are in excess of that needed to complete the  
142 projects at such institution of higher learning that are described  
143 in paragraph (a) of this subsection may be used for general  
144 repairs and renovations at the institution of higher learning.

145 (3) (a) The commission, at one time, or from time to time,  
146 may declare by resolution the necessity for issuance of general  
147 obligation bonds of the State of Mississippi to provide funds for



148 all costs incurred or to be incurred for the purposes described in  
149 subsection (2) of this section. Upon the adoption of a resolution  
150 by the Department of Finance and Administration declaring the  
151 necessity for the issuance of any part or all of the general  
152 obligation bonds authorized by this section, the Department of  
153 Finance and Administration shall deliver a certified copy of its  
154 resolution or resolutions to the commission. Upon receipt of such  
155 resolution, the commission, in its discretion, may act as issuing  
156 agent, prescribe the form of the bonds, determine the appropriate  
157 method for sale of the bonds, advertise for and accept bids or  
158 negotiate the sale of the bonds, issue and sell the bonds so  
159 authorized to be sold, and do any and all other things necessary  
160 and advisable in connection with the issuance and sale of such  
161 bonds. The total amount of bonds issued under this section shall  
162 not exceed Eight Million Four Hundred Fifty Thousand Dollars  
163 (\$8,450,000.00). No bonds shall be issued under this section  
164 after July 1, 2021.

165 (b) Any investment earnings on amounts deposited into  
166 the special fund created in subsection (2) of this section shall  
167 be used to pay debt service on bonds issued under this section, in  
168 accordance with the proceedings authorizing issuance of such  
169 bonds.

170 (4) The principal of and interest on the bonds authorized  
171 under this section shall be payable in the manner provided in this  
172 subsection. Such bonds shall bear such date or dates, be in such



173 denomination or denominations, bear interest at such rate or rates  
174 (not to exceed the limits set forth in Section 75-17-101,  
175 Mississippi Code of 1972), be payable at such place or places  
176 within or without the State of Mississippi, shall mature  
177 absolutely at such time or times not to exceed twenty-five (25)  
178 years from date of issue, be redeemable before maturity at such  
179 time or times and upon such terms, with or without premium, shall  
180 bear such registration privileges, and shall be substantially in  
181 such form, all as shall be determined by resolution of the  
182 commission.

183 (5) The bonds authorized by this section shall be signed by  
184 the chairman of the commission, or by his facsimile signature, and  
185 the official seal of the commission shall be affixed thereto,  
186 attested by the secretary of the commission. The interest  
187 coupons, if any, to be attached to such bonds may be executed by  
188 the facsimile signatures of such officers. Whenever any such  
189 bonds shall have been signed by the officials designated to sign  
190 the bonds who were in office at the time of such signing but who  
191 may have ceased to be such officers before the sale and delivery  
192 of such bonds, or who may not have been in office on the date such  
193 bonds may bear, the signatures of such officers upon such bonds  
194 and coupons shall nevertheless be valid and sufficient for all  
195 purposes and have the same effect as if the person so officially  
196 signing such bonds had remained in office until their delivery to  
197 the purchaser, or had been in office on the date such bonds may



198 bear. However, notwithstanding anything herein to the contrary,  
199 such bonds may be issued as provided in the Registered Bond Act of  
200 the State of Mississippi.

201 (6) All bonds and interest coupons issued under the  
202 provisions of this section have all the qualities and incidents of  
203 negotiable instruments under the provisions of the Uniform  
204 Commercial Code, and in exercising the powers granted by this  
205 section, the commission shall not be required to and need not  
206 comply with the provisions of the Uniform Commercial Code.

207 (7) The commission shall act as issuing agent for the bonds  
208 authorized under this section, prescribe the form of the bonds,  
209 determine the appropriate method for sale of the bonds, advertise  
210 for and accept bids or negotiate the sale of the bonds, issue and  
211 sell the bonds, pay all fees and costs incurred in such issuance  
212 and sale, and do any and all other things necessary and advisable  
213 in connection with the issuance and sale of such bonds. The  
214 commission is authorized and empowered to pay the costs that are  
215 incident to the sale, issuance and delivery of the bonds  
216 authorized under this section from the proceeds derived from the  
217 sale of such bonds. The commission may sell such bonds on sealed  
218 bids at public sale or may negotiate the sale of the bonds for  
219 such price as it may determine to be for the best interest of the  
220 State of Mississippi. All interest accruing on such bonds so  
221 issued shall be payable semiannually or annually.





222 If such bonds are sold by sealed bids at public sale, notice  
223 of the sale shall be published at least one time, not less than  
224 ten (10) days before the date of sale, and shall be so published  
225 in one or more newspapers published or having a general  
226 circulation in the City of Jackson, Mississippi, selected by the  
227 commission.

228 The commission, when issuing any bonds under the authority of  
229 this section, may provide that bonds, at the option of the State  
230 of Mississippi, may be called in for payment and redemption at the  
231 call price named therein and accrued interest on such date or  
232 dates named therein.

233 (8) The bonds issued under the provisions of this section  
234 are general obligations of the State of Mississippi, and for the  
235 payment thereof the full faith and credit of the State of  
236 Mississippi is irrevocably pledged. If the funds appropriated by  
237 the Legislature are insufficient to pay the principal of and the  
238 interest on such bonds as they become due, then the deficiency  
239 shall be paid by the State Treasurer from any funds in the State  
240 Treasury not otherwise appropriated. All such bonds shall contain  
241 recitals on their faces substantially covering the provisions of  
242 this subsection.

243 (9) Upon the issuance and sale of bonds under the provisions  
244 of this section, the commission shall transfer the proceeds of any  
245 such sale or sales to the special funds created in subsection (2)  
246 of this section. The proceeds of such bonds shall be disbursed



247 solely upon the order of the Department of Finance and  
248 Administration under such restrictions, if any, as may be  
249 contained in the resolution providing for the issuance of the  
250 bonds.

251 (10) The bonds authorized under this section may be issued  
252 without any other proceedings or the happening of any other  
253 conditions or things other than those proceedings, conditions and  
254 things which are specified or required by this section. Any  
255 resolution providing for the issuance of bonds under the  
256 provisions of this section shall become effective immediately upon  
257 its adoption by the commission, and any such resolution may be  
258 adopted at any regular or special meeting of the commission by a  
259 majority of its members.

260 (11) The bonds authorized under the authority of this  
261 section may be validated in the Chancery Court of the First  
262 Judicial District of Hinds County, Mississippi, in the manner and  
263 with the force and effect provided by Chapter 13, Title 31,  
264 Mississippi Code of 1972, for the validation of county, municipal,  
265 school district and other bonds. The notice to taxpayers required  
266 by such statutes shall be published in a newspaper published or  
267 having a general circulation in the City of Jackson, Mississippi.

268 (12) Any holder of bonds issued under the provisions of this  
269 section or of any of the interest coupons pertaining thereto may,  
270 either at law or in equity, by suit, action, mandamus or other  
271 proceeding, protect and enforce any and all rights granted under



272 this section, or under such resolution, and may enforce and compel  
273 performance of all duties required by this section to be  
274 performed, in order to provide for the payment of bonds and  
275 interest thereon.

276 (13) All bonds issued under the provisions of this section  
277 shall be legal investments for trustees and other fiduciaries, and  
278 for savings banks, trust companies and insurance companies  
279 organized under the laws of the State of Mississippi, and such  
280 bonds shall be legal securities which may be deposited with and  
281 shall be received by all public officers and bodies of this state  
282 and all municipalities and political subdivisions for the purpose  
283 of securing the deposit of public funds.

284 (14) Bonds issued under the provisions of this section and  
285 income therefrom shall be exempt from all taxation in the State of  
286 Mississippi.

287 (15) The proceeds of the bonds issued under this section  
288 shall be used solely for the purposes herein provided, including  
289 the costs incident to the issuance and sale of such bonds.

290 (16) The State Treasurer is authorized, without further  
291 process of law, to certify to the Department of Finance and  
292 Administration the necessity for warrants, and the Department of  
293 Finance and Administration is authorized and directed to issue  
294 such warrants, in such amounts as may be necessary to pay when due  
295 the principal of, premium, if any, and interest on, or the  
296 accreted value of, all bonds issued under this section; and the



297 State Treasurer shall forward the necessary amount to the  
298 designated place or places of payment of such bonds in ample time  
299 to discharge such bonds, or the interest thereon, on the due dates  
300 thereof.

301 (17) This section shall be deemed to be full and complete  
302 authority for the exercise of the powers herein granted, but this  
303 section shall not be deemed to repeal or to be in derogation of  
304 any existing law of this state.

305 **SECTION 2.** (1) As used in this section, the following words  
306 shall have the meanings ascribed herein unless the context clearly  
307 requires otherwise:

308 (a) "Accreted value" of any bond means, as of any date  
309 of computation, an amount equal to the sum of (i) the stated  
310 initial value of such bond, plus (ii) the interest accrued thereon  
311 from the issue date to the date of computation at the rate,  
312 compounded semiannually, that is necessary to produce the  
313 approximate yield to maturity shown for bonds of the same  
314 maturity.

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

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

317 (2) (a) (i) A special fund, to be designated as the "2017  
318 Community and Junior Colleges Capital Improvements Fund," is  
319 created within the State Treasury. The fund shall be maintained  
320 by the State Treasurer as a separate and special fund, separate  
321 and apart from the General Fund of the state. Unexpended amounts



322 remaining in the fund at the end of a fiscal year shall not lapse  
323 into the State General Fund, and any interest earned or investment  
324 earnings on amounts in the fund shall be deposited to the credit  
325 of the fund. Monies in the fund may not be used or expended for  
326 any purpose except as authorized under this act.

327 (ii) Monies deposited into the fund shall be  
328 disbursed, in the discretion of the Department of Finance and  
329 Administration, to pay the costs of acquisition of real property,  
330 construction of new facilities, equipping and furnishing  
331 facilities, including furniture and technology equipment and  
332 infrastructure, and addition to or renovation of existing  
333 facilities for community and junior college campuses as  
334 recommended by the Mississippi Community College Board. The  
335 amount to be expended at each community and junior college is as  
336 follows:

337	Coahoma.....	\$ 46,181.00
338	Copiah-Lincoln.....	54,842.00
339	East Central.....	52,242.00
340	East Mississippi.....	63,402.00
341	Hinds.....	112,337.00
342	Holmes.....	73,034.00
343	Itawamba.....	72,465.00
344	Jones.....	69,619.00
345	Meridian.....	55,927.00
346	Mississippi Delta.....	50,855.00



347	Mississippi Gulf Coast.....	98,848.00
348	Northeast Mississippi.....	56,277.00
349	Northwest Mississippi.....	83,780.00
350	Pearl River.....	63,109.00
351	Southwest Mississippi.....	47,082.00
352	<b>GRAND TOTAL.....</b>	<b>\$1,000,000.00</b>

353           (b) Amounts deposited into such special fund shall be  
354 disbursed to pay the costs of projects described in paragraph (a)  
355 of this subsection. If any monies in such special fund are not  
356 used within four (4) years after the date the proceeds of the  
357 bonds authorized under this section are deposited into the special  
358 fund, then the community college or junior college for which any  
359 such monies are allocated under paragraph (a) of this subsection  
360 shall provide an accounting of such unused monies to the  
361 commission. Promptly after the commission has certified, by  
362 resolution duly adopted, that the projects described in paragraph  
363 (a) of this section shall have been completed, abandoned, or  
364 cannot be completed in a timely fashion, any amounts remaining in  
365 such special fund shall be applied to pay debt service on the  
366 bonds issued under this section, in accordance with the  
367 proceedings authorizing the issuance of such bonds and as directed  
368 by the commission.

369           (c) The Department of Finance and Administration,  
370 acting through the Bureau of Building, Grounds and Real Property  
371 Management, is expressly authorized and empowered to receive and



372 expend any local or other source funds in connection with the  
373 expenditure of funds provided for in this section. The  
374 expenditure of monies deposited into the special fund shall be  
375 under the direction of the Department of Finance and  
376 Administration, and such funds shall be paid by the State  
377 Treasurer upon warrants issued by such department, which warrants  
378 shall be issued upon requisitions signed by the Executive Director  
379 of the Department of Finance and Administration, or his designee.

380 (3) (a) The commission, at one time, or from time to time,  
381 may declare by resolution the necessity for issuance of general  
382 obligation bonds of the State of Mississippi to provide funds for  
383 all costs incurred or to be incurred for the purposes described in  
384 subsection (2) of this section. Upon the adoption of a resolution  
385 by the Department of Finance and Administration declaring the  
386 necessity for the issuance of any part or all of the general  
387 obligation bonds authorized by this section, the Department of  
388 Finance and Administration shall deliver a certified copy of its  
389 resolution or resolutions to the commission. Upon receipt of such  
390 resolution, the commission, in its discretion, may act as issuing  
391 agent, prescribe the form of the bonds, determine the appropriate  
392 method for sale of the bonds, advertise for and accept bids or  
393 negotiate the sale of the bonds, issue and sell the bonds so  
394 authorized to be sold, and do any and all other things necessary  
395 and advisable in connection with the issuance and sale of such  
396 bonds. The total amount of bonds issued under this section shall



397 not exceed One Million Dollars (\$1,000,000.00). No bonds shall be  
398 issued under this section after July 1, 2021.

399 (b) Any investment earnings on amounts deposited into  
400 the special funds created in subsection (2) of this section shall  
401 be used to pay debt service on bonds issued under this section, in  
402 accordance with the proceedings authorizing issuance of such  
403 bonds.

404 (4) The principal of and interest on the bonds authorized  
405 under this section shall be payable in the manner provided in this  
406 subsection. Such bonds shall bear such date or dates, be in such  
407 denomination or denominations, bear interest at such rate or rates  
408 (not to exceed the limits set forth in Section 75-17-101,  
409 Mississippi Code of 1972), be payable at such place or places  
410 within or without the State of Mississippi, shall mature  
411 absolutely at such time or times not to exceed twenty-five (25)  
412 years from date of issue, be redeemable before maturity at such  
413 time or times and upon such terms, with or without premium, shall  
414 bear such registration privileges, and shall be substantially in  
415 such form, all as shall be determined by resolution of the  
416 commission.

417 (5) The bonds authorized by this section shall be signed by  
418 the chairman of the commission, or by his facsimile signature, and  
419 the official seal of the commission shall be affixed thereto,  
420 attested by the secretary of the commission. The interest  
421 coupons, if any, to be attached to such bonds may be executed by





422 the facsimile signatures of such officers. Whenever any such  
423 bonds shall have been signed by the officials designated to sign  
424 the bonds who were in office at the time of such signing but who  
425 may have ceased to be such officers before the sale and delivery  
426 of such bonds, or who may not have been in office on the date such  
427 bonds may bear, the signatures of such officers upon such bonds  
428 and coupons shall nevertheless be valid and sufficient for all  
429 purposes and have the same effect as if the person so officially  
430 signing such bonds had remained in office until their delivery to  
431 the purchaser, or had been in office on the date such bonds may  
432 bear. However, notwithstanding anything herein to the contrary,  
433 such bonds may be issued as provided in the Registered Bond Act of  
434 the State of Mississippi.

435 (6) All bonds and interest coupons issued under the  
436 provisions of this section have all the qualities and incidents of  
437 negotiable instruments under the provisions of the Uniform  
438 Commercial Code, and in exercising the powers granted by this  
439 section, the commission shall not be required to and need not  
440 comply with the provisions of the Uniform Commercial Code.

441 (7) The commission shall act as issuing agent for the bonds  
442 authorized under this section, prescribe the form of the bonds,  
443 determine the appropriate method for sale of the bonds, advertise  
444 for and accept bids or negotiate the sale of the bonds, issue and  
445 sell the bonds, pay all fees and costs incurred in such issuance  
446 and sale, and do any and all other things necessary and advisable



447 in connection with the issuance and sale of such bonds. The  
448 commission is authorized and empowered to pay the costs that are  
449 incident to the sale, issuance and delivery of the bonds  
450 authorized under this section from the proceeds derived from the  
451 sale of such bonds. The commission may sell such bonds on sealed  
452 bids at public sale or may negotiate the sale of the bonds for  
453 such price as it may determine to be for the best interest of the  
454 State of Mississippi. All interest accruing on such bonds so  
455 issued shall be payable semiannually or annually.

456 If such bonds are sold by sealed bids at public sale, notice  
457 of the sale shall be published at least one time, not less than  
458 ten (10) days before the date of sale, and shall be so published  
459 in one or more newspapers published or having a general  
460 circulation in the City of Jackson, Mississippi, selected by the  
461 commission.

462 The commission, when issuing any bonds under the authority of  
463 this section, may provide that bonds, at the option of the State  
464 of Mississippi, may be called in for payment and redemption at the  
465 call price named therein and accrued interest on such date or  
466 dates named therein.

467 (8) The bonds issued under the provisions of this section  
468 are general obligations of the State of Mississippi, and for the  
469 payment thereof the full faith and credit of the State of  
470 Mississippi is irrevocably pledged. If the funds appropriated by  
471 the Legislature are insufficient to pay the principal of and the



472 interest on such bonds as they become due, then the deficiency  
473 shall be paid by the State Treasurer from any funds in the State  
474 Treasury not otherwise appropriated. All such bonds shall contain  
475 recitals on their faces substantially covering the provisions of  
476 this subsection.

477 (9) Upon the issuance and sale of bonds under the provisions  
478 of this section, the commission shall transfer the proceeds of any  
479 such sale or sales to the special fund created in subsection (2)  
480 of this section. The proceeds of such bonds shall be disbursed  
481 solely upon the order of the Department of Finance and  
482 Administration under such restrictions, if any, as may be  
483 contained in the resolution providing for the issuance of the  
484 bonds.

485 (10) The bonds authorized under this section may be issued  
486 without any other proceedings or the happening of any other  
487 conditions or things other than those proceedings, conditions and  
488 things which are specified or required by this section. Any  
489 resolution providing for the issuance of bonds under the  
490 provisions of this section shall become effective immediately upon  
491 its adoption by the commission, and any such resolution may be  
492 adopted at any regular or special meeting of the commission by a  
493 majority of its members.

494 (11) The bonds authorized under the authority of this  
495 section may be validated in the Chancery Court of the First  
496 Judicial District of Hinds County, Mississippi, in the manner and



497 with the force and effect provided by Chapter 13, Title 31,  
498 Mississippi Code of 1972, for the validation of county, municipal,  
499 school district and other bonds. The notice to taxpayers required  
500 by such statutes shall be published in a newspaper published or  
501 having a general circulation in the City of Jackson, Mississippi.

502 (12) Any holder of bonds issued under the provisions of this  
503 section or of any of the interest coupons pertaining thereto may,  
504 either at law or in equity, by suit, action, mandamus or other  
505 proceeding, protect and enforce any and all rights granted under  
506 this section, or under such resolution, and may enforce and compel  
507 performance of all duties required by this section to be  
508 performed, in order to provide for the payment of bonds and  
509 interest thereon.

510 (13) All bonds issued under the provisions of this section  
511 shall be legal investments for trustees and other fiduciaries, and  
512 for savings banks, trust companies and insurance companies  
513 organized under the laws of the State of Mississippi, and such  
514 bonds shall be legal securities which may be deposited with and  
515 shall be received by all public officers and bodies of this state  
516 and all municipalities and political subdivisions for the purpose  
517 of securing the deposit of public funds.

518 (14) Bonds issued under the provisions of this section and  
519 income therefrom shall be exempt from all taxation in the State of  
520 Mississippi.



521 (15) The proceeds of the bonds issued under this section  
522 shall be used solely for the purposes herein provided, including  
523 the costs incident to the issuance and sale of such bonds.

524 (16) The State Treasurer is authorized, without further  
525 process of law, to certify to the Department of Finance and  
526 Administration the necessity for warrants, and the Department of  
527 Finance and Administration is authorized and directed to issue  
528 such warrants, in such amounts as may be necessary to pay when due  
529 the principal of, premium, if any, and interest on, or the  
530 accreted value of, all bonds issued under this section; and the  
531 State Treasurer shall forward the necessary amount to the  
532 designated place or places of payment of such bonds in ample time  
533 to discharge such bonds, or the interest thereon, on the due dates  
534 thereof.

535 (17) This section shall be deemed to be full and complete  
536 authority for the exercise of the powers herein granted, but this  
537 section shall not be deemed to repeal or to be in derogation of  
538 any existing law of this state.

539 **SECTION 3.** (1) As used in this section, the following words  
540 shall have the meanings ascribed herein unless the context clearly  
541 requires otherwise:

542 (a) "Accreted value" of any bonds means, as of any date  
543 of computation, an amount equal to the sum of (i) the stated  
544 initial value of such bonds, plus (ii) the interest accrued  
545 thereon from the issue date to the date of computation at the



546 rate, compounded semiannually, that is necessary to produce the  
547 approximate yield to maturity shown for bonds of the same  
548 maturity.

549 (b) "Commission" means the State Bond Commission.

550 (c) "State shipyard" means the shipyard property owned  
551 by the state and located in Jackson County, Mississippi.

552 (d) "State" means the State of Mississippi.

553 (e) "Authority" means the Mississippi Development  
554 Authority.

555 (2) (a) (i) A special fund, to be designated as the "2017  
556 State Shipyard Improvement Fund," is created within the State  
557 Treasury. The fund shall be maintained by the State Treasurer as  
558 a separate and special fund, separate and apart from the General  
559 Fund of the state. Unexpended amounts remaining in the fund at  
560 the end of a fiscal year shall not lapse into the State General  
561 Fund, and any interest earned or investment earnings on amounts in  
562 the fund shall be deposited into such fund.

563 (ii) Monies deposited into the fund shall be  
564 disbursed, in the discretion of the authority, to pay the costs  
565 incurred in making such capital improvements at the state shipyard  
566 as are considered by the authority to be part of the five-year  
567 plan to modernize the state shipyard and keep it competitive with  
568 other shipyards.

569 (iii) Monies in the special fund may be used to  
570 reimburse reasonable actual and necessary costs incurred by the



571 authority in providing assistance related to a project for which  
572 funding is provided under this act. The authority shall maintain  
573 an accounting of actual costs incurred for each project for which  
574 reimbursements are sought. Reimbursements under this paragraph  
575 shall not exceed Three Hundred Thousand Dollars (\$300,000.00) in  
576 the aggregate. Reimbursements under this paragraph shall satisfy  
577 any applicable federal tax law requirements.

578 (iv) Monies in the special fund may be used to  
579 reimburse reasonable actual and necessary costs incurred by the  
580 Department of Audit in providing services related to a project for  
581 which funding is provided under this act. The Department of Audit  
582 shall maintain an accounting of actual costs incurred for each  
583 project for which reimbursements are sought. The Department of  
584 Audit may escalate its budget and expend such funds in accordance  
585 with rules and regulations of the Department of Finance and  
586 Administration in a manner consistent with the escalation of  
587 federal funds. Reimbursements under this paragraph shall not  
588 exceed One Hundred Thousand Dollars (\$100,000.00) in the  
589 aggregate. Reimbursements under this paragraph shall satisfy any  
590 applicable federal tax law requirements.

591 (b) Amounts deposited into such special fund shall be  
592 disbursed to pay the costs of the projects described in this  
593 subsection. If any money in the special fund is not used within  
594 four (4) years after the date the proceeds of the bonds authorized  
595 under this act are deposited into the fund, then the authority



596 shall provide an accounting of the unused monies to the  
597 commission. Promptly after the commission has certified, by  
598 resolution duly adopted, that the projects described in this  
599 subsection shall have been completed, abandoned, or cannot be  
600 completed in a timely fashion, any amounts remaining in such  
601 special fund shall be applied to pay debt service on the bonds  
602 issued under this act, in accordance with the proceedings  
603 authorizing the issuance of such bonds and as directed by the  
604 commission. Before money in the special fund may be used for the  
605 projects described in this subsection, the authority shall require  
606 that the lessee of the shipyard enter into binding commitments  
607 regarding at least the following:

608           (i) That the lessee shall maintain a certain  
609 minimum number of jobs and/or economic impact over a certain  
610 period of time as determined by the authority (any required jobs  
611 must be held by persons eligible for employment in the United  
612 States under applicable state and federal law); and

613           (ii) That if the lessee fails to satisfy any such  
614 commitments, the lessee must repay an amount equal to all or a  
615 portion of the funds provided by the state under this act as  
616 determined by the authority.

617           (3) (a) The commission, at one time, or from time to time,  
618 may declare by resolution the necessity for issuance of general  
619 obligation bonds of the State of Mississippi to provide funds for  
620 all costs incurred or to be incurred for the purposes described in





621 subsection (2) of this section. No bonds shall be issued under  
622 this act until the authority is provided proof that the lessee of  
623 the shipyard has incurred debt or has otherwise irrevocably  
624 dedicated funds or a combination of debt and funds in the amount  
625 of not less than Ninety Million Dollars (\$90,000,000.00) used by  
626 the lessee in calendar year 2006 or thereafter, for capital  
627 improvements, capital investments or capital upgrades at  
628 facilities in Jackson County, Mississippi, owned or leased by the  
629 lessee. The debt or dedication of funds or combination of debt  
630 and funds required of the lessee under this section shall be in  
631 addition to any debt or funds required of the lessee under Section  
632 4 of Chapter 501, Laws of 2003, Section 4 of Chapter 1, Laws of  
633 2004 Third Extraordinary Session, and Section 4 of Chapter 475,  
634 2006 Regular Session, Section 17, Chapter 472, Laws of 2015, and  
635 Section 25, Chapter 511, Laws of 2016. In addition, no bonds  
636 shall be issued under this act until the authority has certified  
637 that the lessee has satisfied the minimum jobs requirements of  
638 Section 3(2) of Chapter 501, Laws of 2003, Section 3(2) of Chapter  
639 1, Laws of 2004 Third Extraordinary Session, and Section 3 of  
640 Chapter 475, 2006 Regular Session. Upon the adoption of a  
641 resolution by the authority, declaring that the lessee has  
642 incurred the required amount of debt and/or irrevocable dedication  
643 of funds and maintained the required minimum number of jobs and/or  
644 economic impact and declaring the necessity for the issuance of  
645 any part or all of the general obligation bonds authorized by this



646 section, the authority shall deliver a certified copy of its  
647 resolution or resolutions to the commission. Upon receipt of such  
648 resolution, the commission, in its discretion, may act as the  
649 issuing agent, prescribe the form of the bonds, determine the  
650 appropriate method for sale of the bonds, advertise for and accept  
651 bids or negotiate the sale of the bonds, issue and sell the bonds  
652 so authorized to be sold, and do any and all other things  
653 necessary and advisable in connection with the issuance and sale  
654 of such bonds. The total amount of bonds issued under this act  
655 shall not exceed Forty-five Million Dollars (\$45,000,000.00). No  
656 bonds shall be issued under this section after July 1, 2021.

657 (b) Any investment earnings on amounts deposited into  
658 the special fund created in subsection (2) of this section shall  
659 be used to pay debt service on bonds issued under this section, in  
660 accordance with the proceedings authorizing issuance of such  
661 bonds.

662 (4) The principal of and interest on the bonds authorized  
663 under this section shall be payable in the manner provided in this  
664 subsection. Such bonds shall bear such date or dates, be in such  
665 denomination or denominations, bear interest at such rate or rates  
666 (not to exceed the limits set forth in Section 75-17-101,  
667 Mississippi Code of 1972), be payable at such place or places  
668 within or without the State of Mississippi, shall mature  
669 absolutely at such time or times not to exceed twenty-five (25)  
670 years from date of issue, be redeemable before maturity at such



671 time or times and upon such terms, with or without premium, shall  
672 bear such registration privileges, and shall be substantially in  
673 such form, all as shall be determined by resolution of the  
674 commission.

675 (5) The bonds authorized by this section shall be signed by  
676 the chairman of the commission, or by his facsimile signature, and  
677 the official seal of the commission shall be affixed thereto,  
678 attested by the secretary of the commission. The interest  
679 coupons, if any, to be attached to such bonds may be executed by  
680 the facsimile signatures of such officers. Whenever any such  
681 bonds shall have been signed by the officials designated to sign  
682 the bonds who were in office at the time of such signing but who  
683 may have ceased to be such officers before the sale and delivery  
684 of such bonds, or who may not have been in office on the date such  
685 bonds may bear, the signatures of such officers upon such bonds  
686 and coupons shall nevertheless be valid and sufficient for all  
687 purposes and have the same effect as if the person so officially  
688 signing such bonds had remained in office until their delivery to  
689 the purchaser, or had been in office on the date such bonds may  
690 bear. However, notwithstanding anything herein to the contrary,  
691 such bonds may be issued as provided in the Registered Bond Act of  
692 the State of Mississippi.

693 (6) All bonds and interest coupons issued under the  
694 provisions of this section have all the qualities and incidents of  
695 negotiable instruments under the provisions of the Uniform



696 Commercial Code, and in exercising the powers granted by this  
697 section, the commission shall not be required to and need not  
698 comply with the provisions of the Uniform Commercial Code.

699 (7) The commission shall act as issuing agent for the bonds  
700 authorized under this section, prescribe the form of the bonds,  
701 determine the appropriate method for sale of the bonds, advertise  
702 for and accept bids or negotiate the sale of the bonds, issue and  
703 sell the bonds so authorized to be sold, pay all fees and costs  
704 incurred in such issuance and sale, and do any and all other  
705 things necessary and advisable in connection with the issuance and  
706 sale of such bonds. The commission is authorized and empowered to  
707 pay the costs that are incident to the sale, issuance and delivery  
708 of the bonds authorized under this section from the proceeds  
709 derived from the sale of such bonds. The commission may sell such  
710 bonds on sealed bids at public sale or may negotiate the sale of  
711 the bonds for such price as it may determine to be for the best  
712 interest of the State of Mississippi. All interest accruing on  
713 such bonds so issued shall be payable semiannually or annually.

714 If such bonds are sold by sealed bids at public sale, notice  
715 of the sale shall be published at least one (1) time, not less  
716 than ten (10) days before the date of sale, and shall be so  
717 published in one or more newspapers published or having a general  
718 circulation in the City of Jackson, Mississippi, selected by the  
719 commission.



720           The commission, when issuing any bonds under the authority of  
721 this section, may provide that bonds, at the option of the State  
722 of Mississippi, may be called in for payment and redemption at the  
723 call price named therein and accrued interest on such date or  
724 dates named therein.

725           (8) The bonds issued under the provisions of this section  
726 are general obligations of the State of Mississippi, and for the  
727 payment thereof the full faith and credit of the State of  
728 Mississippi are irrevocably pledged. If the funds appropriated by  
729 the Legislature are insufficient to pay the principal of and the  
730 interest on such bonds as they become due, then the deficiency  
731 shall be paid by the State Treasurer from any funds in the State  
732 Treasury not otherwise appropriated. All such bonds shall contain  
733 recitals on their faces substantially covering the provisions of  
734 this subsection.

735           (9) Upon the issuance and sale of bonds under the provisions  
736 of this section, the commission shall transfer the proceeds of any  
737 such sale or sales to the special fund created in subsection (2)  
738 of this section. The proceeds of such bonds shall be disbursed  
739 solely upon the order of the Department of Finance and  
740 Administration under such restrictions, if any, as may be  
741 contained in the resolution providing for the issuance of the  
742 bonds.

743           (10) The bonds authorized under this section may be issued  
744 without any other proceedings or the happening of any other



745 conditions or things other than those proceedings, conditions and  
746 things which are specified or required by this section. Any  
747 resolution providing for the issuance of bonds under the  
748 provisions of this section shall become effective immediately upon  
749 its adoption by the commission, and any such resolution may be  
750 adopted at any regular or special meeting of the commission by a  
751 majority of its members.

752 (11) The bonds authorized under the authority of this  
753 section may be validated in the Chancery Court of the First  
754 Judicial District of Hinds County, Mississippi, in the manner and  
755 with the force and effect provided by Chapter 13, Title 31,  
756 Mississippi Code of 1972, for the validation of county, municipal,  
757 school district and other bonds. The notice to taxpayers required  
758 by such statutes shall be published in a newspaper published or  
759 having a general circulation in the City of Jackson, Mississippi.

760 (12) Any holder of bonds issued under the provisions of this  
761 section or of any of the interest coupons pertaining thereto may,  
762 either at law or in equity, by suit, action, mandamus or other  
763 proceeding, protect and enforce any and all rights granted under  
764 this section, or under such resolution, and may enforce and compel  
765 performance of all duties required by this section to be  
766 performed, in order to provide for the payment of bonds and  
767 interest thereon.

768 (13) All bonds issued under the provisions of this section  
769 shall be legal investments for trustees and other fiduciaries, and



770 for savings banks, trust companies and insurance companies  
771 organized under the laws of the State of Mississippi, and such  
772 bonds shall be legal securities which may be deposited with and  
773 shall be received by all public officers and bodies of this state  
774 and all municipalities and political subdivisions for the purpose  
775 of securing the deposit of public funds.

776 (14) Bonds issued under the provisions of this section and  
777 income therefrom shall be exempt from all taxation in the State of  
778 Mississippi.

779 (15) The proceeds of the bonds issued under this section  
780 shall be used solely for the purposes herein provided, including  
781 the costs incident to the issuance and sale of such bonds.

782 (16) The State Treasurer is authorized, without further  
783 process of law, to certify to the Department of Finance and  
784 Administration the necessity for warrants, and the Department of  
785 Finance and Administration is authorized and directed to issue  
786 such warrants, in such amounts as may be necessary to pay when due  
787 the principal of, premium, if any, and interest on, or the  
788 accreted value of, all bonds issued under this section; and the  
789 State Treasurer shall forward the necessary amount to the  
790 designated place or places of payment of such bonds in ample time  
791 to discharge such bonds, or the interest thereon, on the due dates  
792 thereof.

793 (17) This section shall be deemed to be full and complete  
794 authority for the exercise of the powers herein granted, but this



795 section shall not be deemed to repeal or to be in derogation of  
796 any existing law of this state.

797 (18) All improvements made to the state shipyard with the  
798 proceeds of bonds issued pursuant to this act shall, as state  
799 owned property, be exempt from ad valorem taxation, except ad  
800 valorem taxation for school district purposes.

801 **SECTION 4.** (1) As used in this section, the following words  
802 shall have the meanings ascribed herein unless the context clearly  
803 requires otherwise:

804 (a) "Accreted value" of any bond means, as of any date  
805 of computation, an amount equal to the sum of (i) the stated  
806 initial value of such bond, plus (ii) the interest accrued thereon  
807 from the issue date to the date of computation at the rate,  
808 compounded semiannually, that is necessary to produce the  
809 approximate yield to maturity shown for bonds of the same  
810 maturity.

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

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

813 (2) (a) (i) A special fund, to be designated the "2017  
814 Department of Public Safety Improvements Fund" is created within  
815 the State Treasury. The fund shall be maintained by the State  
816 Treasurer as a separate and special fund, separate and apart from  
817 the General Fund of the state. Unexpended amounts remaining in  
818 the fund at the end of a fiscal year shall not lapse into the





819 State General Fund, and any interest earned or investment earnings  
820 on amounts in the fund shall be deposited into such fund.

821 (ii) Monies deposited into the fund shall be  
822 disbursed, in the discretion of the Department of Finance and  
823 Administration, to pay the costs of construction, furnishing and  
824 equipping of a new Highway Safety Patrol Substation in Starkville,  
825 Mississippi.

826 (b) Amounts deposited into such special fund shall be  
827 disbursed to pay the costs of the projects described in paragraph  
828 (a) of this subsection. Promptly after the commission has  
829 certified, by resolution duly adopted, that the projects described  
830 in paragraph (a) of this subsection shall have been completed,  
831 abandoned, or cannot be completed in a timely fashion, any amounts  
832 remaining in such special fund shall be applied to pay debt  
833 service on the bonds issued under this section, in accordance with  
834 the proceedings authorizing the issuance of such bonds and as  
835 directed by the commission.

836 (c) The Department of Finance and Administration,  
837 acting through the Bureau of Building, Grounds and Real Property  
838 Management, is expressly authorized and empowered to receive and  
839 expend any local or other source funds in connection with the  
840 expenditure of funds provided for in this subsection. The  
841 expenditure of monies deposited into the special fund shall be  
842 under the direction of the Department of Finance and  
843 Administration, and such funds shall be paid by the State



844 Treasurer upon warrants issued by such department, which warrants  
845 shall be issued upon requisitions signed by the Executive Director  
846 of the Department of Finance and Administration, or his designee.

847 (3) (a) The commission, at one time, or from time to time,  
848 may declare by resolution the necessity for issuance of general  
849 obligation bonds of the State of Mississippi to provide funds for  
850 all costs incurred or to be incurred for the purposes described in  
851 subsection (2) of this section. Upon the adoption of a resolution  
852 by the Department of Finance and Administration, declaring the  
853 necessity for the issuance of any part or all of the general  
854 obligation bonds authorized by this subsection, the department  
855 shall deliver a certified copy of its resolution or resolutions to  
856 the commission. Upon receipt of such resolution, the commission,  
857 in its discretion, may act as the issuing agent, prescribe the  
858 form of the bonds, determine the appropriate method for sale of  
859 the bonds, advertise for and accept bids or negotiate the sale of  
860 the bonds, issue and sell the bonds so authorized to be sold and  
861 do any and all other things necessary and advisable in connection  
862 with the issuance and sale of such bonds. The total amount of  
863 bonds issued under this section shall not exceed One Million  
864 Dollars (\$1,000,000.00). No bonds shall be issued under this  
865 section after July 1, 2021.

866 (b) Any investment earnings on amounts deposited into  
867 the special fund created in subsection (2) of this section shall  
868 be used to pay debt service on bonds issued under this section, in



869 accordance with the proceedings authorizing issuance of such  
870 bonds.

871 (4) The principal of and interest on the bonds authorized  
872 under this section shall be payable in the manner provided in this  
873 subsection. Such bonds shall bear such date or dates, be in such  
874 denomination or denominations, bear interest at such rate or rates  
875 (not to exceed the limits set forth in Section 75-17-101,  
876 Mississippi Code of 1972), be payable at such place or places  
877 within or without the State of Mississippi, shall mature  
878 absolutely at such time or times not to exceed twenty-five (25)  
879 years from date of issue, be redeemable before maturity at such  
880 time or times and upon such terms, with or without premium, shall  
881 bear such registration privileges, and shall be substantially in  
882 such form, all as shall be determined by resolution of the  
883 commission.

884 (5) The bonds authorized by this section shall be signed by  
885 the chairman of the commission, or by his facsimile signature, and  
886 the official seal of the commission shall be affixed thereto,  
887 attested by the secretary of the commission. The interest  
888 coupons, if any, to be attached to such bonds may be executed by  
889 the facsimile signatures of such officers. Whenever any such  
890 bonds shall have been signed by the officials designated to sign  
891 the bonds who were in office at the time of such signing but who  
892 may have ceased to be such officers before the sale and delivery  
893 of such bonds, or who may not have been in office on the date such



894 bonds may bear, the signatures of such officers upon such bonds  
895 and coupons shall nevertheless be valid and sufficient for all  
896 purposes and have the same effect as if the person so officially  
897 signing such bonds had remained in office until their delivery to  
898 the purchaser, or had been in office on the date such bonds may  
899 bear. However, notwithstanding anything herein to the contrary,  
900 such bonds may be issued as provided in the Registered Bond Act of  
901 the State of Mississippi.

902 (6) All bonds and interest coupons issued under the  
903 provisions of this section have all the qualities and incidents of  
904 negotiable instruments under the provisions of the Uniform  
905 Commercial Code, and in exercising the powers granted by this  
906 section, the commission shall not be required to and need not  
907 comply with the provisions of the Uniform Commercial Code.

908 (7) The commission shall act as issuing agent for the bonds  
909 authorized under this section, prescribe the form of the bonds,  
910 determine the appropriate method for sale of the bonds, advertise  
911 for and accept bids or negotiate the sale of the bonds, issue and  
912 sell the bonds so authorized to be sold, pay all fees and costs  
913 incurred in such issuance and sale, and do any and all other  
914 things necessary and advisable in connection with the issuance and  
915 sale of such bonds. The commission is authorized and empowered to  
916 pay the costs that are incident to the sale, issuance and delivery  
917 of the bonds authorized under this section from the proceeds  
918 derived from the sale of such bonds. The commission may sell such



919 bonds on sealed bids at public sale or may negotiate the sale of  
920 the bonds for such price as it may determine to be for the best  
921 interest of the State of Mississippi. All interest accruing on  
922 such bonds so issued shall be payable semiannually or annually.

923 If such bonds are sold by sealed bids at public sale, notice  
924 of the sale shall be published at least one (1) time, not less  
925 than ten (10) days before the date of sale, and shall be so  
926 published in one or more newspapers published or having a general  
927 circulation in the City of Jackson, Mississippi, selected by the  
928 commission.

929 The commission, when issuing any bonds under the authority of  
930 this section, may provide that bonds, at the option of the State  
931 of Mississippi, may be called in for payment and redemption at the  
932 call price named therein and accrued interest on such date or  
933 dates named therein.

934 (8) The bonds issued under the provisions of this section  
935 are general obligations of the State of Mississippi, and for the  
936 payment thereof the full faith and credit of the State of  
937 Mississippi is irrevocably pledged. If the funds appropriated by  
938 the Legislature are insufficient to pay the principal of and the  
939 interest on such bonds as they become due, then the deficiency  
940 shall be paid by the State Treasurer from any funds in the State  
941 Treasury not otherwise appropriated. All such bonds shall contain  
942 recitals on their faces substantially covering the provisions of  
943 this subsection.



944 (9) Upon the issuance and sale of bonds under the provisions  
945 of this section, the commission shall transfer the proceeds of any  
946 such sale or sales to the special fund created in subsection (2)  
947 of this section. The proceeds of such bonds shall be disbursed  
948 solely upon the order of the Department of Finance and  
949 Administration under such restrictions, if any, as may be  
950 contained in the resolution providing for the issuance of the  
951 bonds.

952 (10) The bonds authorized under this section may be issued  
953 without any other proceedings or the happening of any other  
954 conditions or things other than those proceedings, conditions and  
955 things which are specified or required by this section. Any  
956 resolution providing for the issuance of bonds under the  
957 provisions of this section shall become effective immediately upon  
958 its adoption by the commission, and any such resolution may be  
959 adopted at any regular or special meeting of the commission by a  
960 majority of its members.

961 (11) The bonds authorized under the authority of this  
962 section may be validated in the Chancery Court of the First  
963 Judicial District of Hinds County, Mississippi, in the manner and  
964 with the force and effect provided by Chapter 13, Title 31,  
965 Mississippi Code of 1972, for the validation of county, municipal,  
966 school district and other bonds. The notice to taxpayers required  
967 by such statutes shall be published in a newspaper published or  
968 having a general circulation in the City of Jackson, Mississippi.



969           (12) Any holder of bonds issued under the provisions of this  
970 section or of any of the interest coupons pertaining thereto may,  
971 either at law or in equity, by suit, action, mandamus or other  
972 proceeding, protect and enforce any and all rights granted under  
973 this section, or under such resolution, and may enforce and compel  
974 performance of all duties required by this section to be  
975 performed, in order to provide for the payment of bonds and  
976 interest thereon.

977           (13) All bonds issued under the provisions of this section  
978 shall be legal investments for trustees and other fiduciaries, and  
979 for savings banks, trust companies and insurance companies  
980 organized under the laws of the State of Mississippi, and such  
981 bonds shall be legal securities which may be deposited with and  
982 shall be received by all public officers and bodies of this state  
983 and all municipalities and political subdivisions for the purpose  
984 of securing the deposit of public funds.

985           (14) Bonds issued under the provisions of this section and  
986 income therefrom shall be exempt from all taxation in the State of  
987 Mississippi.

988           (15) The proceeds of the bonds issued under this section  
989 shall be used solely for the purposes herein provided, including  
990 the costs incident to the issuance and sale of such bonds.

991           (16) The State Treasurer is authorized, without further  
992 process of law, to certify to the Department of Finance and  
993 Administration the necessity for warrants, and the Department of



994 Finance and Administration is authorized and directed to issue  
995 such warrants, in such amounts as may be necessary to pay when due  
996 the principal of, premium, if any, and interest on, or the  
997 accreted value of, all bonds issued under this section; and the  
998 State Treasurer shall forward the necessary amount to the  
999 designated place or places of payment of such bonds in ample time  
1000 to discharge such bonds, or the interest thereon, on the due dates  
1001 thereof.

1002 (17) This section shall be deemed to be full and complete  
1003 authority for the exercise of the powers herein granted, but this  
1004 section shall not be deemed to repeal or to be in derogation of  
1005 any existing law of this state.

1006 **SECTION 5.** (1) As used in this section, the following words  
1007 shall have the meanings ascribed herein unless the context clearly  
1008 requires otherwise:

1009 (a) "Accreted value" of any bond means, as of any date  
1010 of computation, an amount equal to the sum of (i) the stated  
1011 initial value of such bond, plus (ii) the interest accrued thereon  
1012 from the issue date to the date of computation at the rate,  
1013 compounded semiannually, that is necessary to produce the  
1014 approximate yield to maturity shown for bonds of the same  
1015 maturity.

1016 (b) "State" means the State of Mississippi.

1017 (c) "Commission" means the State Bond Commission.





1018           (2)   (a)   (i)   A special fund to be designated as the "2017  
1019 State Parks Repair, Renovation and Capital Improvements Fund" is  
1020 created within the State Treasury. The fund shall be maintained  
1021 by the State Treasurer as a separate and special fund, separate  
1022 and apart from the General Fund of the state. Unexpended amounts  
1023 remaining in the fund at the end of a fiscal year shall not lapse  
1024 into the State General Fund, and any interest earned or investment  
1025 earnings on amounts in the fund shall be deposited into such fund.

1026                       (ii)   Monies deposited into the fund shall be  
1027 disbursed, in the discretion of the Mississippi Department of  
1028 Wildlife, Fisheries and Parks, to assist in paying costs  
1029 associated with repair and renovation of capital facilities,  
1030 improvements, dams, roofing, wastewater and water well mandates,  
1031 and other facility maintenance items and purposes.

1032           (b)   Amounts deposited into such special fund shall be  
1033 disbursed to pay the costs of the projects described in paragraph  
1034 (a) of this subsection. Promptly after the commission has  
1035 certified, by resolution duly adopted, that the projects described  
1036 in paragraph (a) of this subsection shall have been completed,  
1037 abandoned, or cannot be completed in a timely fashion, any amounts  
1038 remaining in such special fund shall be applied to pay debt  
1039 service on the bonds issued under this section, in accordance with  
1040 the proceedings authorizing the issuance of such bonds and as  
1041 directed by the commission.



1042           (3) (a) The commission, at one time, or from time to time,  
1043 may declare by resolution the necessity for issuance of general  
1044 obligation bonds of the State of Mississippi to provide funds for  
1045 all costs incurred or to be incurred for the purposes described in  
1046 subsection (2) of this section. Upon the adoption of a resolution  
1047 by the Mississippi Commission on Wildlife, Fisheries and Parks,  
1048 declaring the necessity for the issuance of any part or all of the  
1049 general obligation bonds authorized by this subsection, the  
1050 Mississippi Department of Wildlife, Fisheries and Parks shall  
1051 deliver a certified copy of its resolution or resolutions to the  
1052 commission. Upon receipt of such resolution, the commission, in  
1053 its discretion, may act as issuing agent, prescribe the form of  
1054 the bonds, determine the appropriate method for sale of the bonds,  
1055 advertise for and accept bids or negotiate the sale of the bonds,  
1056 issue and sell the bonds so authorized to be sold and do any and  
1057 all other things necessary and advisable in connection with the  
1058 issuance and sale of such bonds. The total amount of bonds issued  
1059 under this section shall not exceed One Million Dollars  
1060 (\$1,000,000.00). No bonds shall be issued under this section  
1061 after July 1, 2021.

1062           (b) Any investment earnings on amounts deposited into  
1063 the special fund created in subsection (2) of this section shall  
1064 be used to pay debt service on bonds issued under this section, in  
1065 accordance with the proceedings authorizing issuance of such  
1066 bonds.



1067           (4) The principal of and interest on the bonds authorized  
1068 under this section shall be payable in the manner provided in this  
1069 subsection. Such bonds shall bear such date or dates, be in such  
1070 denomination or denominations, bear interest at such rate or rates  
1071 (not to exceed the limits set forth in Section 75-17-101,  
1072 Mississippi Code of 1972), be payable at such place or places  
1073 within or without the State of Mississippi, shall mature  
1074 absolutely at such time or times not to exceed twenty-five (25)  
1075 years from date of issue, be redeemable before maturity at such  
1076 time or times and upon such terms, with or without premium, shall  
1077 bear such registration privileges, and shall be substantially in  
1078 such form, all as shall be determined by resolution of the  
1079 commission.

1080           (5) The bonds authorized by this section shall be signed by  
1081 the chairman of the commission, or by his facsimile signature, and  
1082 the official seal of the commission shall be affixed thereto,  
1083 attested by the secretary of the commission. The interest  
1084 coupons, if any, to be attached to such bonds may be executed by  
1085 the facsimile signatures of such officers. Whenever any such  
1086 bonds shall have been signed by the officials designated to sign  
1087 the bonds who were in office at the time of such signing but who  
1088 may have ceased to be such officers before the sale and delivery  
1089 of such bonds, or who may not have been in office on the date such  
1090 bonds may bear, the signatures of such officers upon such bonds  
1091 and coupons shall nevertheless be valid and sufficient for all



1092 purposes and have the same effect as if the person so officially  
1093 signing such bonds had remained in office until their delivery to  
1094 the purchaser, or had been in office on the date such bonds may  
1095 bear. However, notwithstanding anything herein to the contrary,  
1096 such bonds may be issued as provided in the Registered Bond Act of  
1097 the State of Mississippi.

1098 (6) All bonds and interest coupons issued under the  
1099 provisions of this section have all the qualities and incidents of  
1100 negotiable instruments under the provisions of the Uniform  
1101 Commercial Code, and in exercising the powers granted by this  
1102 section, the commission shall not be required to and need not  
1103 comply with the provisions of the Uniform Commercial Code.

1104 (7) The commission shall act as issuing agent for the bonds  
1105 authorized under this section, prescribe the form of the bonds,  
1106 determine the appropriate method for sale of the bonds, advertise  
1107 for and accept bids or negotiate the sale of the bonds, issue and  
1108 sell the bonds so authorized to be sold, pay all fees and costs  
1109 incurred in such issuance and sale, and do any and all other  
1110 things necessary and advisable in connection with the issuance and  
1111 sale of such bonds. The commission is authorized and empowered to  
1112 pay the costs that are incident to the sale, issuance and delivery  
1113 of the bonds authorized under this section from the proceeds  
1114 derived from the sale of such bonds. The commission may sell such  
1115 bonds on sealed bids at public sale or may negotiate the sale of  
1116 the bonds for such price as it may determine to be for the best



1117 interest of the State of Mississippi. All interest accruing on  
1118 such bonds so issued shall be payable semiannually or annually.

1119 If such bonds are sold by sealed bids at public sale, notice  
1120 of the sale shall be published at least one time, not less than  
1121 ten (10) days before the date of sale, and shall be so published  
1122 in one or more newspapers published or having a general  
1123 circulation in the City of Jackson, Mississippi, selected by the  
1124 commission.

1125 The commission, when issuing any bonds under the authority of  
1126 this section, may provide that bonds, at the option of the State  
1127 of Mississippi, may be called in for payment and redemption at the  
1128 call price named therein and accrued interest on such date or  
1129 dates named therein.

1130 (8) The bonds issued under the provisions of this section  
1131 are general obligations of the State of Mississippi, and for the  
1132 payment thereof the full faith and credit of the State of  
1133 Mississippi is irrevocably pledged. If the funds appropriated by  
1134 the Legislature are insufficient to pay the principal of and the  
1135 interest on such bonds as they become due, then the deficiency  
1136 shall be paid by the State Treasurer from any funds in the State  
1137 Treasury not otherwise appropriated. All such bonds shall contain  
1138 recitals on their faces substantially covering the provisions of  
1139 this subsection.

1140 (9) Upon the issuance and sale of bonds under the provisions  
1141 of this section, the commission shall transfer the proceeds of any



1142 such sale or sales to the special fund created in subsection (2)  
1143 of this section. The proceeds of such bonds shall be disbursed  
1144 solely upon the order of the Mississippi Department of Wildlife,  
1145 Fisheries and Parks under such restrictions, if any, as may be  
1146 contained in the resolution providing for the issuance of the  
1147 bonds.

1148 (10) The bonds authorized under this section may be issued  
1149 without any other proceedings or the happening of any other  
1150 conditions or things other than those proceedings, conditions and  
1151 things which are specified or required by this section. Any  
1152 resolution providing for the issuance of bonds under the  
1153 provisions of this section shall become effective immediately upon  
1154 its adoption by the commission, and any such resolution may be  
1155 adopted at any regular or special meeting of the commission by a  
1156 majority of its members.

1157 (11) The bonds authorized under the authority of this  
1158 section may be validated in the Chancery Court of the First  
1159 Judicial District of Hinds County, Mississippi, in the manner and  
1160 with the force and effect provided by Chapter 13, Title 31,  
1161 Mississippi Code of 1972, for the validation of county, municipal,  
1162 school district and other bonds. The notice to taxpayers required  
1163 by such statutes shall be published in a newspaper published or  
1164 having a general circulation in the City of Jackson, Mississippi.

1165 (12) Any holder of bonds issued under the provisions of this  
1166 section or of any of the interest coupons pertaining thereto may,



1167 either at law or in equity, by suit, action, mandamus or other  
1168 proceeding, protect and enforce any and all rights granted under  
1169 this section, or under such resolution, and may enforce and compel  
1170 performance of all duties required by this section to be  
1171 performed, in order to provide for the payment of bonds and  
1172 interest thereon.

1173 (13) All bonds issued under the provisions of this section  
1174 shall be legal investments for trustees and other fiduciaries, and  
1175 for savings banks, trust companies and insurance companies  
1176 organized under the laws of the State of Mississippi, and such  
1177 bonds shall be legal securities which may be deposited with and  
1178 shall be received by all public officers and bodies of this state  
1179 and all municipalities and political subdivisions for the purpose  
1180 of securing the deposit of public funds.

1181 (14) Bonds issued under the provisions of this section and  
1182 income therefrom shall be exempt from all taxation in the State of  
1183 Mississippi.

1184 (15) The proceeds of the bonds issued under this section  
1185 shall be used solely for the purposes herein provided, including  
1186 the costs incident to the issuance and sale of such bonds.

1187 (16) The State Treasurer is authorized, without further  
1188 process of law, to certify to the Department of Finance and  
1189 Administration the necessity for warrants, and the Department of  
1190 Finance and Administration is authorized and directed to issue  
1191 such warrants, in such amounts as may be necessary to pay when due



1192 the principal of, premium, if any, and interest on, or the  
1193 accreted value of, all bonds issued under this section; and the  
1194 State Treasurer shall forward the necessary amount to the  
1195 designated place or places of payment of such bonds in ample time  
1196 to discharge such bonds, or the interest thereon, on the due dates  
1197 thereof.

1198 (17) This section shall be deemed to be full and complete  
1199 authority for the exercise of the powers herein granted, but this  
1200 section shall not be deemed to repeal or to be in derogation of  
1201 any existing law of this state.

1202 **SECTION 6.** (1) As used in this section, the following words  
1203 shall have the meanings ascribed herein unless the context clearly  
1204 requires otherwise:

1205 (a) "Accreted value" of any bonds means, as of any date  
1206 of computation, an amount equal to the sum of (i) the stated  
1207 initial value of such bond, plus (ii) the interest accrued thereon  
1208 from the issue date to the date of computation at the rate,  
1209 compounded semiannually, that is necessary to produce the  
1210 approximate yield to maturity shown for bonds of the same  
1211 maturity.

1212 (b) "State" means the State of Mississippi.

1213 (c) "Commission" means the State Bond Commission.

1214 (2) (a) The Mississippi Soil and Water Conservation  
1215 Commission, at one time, or from time to time, may declare by  
1216 resolution the necessity for issuance of general obligation bonds





1217 of the State of Mississippi to provide funds for the Mississippi  
1218 Watershed Repair and Rehabilitation Cost-Share Program established  
1219 in Section 51-37-3, Mississippi Code of 1972. Upon the adoption  
1220 of a resolution by the Mississippi Soil and Water Conservation  
1221 Commission, declaring the necessity for the issuance of any part  
1222 or all of the general obligation bonds authorized by this  
1223 subsection, the Mississippi Soil and Water Conservation Commission  
1224 shall deliver a certified copy of its resolution or resolutions to  
1225 the commission. Upon receipt of such resolution, the commission,  
1226 in its discretion, may act as the issuing agent, prescribe the  
1227 form of the bonds, determine the appropriate method for sale of  
1228 the bonds, advertise for and accept bids or negotiate the sale of  
1229 the bonds, issue and sell the bonds so authorized to be sold and  
1230 do any and all other things necessary and advisable in connection  
1231 with the issuance and sale of such bonds. The total amount of  
1232 bonds issued under this section shall not exceed One Million  
1233 Dollars (\$1,000,000.00). No bonds authorized under this section  
1234 shall be issued after July 1, 2021.

1235 (b) The proceeds of bonds issued pursuant to this  
1236 section shall be deposited into the special fund authorized in  
1237 Section 51-37-3, Mississippi Code of 1972. Any investment  
1238 earnings on bonds issued pursuant to this section shall be used to  
1239 pay debt service on bonds issued under this section, in accordance  
1240 with the proceedings authorizing issuance of such bonds.



1241           (3) The principal of and interest on the bonds authorized  
1242 under this section shall be payable in the manner provided in this  
1243 subsection. Such bonds shall bear such date or dates, be in such  
1244 denomination or denominations, bear interest at such rate or rates  
1245 (not to exceed the limits set forth in Section 75-17-101,  
1246 Mississippi Code of 1972), be payable at such place or places  
1247 within or without the State of Mississippi, shall mature  
1248 absolutely at such time or times not to exceed twenty-five (25)  
1249 years from date of issue, be redeemable before maturity at such  
1250 time or times and upon such terms, with or without premium, shall  
1251 bear such registration privileges, and shall be substantially in  
1252 such form, all as shall be determined by resolution of the  
1253 commission.

1254           (4) The bonds authorized by this section shall be signed by  
1255 the chairman of the commission, or by his facsimile signature, and  
1256 the official seal of the commission shall be affixed thereto,  
1257 attested by the secretary of the commission. The interest  
1258 coupons, if any, to be attached to such bonds may be executed by  
1259 the facsimile signatures of such officers. Whenever any such  
1260 bonds shall have been signed by the officials designated to sign  
1261 the bonds who were in office at the time of such signing but who  
1262 may have ceased to be such officers before the sale and delivery  
1263 of such bonds, or who may not have been in office on the date such  
1264 bonds may bear, the signatures of such officers upon such bonds  
1265 and coupons shall nevertheless be valid and sufficient for all



1266 purposes and have the same effect as if the person so officially  
1267 signing such bonds had remained in office until their delivery to  
1268 the purchaser, or had been in office on the date such bonds may  
1269 bear. However, notwithstanding anything herein to the contrary,  
1270 such bonds may be issued as provided in the Registered Bond Act of  
1271 the State of Mississippi.

1272 (5) All bonds and interest coupons issued under the  
1273 provisions of this section have all the qualities and incidents of  
1274 negotiable instruments under the provisions of the Uniform  
1275 Commercial Code, and in exercising the powers granted by this  
1276 section, the commission shall not be required to and need not  
1277 comply with the provisions of the Uniform Commercial Code.

1278 (6) The commission shall act as issuing agent for the bonds  
1279 authorized under this section, prescribe the form of the bonds,  
1280 determine the appropriate method for sale of the bonds, advertise  
1281 for and accept bids or negotiate the sale of the bonds, issue and  
1282 sell the bonds so authorized to be sold, pay all fees and costs  
1283 incurred in such issuance and sale, and do any and all other  
1284 things necessary and advisable in connection with the issuance and  
1285 sale of such bonds. The commission is authorized and empowered to  
1286 pay the costs that are incident to the sale, issuance and delivery  
1287 of the bonds authorized under this section from the proceeds  
1288 derived from the sale of such bonds. The commission may sell such  
1289 bonds on sealed bids at public sale or may negotiate the sale of  
1290 the bonds for such price as it may determine to be for the best



1291 interest of the State of Mississippi. All interest accruing on  
1292 such bonds so issued shall be payable semiannually or annually.

1293 If such bonds are sold by sealed bids at public sale, notice  
1294 of the sale shall be published at least one time, not less than  
1295 ten (10) days before the date of sale, and shall be so published  
1296 in one or more newspapers published or having a general  
1297 circulation in the City of Jackson, Mississippi, selected by the  
1298 commission.

1299 The commission, when issuing any bonds under the authority of  
1300 this section, may provide that bonds, at the option of the State  
1301 of Mississippi, may be called in for payment and redemption at the  
1302 call price named therein and accrued interest on such date or  
1303 dates named therein.

1304 (7) The bonds issued under the provisions of this section  
1305 are general obligations of the State of Mississippi, and for the  
1306 payment thereof the full faith and credit of the State of  
1307 Mississippi is irrevocably pledged. If the funds appropriated by  
1308 the Legislature are insufficient to pay the principal of and the  
1309 interest on such bonds as they become due, then the deficiency  
1310 shall be paid by the State Treasurer from any funds in the State  
1311 Treasury not otherwise appropriated. All such bonds shall contain  
1312 recitals on their faces substantially covering the provisions of  
1313 this subsection.

1314 (8) Upon the issuance and sale of bonds under the provisions  
1315 of this section, the commission shall transfer the proceeds of any



1316 such sale or sales to the special fund authorized in Section  
1317 51-37-3, Mississippi Code of 1972. The proceeds of such bonds  
1318 shall be disbursed solely upon the order of the Mississippi Soil  
1319 and Water Conservation Commission under such restrictions, if any,  
1320 as may be contained in the resolution providing for the issuance  
1321 of the bonds.

1322 (9) The bonds authorized under this section may be issued  
1323 without any other proceedings or the happening of any other  
1324 conditions or things other than those proceedings, conditions and  
1325 things which are specified or required by this section. Any  
1326 resolution providing for the issuance of bonds under the  
1327 provisions of this section shall become effective immediately upon  
1328 its adoption by the commission, and any such resolution may be  
1329 adopted at any regular or special meeting of the commission by a  
1330 majority of its members.

1331 (10) The bonds authorized under the authority of this  
1332 section may be validated in the Chancery Court of the First  
1333 Judicial District of Hinds County, Mississippi, in the manner and  
1334 with the force and effect provided by Chapter 13, Title 31,  
1335 Mississippi Code of 1972, for the validation of county, municipal,  
1336 school district and other bonds. The notice to taxpayers required  
1337 by such statutes shall be published in a newspaper published or  
1338 having a general circulation in the City of Jackson, Mississippi.

1339 (11) Any holder of bonds issued under the provisions of this  
1340 section or of any of the interest coupons pertaining thereto may,



1341 either at law or in equity, by suit, action, mandamus or other  
1342 proceeding, protect and enforce any and all rights granted under  
1343 this section, or under such resolution, and may enforce and compel  
1344 performance of all duties required by this section to be  
1345 performed, in order to provide for the payment of bonds and  
1346 interest thereon.

1347 (12) All bonds issued under the provisions of this section  
1348 shall be legal investments for trustees and other fiduciaries, and  
1349 for savings banks, trust companies and insurance companies  
1350 organized under the laws of the State of Mississippi, and such  
1351 bonds shall be legal securities which may be deposited with and  
1352 shall be received by all public officers and bodies of this state  
1353 and all municipalities and political subdivisions for the purpose  
1354 of securing the deposit of public funds.

1355 (13) Bonds issued under the provisions of this section and  
1356 income therefrom shall be exempt from all taxation in the State of  
1357 Mississippi.

1358 (14) The proceeds of the bonds issued under this section  
1359 shall be used solely for the purposes therein provided, including  
1360 the costs incident to the issuance and sale of such bonds.

1361 (15) The State Treasurer is authorized, without further  
1362 process of law, to certify to the Department of Finance and  
1363 Administration the necessity for warrants, and the Department of  
1364 Finance and Administration is authorized and directed to issue  
1365 such warrants, in such amounts as may be necessary to pay when due



1366 the principal of, premium, if any, and interest on, or the  
1367 accreted value of, all bonds issued under this section; and the  
1368 State Treasurer shall forward the necessary amount to the  
1369 designated place or places of payment of such bonds in ample time  
1370 to discharge such bonds, or the interest thereon, on the due dates  
1371 thereof.

1372 (16) This section shall be deemed to be full and complete  
1373 authority for the exercise of the powers therein granted, but this  
1374 section shall not be deemed to repeal or to be in derogation of  
1375 any existing law of this state.

1376 **SECTION 7.** Section 51-37-3, Mississippi Code of 1972, is  
1377 amended as follows:

1378 51-37-3. (1) There is created the Mississippi Watershed  
1379 Repair and Rehabilitation Cost-Share Program to be administered by  
1380 the Mississippi Soil and Water Conservation Commission  
1381 ("commission") through the Soil and Water Cost-Share Program for  
1382 the purpose of assisting local watershed districts in the repair,  
1383 rehabilitation or removal of water impoundment structures  
1384 constructed with financing from the United States of America under  
1385 Public Law 534 and Public Law 566. For the purposes of this  
1386 section, the term "watershed district" shall include any  
1387 "watershed district, soil and water conservation district,  
1388 drainage district, flood control district, or water management  
1389 district authorized by the Mississippi Legislature which has the



1390 management responsibility for any Public Law 534 or Public Law 566  
1391 water impoundment structure."

1392 (2) The Legislature may appropriate such sums as it may deem  
1393 necessary to a special fund for the commission to be expended by  
1394 them in accordance with this section. The commission is  
1395 authorized to receive and expend any funds appropriated by the  
1396 federal government for the purposes of this section. The  
1397 commission is authorized to receive and expend proceeds from bonds  
1398 issued under Sections 1 through 14 of House Bill No. 1783, 1998  
1399 Regular Session, Section 1 of Chapter 502, Laws of 2008, \* \* \*and  
1400 Section 17 of Chapter 530, Laws of 2014, and Section 6 of this  
1401 act. Unexpended amounts remaining at the end of the fiscal year  
1402 shall not lapse into the State General Fund.

1403 (3) The commission shall:

1404 (a) Establish rules and regulations for participation  
1405 and assistance under this cost-share program consistent with the  
1406 requirements of this section.

1407 (b) Establish a priority list of the watershed  
1408 structures for which cost-share assistance has been applied.

1409 (c) Determine which structures shall be eligible for  
1410 cost-share assistance.

1411 (d) Establish maximum sums and cost-share rates which  
1412 any eligible entity may receive for implementation of the  
1413 cost-share assistance.





1414           (e) Award cost-share assistance in accordance with the  
1415 rules and regulations. The awarding of cost-share assistance may  
1416 be in the form of direct payment to the watershed district or may  
1417 be in the form of the commission's directly managing the repair,  
1418 renovation or removal as agreed between the commission and the  
1419 watershed district.

1420           (4) Any watershed district must meet the following minimum  
1421 criteria to be eligible for consideration for approval of  
1422 cost-share assistance under this program:

1423           (a) The water impoundment structure has been certified  
1424 not to meet the technical standards established by the United  
1425 States Department of Agriculture, Natural Resources Conservation  
1426 Service, as a result of needed maintenance, structural defect,  
1427 equipment failure or public access.

1428           (b) A maintenance agreement has been reached with  
1429 either the watershed district or the landowner upon which the  
1430 structure is situated. Any impoundment structure where the  
1431 watershed district is the maintainer shall have a new maintenance  
1432 agreement which includes the concurrence and approval of the  
1433 county board of supervisors or city governmental authority as  
1434 guarantor of the performance of the watershed district.

1435           (c) The local watershed district, county board of  
1436 supervisors or landowner upon whose land the structure is located  
1437 must agree to provide financial or in-kind match at the rate  
1438 established by the commission.



1439 (5) The impoundment structure may be situated on land owned  
1440 by a private landowner or any state or federal governmental  
1441 entity.

1442 (6) Any county board of supervisors or municipal  
1443 governmental authority, within whose boundaries a qualifying  
1444 impoundment structure lies, wishing to participate in this program  
1445 shall have the authority to expend public monies, personnel,  
1446 and/or equipment on private property to repair, renovate or remove  
1447 any impoundment structure authorized by the commission for  
1448 participation in this program.

1449 (7) This section is supplemental to any powers and  
1450 authorities granted watershed districts, county boards of  
1451 supervisors, or municipal governmental authorities and does not  
1452 supersede existing law.

1453 **SECTION 8.** (1) As used in this section, the following words  
1454 shall have the meanings ascribed herein unless the context clearly  
1455 requires otherwise:

1456 (a) "Accreted value" of any bond means, as of any date  
1457 of computation, an amount equal to the sum of (i) the stated  
1458 initial value of such bond, plus (ii) the interest accrued thereon  
1459 from the issue date to the date of computation at the rate,  
1460 compounded semiannually, that is necessary to produce the  
1461 approximate yield to maturity shown for bonds of the same  
1462 maturity.

1463 (b) "State" means the State of Mississippi.



1464 (c) "Commission" means the State Bond Commission.

1465 (2) (a) (i) A special fund, to be designated the "2017  
1466 City of Columbus - Columbus Air Force Base Improvements Fund," is  
1467 created within the State Treasury. The fund shall be maintained  
1468 by the State Treasurer as a separate and special fund, separate  
1469 and apart from the General Fund of the state. Unexpended amounts  
1470 remaining in the fund at the end of a fiscal year shall not lapse  
1471 into the State General Fund, and any interest earned or investment  
1472 earnings on amounts in the fund shall be deposited into such fund.

1473 (ii) Monies deposited into the fund shall be  
1474 disbursed, in the discretion of the Department of Finance and  
1475 Administration, to assist the City of Columbus, Mississippi,  
1476 working in coordination with Columbus Air Force Base, in paying  
1477 costs associated with construction and development of walking  
1478 tracks, walking trails, bicycle paths and trails, hunting ranges,  
1479 firing ranges, and other recreational properties and facilities  
1480 for the purpose of providing and improving available quality of  
1481 life activities located on and/or near Columbus Air Force Base.

1482 (b) Amounts deposited into such special fund shall be  
1483 disbursed to pay the costs of the projects described in paragraph  
1484 (a) of this subsection. Promptly after the commission has  
1485 certified, by resolution duly adopted, that the projects described  
1486 in paragraph (a) of this subsection shall have been completed,  
1487 abandoned, or cannot be completed in a timely fashion, any amounts  
1488 remaining in such special fund shall be applied to pay debt



1489 service on the bonds issued under this section, in accordance with  
1490 the proceedings authorizing the issuance of such bonds and as  
1491 directed by the commission.

1492 (3) (a) The commission, at one time, or from time to time,  
1493 may declare by resolution the necessity for issuance of general  
1494 obligation bonds of the State of Mississippi to provide funds for  
1495 all costs incurred or to be incurred for the purposes described in  
1496 subsection (2) of this section. Upon the adoption of a resolution  
1497 by the Department of Finance and Administration, declaring the  
1498 necessity for the issuance of any part or all of the general  
1499 obligation bonds authorized by this subsection, the department  
1500 shall deliver a certified copy of its resolution or resolutions to  
1501 the commission. Upon receipt of such resolution, the commission,  
1502 in its discretion, may act as the issuing agent, prescribe the  
1503 form of the bonds, determine the appropriate method for sale of  
1504 the bonds, advertise for and accept bids or negotiate the sale of  
1505 the bonds, issue and sell the bonds so authorized to be sold, and  
1506 do any and all other things necessary and advisable in connection  
1507 with the issuance and sale of such bonds. The total amount of  
1508 bonds issued under this section shall not exceed One Million  
1509 Dollars (\$1,000,000.00). No bonds shall be issued under this  
1510 section after July 1, 2021.

1511 (b) Any investment earnings on amounts deposited into  
1512 the special fund created in subsection (2) of this section shall  
1513 be used to pay debt service on bonds issued under this section, in



1514 accordance with the proceedings authorizing issuance of such  
1515 bonds.

1516 (4) The principal of and interest on the bonds authorized  
1517 under this section shall be payable in the manner provided in this  
1518 subsection. Such bonds shall bear such date or dates, be in such  
1519 denomination or denominations, bear interest at such rate or rates  
1520 (not to exceed the limits set forth in Section 75-17-101,  
1521 Mississippi Code of 1972), be payable at such place or places  
1522 within or without the State of Mississippi, shall mature  
1523 absolutely at such time or times not to exceed twenty-five (25)  
1524 years from date of issue, be redeemable before maturity at such  
1525 time or times and upon such terms, with or without premium, shall  
1526 bear such registration privileges, and shall be substantially in  
1527 such form, all as shall be determined by resolution of the  
1528 commission.

1529 (5) The bonds authorized by this section shall be signed by  
1530 the chairman of the commission, or by his facsimile signature, and  
1531 the official seal of the commission shall be affixed thereto,  
1532 attested by the secretary of the commission. The interest  
1533 coupons, if any, to be attached to such bonds may be executed by  
1534 the facsimile signatures of such officers. Whenever any such  
1535 bonds shall have been signed by the officials designated to sign  
1536 the bonds who were in office at the time of such signing but who  
1537 may have ceased to be such officers before the sale and delivery  
1538 of such bonds, or who may not have been in office on the date such



1539 bonds may bear, the signatures of such officers upon such bonds  
1540 and coupons shall nevertheless be valid and sufficient for all  
1541 purposes and have the same effect as if the person so officially  
1542 signing such bonds had remained in office until their delivery to  
1543 the purchaser, or had been in office on the date such bonds may  
1544 bear. However, notwithstanding anything herein to the contrary,  
1545 such bonds may be issued as provided in the Registered Bond Act of  
1546 the State of Mississippi.

1547 (6) All bonds and interest coupons issued under the  
1548 provisions of this section have all the qualities and incidents of  
1549 negotiable instruments under the provisions of the Uniform  
1550 Commercial Code, and in exercising the powers granted by this  
1551 section, the commission shall not be required to and need not  
1552 comply with the provisions of the Uniform Commercial Code.

1553 (7) The commission shall act as issuing agent for the bonds  
1554 authorized under this section, prescribe the form of the bonds,  
1555 determine the appropriate method for sale of the bonds, advertise  
1556 for and accept bids or negotiate the sale of the bonds, issue and  
1557 sell the bonds so authorized to be sold, pay all fees and costs  
1558 incurred in such issuance and sale, and do any and all other  
1559 things necessary and advisable in connection with the issuance and  
1560 sale of such bonds. The commission is authorized and empowered to  
1561 pay the costs that are incident to the sale, issuance and delivery  
1562 of the bonds authorized under this section from the proceeds  
1563 derived from the sale of such bonds. The commission may sell such



1564 bonds on sealed bids at public sale or may negotiate the sale of  
1565 the bonds for such price as it may determine to be for the best  
1566 interest of the State of Mississippi. All interest accruing on  
1567 such bonds so issued shall be payable semiannually or annually.

1568 If such bonds are sold by sealed bids at public sale, notice  
1569 of the sale shall be published at least one time, not less than  
1570 ten (10) days before the date of sale, and shall be so published  
1571 in one or more newspapers published or having a general  
1572 circulation in the City of Jackson, Mississippi, selected by the  
1573 commission.

1574 The commission, when issuing any bonds under the authority of  
1575 this section, may provide that bonds, at the option of the State  
1576 of Mississippi, may be called in for payment and redemption at the  
1577 call price named therein and accrued interest on such date or  
1578 dates named therein.

1579 (8) The bonds issued under the provisions of this section  
1580 are general obligations of the State of Mississippi, and for the  
1581 payment thereof the full faith and credit of the State of  
1582 Mississippi is irrevocably pledged. If the funds appropriated by  
1583 the Legislature are insufficient to pay the principal of and the  
1584 interest on such bonds as they become due, then the deficiency  
1585 shall be paid by the State Treasurer from any funds in the State  
1586 Treasury not otherwise appropriated. All such bonds shall contain  
1587 recitals on their faces substantially covering the provisions of  
1588 this subsection.



1589           (9) Upon the issuance and sale of bonds under the provisions  
1590 of this section, the commission shall transfer the proceeds of any  
1591 such sale or sales to the special fund created in subsection (2)  
1592 of this section. The proceeds of such bonds shall be disbursed  
1593 solely upon the order of the Department of Finance and  
1594 Administration under such restrictions, if any, as may be  
1595 contained in the resolution providing for the issuance of the  
1596 bonds.

1597           (10) The bonds authorized under this section may be issued  
1598 without any other proceedings or the happening of any other  
1599 conditions or things other than those proceedings, conditions and  
1600 things which are specified or required by this section. Any  
1601 resolution providing for the issuance of bonds under the  
1602 provisions of this section shall become effective immediately upon  
1603 its adoption by the commission, and any such resolution may be  
1604 adopted at any regular or special meeting of the commission by a  
1605 majority of its members.

1606           (11) The bonds authorized under the authority of this  
1607 section may be validated in the Chancery Court of the First  
1608 Judicial District of Hinds County, Mississippi, in the manner and  
1609 with the force and effect provided by Chapter 13, Title 31,  
1610 Mississippi Code of 1972, for the validation of county, municipal,  
1611 school district and other bonds. The notice to taxpayers required  
1612 by such statutes shall be published in a newspaper published or  
1613 having a general circulation in the City of Jackson, Mississippi.





1614           (12) Any holder of bonds issued under the provisions of this  
1615 section or of any of the interest coupons pertaining thereto may,  
1616 either at law or in equity, by suit, action, mandamus or other  
1617 proceeding, protect and enforce any and all rights granted under  
1618 this section, or under such resolution, and may enforce and compel  
1619 performance of all duties required by this section to be  
1620 performed, in order to provide for the payment of bonds and  
1621 interest thereon.

1622           (13) All bonds issued under the provisions of this section  
1623 shall be legal investments for trustees and other fiduciaries, and  
1624 for savings banks, trust companies and insurance companies  
1625 organized under the laws of the State of Mississippi, and such  
1626 bonds shall be legal securities which may be deposited with and  
1627 shall be received by all public officers and bodies of this state  
1628 and all municipalities and political subdivisions for the purpose  
1629 of securing the deposit of public funds.

1630           (14) Bonds issued under the provisions of this section and  
1631 income therefrom shall be exempt from all taxation in the State of  
1632 Mississippi.

1633           (15) The proceeds of the bonds issued under this section  
1634 shall be used solely for the purposes herein provided, including  
1635 the costs incident to the issuance and sale of such bonds.

1636           (16) The State Treasurer is authorized, without further  
1637 process of law, to certify to the Department of Finance and  
1638 Administration the necessity for warrants, and the Department of



1639 Finance and Administration is authorized and directed to issue  
1640 such warrants, in such amounts as may be necessary to pay when due  
1641 the principal of, premium, if any, and interest on, or the  
1642 accreted value of, all bonds issued under this section; and the  
1643 State Treasurer shall forward the necessary amount to the  
1644 designated place or places of payment of such bonds in ample time  
1645 to discharge such bonds, or the interest thereon, on the due dates  
1646 thereof.

1647 (17) This section shall be deemed to be full and complete  
1648 authority for the exercise of the powers herein granted, but this  
1649 section shall not be deemed to repeal or to be in derogation of  
1650 any existing law of this state.

1651 **SECTION 9.** (1) As used in this section, the following words  
1652 shall have the meanings ascribed herein unless the context clearly  
1653 requires otherwise:

1654 (a) "Accreted value" of any bonds means, as of any date  
1655 of computation, an amount equal to the sum of (i) the stated  
1656 initial value of such bond, plus (ii) the interest accrued thereon  
1657 from the issue date to the date of computation at the rate,  
1658 compounded semiannually, that is necessary to produce the  
1659 approximate yield to maturity shown for bonds of the same  
1660 maturity.

1661 (b) "State" means the State of Mississippi.

1662 (c) "Commission" means the State Bond Commission.



1663           (2)   (a)   The commission, at one time, or from time to time,  
1664 may declare by resolution the necessity for issuance of general  
1665 obligation bonds of the State of Mississippi to provide funds for  
1666 the Mississippi Community Heritage Preservation Grant Fund created  
1667 pursuant to Section 39-5-145. Upon the adoption of a resolution  
1668 by the Department of Finance and Administration declaring the  
1669 necessity for the issuance of any part or all of the general  
1670 obligation bonds authorized by this section, the Department of  
1671 Finance and Administration shall deliver a certified copy of its  
1672 resolution or resolutions to the commission. Upon receipt of such  
1673 resolution, the commission, in its discretion, may act as the  
1674 issuing agent, prescribe the form of the bonds, determine the  
1675 appropriate method for sale of the bonds, advertise for and accept  
1676 bids or negotiate the sale of the bonds, issue and sell the bonds  
1677 so authorized to be sold, and do any and all other things  
1678 necessary and advisable in connection with the issuance and sale  
1679 of such bonds. The total amount of bonds issued under this  
1680 section shall not exceed One Million Dollars (\$1,000,000.00). No  
1681 bonds authorized under this section shall be issued after July 1,  
1682 2021.

1683           (b)   The proceeds of bonds issued pursuant to this  
1684 section shall be deposited into the Mississippi Community Heritage  
1685 Preservation Grant Fund created pursuant to Section 39-5-145. Any  
1686 investment earnings on bonds issued pursuant to this section shall  
1687 be used to pay debt service on bonds issued under this section, in



1688 accordance with the proceedings authorizing issuance of such  
1689 bonds.

1690 (3) The principal of and interest on the bonds authorized  
1691 under this section shall be payable in the manner provided in this  
1692 section. Such bonds shall bear such date or dates, be in such  
1693 denomination or denominations, bear interest at such rate or rates  
1694 (not to exceed the limits set forth in Section 75-17-101,  
1695 Mississippi Code of 1972), be payable at such place or places  
1696 within or without the State of Mississippi, shall mature  
1697 absolutely at such time or times not to exceed twenty-five (25)  
1698 years from date of issue, be redeemable before maturity at such  
1699 time or times and upon such terms, with or without premium, shall  
1700 bear such registration privileges, and shall be substantially in  
1701 such form, all as shall be determined by resolution of the  
1702 commission.

1703 (4) The bonds authorized by this section shall be signed by  
1704 the chairman of the commission, or by his facsimile signature, and  
1705 the official seal of the commission shall be affixed thereto,  
1706 attested by the secretary of the commission. The interest  
1707 coupons, if any, to be attached to such bonds may be executed by  
1708 the facsimile signatures of such officers. Whenever any such  
1709 bonds shall have been signed by the officials designated to sign  
1710 the bonds who were in office at the time of such signing but who  
1711 may have ceased to be such officers before the sale and delivery  
1712 of such bonds, or who may not have been in office on the date such



1713 bonds may bear, the signatures of such officers upon such bonds  
1714 and coupons shall nevertheless be valid and sufficient for all  
1715 purposes and have the same effect as if the person so officially  
1716 signing such bonds had remained in office until their delivery to  
1717 the purchaser, or had been in office on the date such bonds may  
1718 bear. However, notwithstanding anything herein to the contrary,  
1719 such bonds may be issued as provided in the Registered Bond Act of  
1720 the State of Mississippi.

1721 (5) All bonds and interest coupons issued under the  
1722 provisions of this section have all the qualities and incidents of  
1723 negotiable instruments under the provisions of the Uniform  
1724 Commercial Code, and in exercising the powers granted by this  
1725 section, the commission shall not be required to and need not  
1726 comply with the provisions of the Uniform Commercial Code.

1727 (6) The commission shall act as issuing agent for the bonds  
1728 authorized under this section, prescribe the form of the bonds,  
1729 determine the appropriate method for sale of the bonds, advertise  
1730 for and accept bids or negotiate sale of the bonds, issue and sell  
1731 the bonds so authorized to be sold, pay all fees and costs  
1732 incurred in such issuance and sale, and do any and all other  
1733 things necessary and advisable in connection with the issuance and  
1734 sale of such bonds. The commission is authorized and empowered to  
1735 pay the costs that are incident to the sale, issuance and delivery  
1736 of the bonds authorized under this section from the proceeds  
1737 derived from the sale of such bonds. The commission may sell such



1738 bonds on sealed bids at public sale or may negotiate the sale of  
1739 the bonds for such price as it may determine to be for the best  
1740 interest of the State of Mississippi. All interest accruing on  
1741 such bonds so issued shall be payable semiannually or annually.

1742 If such bonds are sold by sealed bids at public sale, notice  
1743 of the sale shall be published at least one time, not less than  
1744 ten (10) days before the date of sale, and shall be so published  
1745 in one or more newspapers published or having a general  
1746 circulation in the City of Jackson, Mississippi, selected by the  
1747 commission.

1748 The commission, when issuing any bonds under the authority of  
1749 this section, may provide that bonds, at the option of the State  
1750 of Mississippi, may be called in for payment and redemption at the  
1751 call price named therein and accrued interest on such date or  
1752 dates named therein.

1753 (7) The bonds issued under the provisions of this section  
1754 are general obligations of the State of Mississippi, and for the  
1755 payment thereof the full faith and credit of the State of  
1756 Mississippi is irrevocably pledged. If the funds appropriated by  
1757 the Legislature are insufficient to pay the principal of and the  
1758 interest on such bonds as they become due, then the deficiency  
1759 shall be paid by the State Treasurer from any funds in the State  
1760 Treasury not otherwise appropriated. All such bonds shall contain  
1761 recitals on their faces substantially covering the provisions of  
1762 this section.



1763 (8) Upon the issuance and sale of bonds under the provisions  
1764 of this section, the commission shall transfer the proceeds of any  
1765 such sale or sales to the Mississippi Community Heritage  
1766 Preservation Grant Fund created in Section 39-5-145, and the  
1767 proceeds of such bonds shall be disbursed for the purposes  
1768 provided in Section 39-5-145.

1769 (9) The bonds authorized under this section may be issued  
1770 without any other proceedings or the happening of any other  
1771 conditions or things other than those proceedings, conditions and  
1772 things which are specified or required by this section. Any  
1773 resolution providing for the issuance of bonds under the  
1774 provisions of this section shall become effective immediately upon  
1775 its adoption by the commission, and any such resolution may be  
1776 adopted at any regular or special meeting of the commission by a  
1777 majority of its members.

1778 (10) The bonds authorized under the authority of this  
1779 section may be validated in the Chancery Court of the First  
1780 Judicial District of Hinds County, Mississippi, in the manner and  
1781 with the force and effect provided by Chapter 13, Title 31,  
1782 Mississippi Code of 1972, for the validation of county, municipal,  
1783 school district and other bonds. The notice to taxpayers required  
1784 by such statutes shall be published in a newspaper published or  
1785 having a general circulation in the City of Jackson, Mississippi.

1786 (11) Any holder of bonds issued under the provisions of this  
1787 section or of any of the interest coupons pertaining thereto may,



1788 either at law or in equity, by suit, action, mandamus or other  
1789 proceeding, protect and enforce any and all rights granted under  
1790 this section, or under such resolution, and may enforce and compel  
1791 performance of all duties required by this section to be  
1792 performed, in order to provide for the payment of bonds and  
1793 interest thereon.

1794 (12) All bonds issued under the provisions of this section  
1795 shall be legal investments for trustees and other fiduciaries, and  
1796 for savings banks, trust companies and insurance companies  
1797 organized under the laws of the State of Mississippi, and such  
1798 bonds shall be legal securities which may be deposited with and  
1799 shall be received by all public officers and bodies of this state  
1800 and all municipalities and political subdivisions for the purpose  
1801 of securing the deposit of public funds.

1802 (13) Bonds issued under the provisions of this section and  
1803 income therefrom shall be exempt from all taxation in the State of  
1804 Mississippi.

1805 (14) The proceeds of the bonds issued under this section  
1806 shall be used solely for the purposes therein provided, including  
1807 the costs incident to the issuance and sale of such bonds.

1808 (15) The State Treasurer is authorized, without further  
1809 process of law, to certify to the Department of Finance and  
1810 Administration the necessity for warrants, and the Department of  
1811 Finance and Administration is authorized and directed to issue  
1812 such warrants, in such amounts as may be necessary to pay when due





1813 the principal of, premium, if any, and interest on, or the  
1814 accreted value of, all bonds issued under this section; and the  
1815 State Treasurer shall forward the necessary amount to the  
1816 designated place or places of payment of such bonds in ample time  
1817 to discharge such bonds, or the interest thereon, on the due dates  
1818 thereof.

1819 (16) This section shall be deemed to be full and complete  
1820 authority for the exercise of the powers therein granted, but this  
1821 section of this act shall not be deemed to repeal or to be in  
1822 derogation of any existing law of this state.

1823 **SECTION 10.** Section 39-5-145, Mississippi Code of 1972, is  
1824 amended as follows:

1825 39-5-145. (1) A special fund, to be designated the  
1826 "Mississippi Community Heritage Preservation Grant Fund," is  
1827 created within the State Treasury. The fund shall be maintained  
1828 by the State Treasurer as a separate and special fund, separate  
1829 and apart from the General Fund of the state. The fund shall  
1830 consist of any monies designated for deposit therein from any  
1831 source, including proceeds of any state general obligation bonds  
1832 designated for deposit therein. Unexpended amounts remaining in  
1833 the fund at the end of a fiscal year shall not lapse into the  
1834 State General Fund and any interest earned or investment earnings  
1835 on amounts in the fund shall be deposited into the fund. The  
1836 expenditure of monies deposited into the fund shall be under the  
1837 direction of the Department of Finance and Administration, based



1838 upon recommendations of the Board of Trustees of the Department of  
1839 Archives and History, and such funds shall be paid by the State  
1840 Treasurer upon warrants issued by the Department of Finance and  
1841 Administration. Monies deposited into such fund shall be  
1842 allocated and disbursed according to the provisions of this  
1843 section. If any monies in the special fund are derived from  
1844 proceeds of state general obligation bonds and are not used within  
1845 four (4) years after the date such bond proceeds are deposited  
1846 into the special fund, then the Department of Finance and  
1847 Administration shall provide an accounting of such unused monies  
1848 to the State Bond Commission.

1849 (2) Monies deposited into the fund shall be allocated and  
1850 disbursed as follows:

1851 (a) (i) \* \* \*~~Thirty-seven Million Four Hundred Fifty~~  
1852 ~~Thousand Dollars (\$37,450,000.00)~~ Thirty-eight Million Four  
1853 Hundred Fifty Thousand Dollars (\$38,450,000.00) shall be allocated  
1854 and disbursed as grants on a reimbursable basis through the  
1855 Department of Finance and Administration, based upon the  
1856 recommendations of the Board of Trustees of the Department of  
1857 Archives and History, to assist county governments, municipal  
1858 governments, school districts and nonprofit organizations that  
1859 have obtained Section 501(c)(3) tax-exempt status from the United  
1860 States Internal Revenue Service in helping pay the costs incurred  
1861 in preserving, restoring, rehabilitating, repairing or  
1862 interpreting 1. historic county courthouses, 2. historic school



1863 buildings, and/or 3. other historic properties identified by  
1864 certified local governments. Where possible, expenditures from  
1865 the fund shall be used to match federal grants or other grants  
1866 that may be accessed by the Department of Archives and History,  
1867 other state agencies, county governments or municipal governments,  
1868 school districts or nonprofit organizations that have obtained  
1869 Section 501(c)(3) tax-exempt status from the United States  
1870 Internal Revenue Service. Any properties, except those described  
1871 in paragraphs (b) and (d) of this subsection, receiving monies  
1872 pursuant to this section must be designated as "Mississippi  
1873 Landmark" properties prior to selection as projects for funding  
1874 under the provisions of this section.

1875                   (ii) One Million Seven Hundred Fifty Thousand  
1876 Dollars (\$1,750,000.00) shall be allocated and disbursed as grants  
1877 through the Department of Finance and Administration, based upon  
1878 the recommendations of the Board of Trustees of the Department of  
1879 Archives and History, to assist county governments in helping pay  
1880 the costs of historically appropriate restoration, repair and  
1881 renovation of historically significant county courthouses. Grants  
1882 to individual courthouses under this paragraph (a)(ii) shall not  
1883 exceed Eight Hundred Seventy-five Thousand Dollars (\$875,000.00).

1884                   (b) Two Hundred Fifty Thousand Dollars (\$250,000.00)  
1885 shall be allocated and disbursed as grant funds to the Amory  
1886 Regional Museum in Amory, Mississippi, to pay the costs of capital  
1887 improvements, repair, renovation, furnishing and/or equipping of



1888 the museum. The Department of Finance and Administration is  
1889 directed to transfer Two Hundred Fifty Thousand Dollars  
1890 (\$250,000.00) from the fund to the city on or before December 31,  
1891 2004, and the city shall place the funds into an escrow account.  
1892 The city may expend the funds from the account only in an amount  
1893 equal to matching funds that are provided from any source other  
1894 than the state for the project. As the funds are withdrawn from  
1895 the escrow account, the city shall certify to the Department of  
1896 Finance and Administration the amount of the funds that have been  
1897 withdrawn and that the funds withdrawn are in an amount equal to  
1898 matching funds required by this paragraph.

1899 (c) One Hundred Thousand Dollars (\$100,000.00) shall be  
1900 allocated and disbursed as grant funds to the Jacinto Foundation,  
1901 Inc., to pay the costs of capital improvements, repairing,  
1902 renovating, restoring, rehabilitating, preserving, furnishing  
1903 and/or equipping the courthouse and related facilities in Jacinto,  
1904 Mississippi, and to pay the costs of capital improvements,  
1905 repairing, renovating, restoring, rehabilitating, preserving,  
1906 furnishing and/or equipping other buildings and facilities near  
1907 the courthouse.

1908 (d) Four Hundred Twenty-five Thousand Dollars  
1909 (\$425,000.00) shall be allocated and disbursed as grant funds to  
1910 the Oxford-Lafayette County Heritage Foundation to pay the costs  
1911 of capital improvements, repairing, renovating, restoring,



1912 rehabilitating, preserving, furnishing, equipping and/or acquiring  
1913 the L.Q.C. Lamar Home in Oxford, Mississippi.

1914 (e) Nine Hundred Seventy-five Thousand Dollars  
1915 (\$975,000.00) shall be allocated and disbursed as grant funds to  
1916 the City of Columbus, Mississippi, to assist in paying the costs  
1917 associated with repair, renovation and restoration of the Columbus  
1918 City Hall building and related facilities.

1919 (f) One Million Dollars (\$1,000,000.00) shall be  
1920 allocated and disbursed as grant funds to the Town of Wesson,  
1921 Mississippi, to pay the costs of restoration and renovation of the  
1922 Old Wesson School.

1923 (g) Two Hundred Fifty Thousand Dollars (\$250,000.00)  
1924 shall be allocated and disbursed as grant funds to the Town of  
1925 Shubuta, Mississippi, to assist in paying the costs associated  
1926 with construction, reconstruction, refurbishing, repair,  
1927 renovation and restoration of the Shubuta Town Hall building and  
1928 related facilities.

1929 (h) Two Hundred Fifty Thousand Dollars (\$250,000.00)  
1930 shall be allocated and disbursed as grant funds to the City of  
1931 Okolona, Mississippi, to assist in paying costs associated with  
1932 the purchase, repair, renovation, furnishing and equipping of a  
1933 building and related facilities on Main Street in the City of  
1934 Okolona, for the purpose of establishing a welcome center in which  
1935 historical information relating to the City of Okolona will be  
1936 displayed, including, but not limited to, information relating to



1937 the furniture, banking, retail and farming industries; education;  
1938 historical collections owned by individuals and organizations;  
1939 genealogy; Okolona College; and the Battle of Okolona and the War  
1940 Between the States.

1941 (i) One Hundred Thousand Dollars (\$100,000.00) shall be  
1942 allocated and disbursed as grant funds to Tallahatchie County,  
1943 Mississippi, to assist in paying the costs associated with repair,  
1944 renovation and restoration of the Tallahatchie County Courthouse.

1945 (j) Two Hundred Fifty Thousand Dollars (\$250,000.00)  
1946 shall be allocated and disbursed as grant funds to Wayne County,  
1947 Mississippi, to assist in paying the costs associated with repair,  
1948 renovation and restoration of the Wayne County Courthouse.

1949 (k) Three Hundred Thousand Dollars (\$300,000.00) shall  
1950 be allocated and disbursed as grant funds to assist in paying the  
1951 cost of rehabilitation and restoration of Winterville Indian  
1952 Mounds in Washington County, Mississippi.

1953 (l) Five Hundred Thousand Dollars (\$500,000.00) shall  
1954 be allocated and disbursed as grant funds to the City of  
1955 Kosciusko, to assist the City of Kosciusko, Mississippi, in paying  
1956 costs associated with (i) repair, renovation, furnishing,  
1957 equipping, additions to and expansion of the Kosciusko Natchez  
1958 Trace Visitor Center in the City of Kosciusko, Mississippi, and  
1959 (ii) repair, renovation, furnishing, equipping, additions to and  
1960 expansion of buildings and related facilities to house the



1961 Mississippi Native American Museum in the City of Kosciusko,  
1962 Mississippi.

1963 (m) One Hundred Thousand Dollars (\$100,000.00) shall be  
1964 allocated and disbursed as grant funds to Jefferson County,  
1965 Mississippi, to assist in paying costs associated with repair,  
1966 renovation, upgrades and improvements to the confederate cemetery  
1967 and related properties and facilities in the county.

1968 (n) Monies in the Mississippi Community Heritage  
1969 Preservation Grant Fund which are derived from proceeds of state  
1970 general obligation bonds may be used to reimburse reasonable  
1971 actual and necessary costs incurred by the Mississippi Department  
1972 of Archives and History in providing assistance directly related  
1973 to a project described in paragraph (a) of this subsection for  
1974 which funding is provided under this section. Reimbursement may  
1975 be made only until such time as the project is completed. An  
1976 accounting of actual costs incurred for which reimbursement is  
1977 sought shall be maintained for each project by the Mississippi  
1978 Department of Archives and History. Reimbursement of reasonable  
1979 actual and necessary costs for a project shall not exceed three  
1980 percent (3%) of the proceeds of bonds issued for such project.  
1981 Monies authorized for a particular project may not be used to  
1982 reimburse administrative costs for unrelated projects.

1983 (3) (a) The Board of Trustees of the Department of Archives  
1984 and History shall receive and consider proposals from county  
1985 governments, municipal governments, school districts and nonprofit



1986 organizations that have obtained Section 501(c)(3) tax-exempt  
1987 status from the United States Internal Revenue Service for  
1988 projects associated with the preservation, restoration,  
1989 rehabilitation, repair or interpretation of (i) historic  
1990 courthouses, (ii) historic school buildings, and/or (iii) other  
1991 historic properties identified by certified local governments.  
1992 Proposals shall be submitted in accordance with the provisions of  
1993 procedures, criteria and standards developed by the board. The  
1994 board shall determine those projects to be funded and may require  
1995 matching funds from any applicant seeking assistance under this  
1996 section. This subsection shall not apply to projects described in  
1997 subsection (2)(a)(ii), (2)(b), (2)(c), (2)(d), (2)(e), (2)(f),  
1998 (2)(g), (2)(h) and (2)(j) of this section.

1999 (b) The Board of Trustees of the Department of Archives  
2000 and History shall receive and consider proposals from county  
2001 governments for projects associated with historically appropriate  
2002 restoration, repair and renovation of historically significant  
2003 county courthouses. Proposals shall be submitted in accordance  
2004 with the provisions of procedures, criteria and standards  
2005 developed by the board. The board shall determine those projects  
2006 to be funded and may require matching funds from any applicant  
2007 seeking assistance under this section. This subsection shall not  
2008 apply to projects described in subsection (2)(a)(i), (2)(b),  
2009 (2)(c), (2)(d), (2)(e) and (2)(f) of this section.





2010 (4) The Department of Archives and History shall publicize  
2011 the Community Heritage Preservation Grant Program described in  
2012 this section on a statewide basis, including the publication of  
2013 the criteria and standards used by the department in selecting  
2014 projects for funding. The selection of a project for funding  
2015 under the provisions of this section shall be made solely upon the  
2016 deliberate consideration of each proposed project on its merits.  
2017 The board shall make every effort to award the grants in a manner  
2018 that will fairly distribute the funds in regard to the geography  
2019 and cultural diversity of the state. This subsection shall not  
2020 apply to projects described in subsection (2) (b), (2) (c), (2) (d),  
2021 (2) (e) and (2) (f) of this section.

2022 (5) With regard to any project awarded funding under this  
2023 section, any consultant, planner, architect, engineer, exhibit  
2024 contracting firm, historic preservation specialist or other  
2025 professional hired by a grant recipient to work on any such  
2026 project shall be approved by the board before their employment by  
2027 the grant recipient.

2028 (6) Plans and specifications for all projects initiated  
2029 under the provisions of this section shall be approved by the  
2030 board before the awarding of any contracts. The plans and  
2031 specifications for any work involving "Mississippi Landmark"  
2032 properties shall be developed in accordance with "The Secretary of  
2033 the Interior's Standards for the Treatment of Historic  
2034 Properties."



2035           **SECTION 11.** (1) As used in this section, the following  
2036 words shall have the meanings ascribed herein unless the context  
2037 clearly requires otherwise:

2038                   (a) "Accreted value" of any bond means, as of any date  
2039 of computation, an amount equal to the sum of (i) the stated  
2040 initial value of such bond, plus (ii) the interest accrued thereon  
2041 from the issue date to the date of computation at the rate,  
2042 compounded semiannually, that is necessary to produce the  
2043 approximate yield to maturity shown for bonds of the same  
2044 maturity.

2045                   (b) "State" means the State of Mississippi.

2046                   (c) "Commission" means the State Bond Commission.

2047           (2) (a) (i) A special fund, to be designated the "2017  
2048 Alcoholic Beverages Control Warehouse Improvements Fund" is  
2049 created within the State Treasury. The fund shall be maintained  
2050 by the State Treasurer as a separate and special fund, separate  
2051 and apart from the General Fund of the state. Unexpended amounts  
2052 remaining in the fund at the end of a fiscal year shall not lapse  
2053 into the State General Fund, and any interest earned or investment  
2054 earnings on amounts in the fund shall be deposited into such fund.

2055                   (ii) Monies deposited into the fund shall be  
2056 disbursed, in the discretion of the Department of Finance and  
2057 Administration, to pay the costs of construction, repair,  
2058 renovation and replacement of buildings at the Alcoholic Beverage



2059 Control Warehouse located in Madison County, Mississippi, and the  
2060 purchase or renovation of equipment at such warehouse.

2061 (b) Amounts deposited into such special fund shall be  
2062 disbursed to pay the costs of the projects described in paragraph  
2063 (a) of this subsection. Promptly after the commission has  
2064 certified, by resolution duly adopted, that the projects described  
2065 in paragraph (a) of this subsection shall have been completed,  
2066 abandoned, or cannot be completed in a timely fashion, any amounts  
2067 remaining in such special fund shall be applied to pay debt  
2068 service on the bonds issued under this section, in accordance with  
2069 the proceedings authorizing the issuance of such bonds and as  
2070 directed by the commission.

2071 (c) The Department of Finance and Administration,  
2072 acting through the Bureau of Building, Grounds and Real Property  
2073 Management, is expressly authorized and empowered to receive and  
2074 expend any local or other source funds in connection with the  
2075 expenditure of funds provided for in this subsection. The  
2076 expenditure of monies deposited into the special fund shall be  
2077 under the direction of the Department of Finance and  
2078 Administration, and such funds shall be paid by the State  
2079 Treasurer upon warrants issued by such department, which warrants  
2080 shall be issued upon requisitions signed by the Executive Director  
2081 of the Department of Finance and Administration, or his designee.

2082 (3) (a) The commission, at one time, or from time to time,  
2083 may declare by resolution the necessity for issuance of general



2084 obligation bonds of the State of Mississippi to provide funds for  
2085 all costs incurred or to be incurred for the purposes described in  
2086 subsection (2) of this section. Upon the adoption of a resolution  
2087 by the Department of Finance and Administration, declaring the  
2088 necessity for the issuance of any part or all of the general  
2089 obligation bonds authorized by this subsection, the department  
2090 shall deliver a certified copy of its resolution or resolutions to  
2091 the commission. Upon receipt of such resolution, the commission,  
2092 in its discretion, may act as the issuing agent, prescribe the  
2093 form of the bonds, determine the appropriate method for sale of  
2094 the bonds, advertise for and accept bids or negotiate the sale of  
2095 the bonds, issue and sell the bonds so authorized to be sold and  
2096 do any and all other things necessary and advisable in connection  
2097 with the issuance and sale of such bonds. The total amount of  
2098 bonds issued under this section shall not exceed One Million  
2099 Dollars (\$1,000,000.00). No bonds shall be issued under this  
2100 section after July 1, 2021.

2101 (b) Any investment earnings on amounts deposited into  
2102 the special fund created in subsection (2) of this section shall  
2103 be used to pay debt service on bonds issued under this section, in  
2104 accordance with the proceedings authorizing issuance of such  
2105 bonds.

2106 (4) The principal of and interest on the bonds authorized  
2107 under this section shall be payable in the manner provided in this  
2108 subsection. Such bonds shall bear such date or dates, be in such



2109 denomination or denominations, bear interest at such rate or rates  
2110 (not to exceed the limits set forth in Section 75-17-101,  
2111 Mississippi Code of 1972), be payable at such place or places  
2112 within or without the State of Mississippi, shall mature  
2113 absolutely at such time or times not to exceed twenty-five (25)  
2114 years from date of issue, be redeemable before maturity at such  
2115 time or times and upon such terms, with or without premium, shall  
2116 bear such registration privileges, and shall be substantially in  
2117 such form, all as shall be determined by resolution of the  
2118 commission.

2119 (5) The bonds authorized by this section shall be signed by  
2120 the chairman of the commission, or by his facsimile signature, and  
2121 the official seal of the commission shall be affixed thereto,  
2122 attested by the secretary of the commission. The interest  
2123 coupons, if any, to be attached to such bonds may be executed by  
2124 the facsimile signatures of such officers. Whenever any such  
2125 bonds shall have been signed by the officials designated to sign  
2126 the bonds who were in office at the time of such signing but who  
2127 may have ceased to be such officers before the sale and delivery  
2128 of such bonds, or who may not have been in office on the date such  
2129 bonds may bear, the signatures of such officers upon such bonds  
2130 and coupons shall nevertheless be valid and sufficient for all  
2131 purposes and have the same effect as if the person so officially  
2132 signing such bonds had remained in office until their delivery to  
2133 the purchaser, or had been in office on the date such bonds may



2134 bear. However, notwithstanding anything herein to the contrary,  
2135 such bonds may be issued as provided in the Registered Bond Act of  
2136 the State of Mississippi.

2137 (6) All bonds and interest coupons issued under the  
2138 provisions of this section have all the qualities and incidents of  
2139 negotiable instruments under the provisions of the Uniform  
2140 Commercial Code, and in exercising the powers granted by this  
2141 section, the commission shall not be required to and need not  
2142 comply with the provisions of the Uniform Commercial Code.

2143 (7) The commission shall act as issuing agent for the bonds  
2144 authorized under this section, prescribe the form of the bonds,  
2145 determine the appropriate method for sale of the bonds, advertise  
2146 for and accept bids or negotiate the sale of the bonds, issue and  
2147 sell the bonds so authorized to be sold, pay all fees and costs  
2148 incurred in such issuance and sale, and do any and all other  
2149 things necessary and advisable in connection with the issuance and  
2150 sale of such bonds. The commission is authorized and empowered to  
2151 pay the costs that are incident to the sale, issuance and delivery  
2152 of the bonds authorized under this section from the proceeds  
2153 derived from the sale of such bonds. The commission may sell such  
2154 bonds on sealed bids at public sale or may negotiate the sale of  
2155 the bonds for such price as it may determine to be for the best  
2156 interest of the State of Mississippi. All interest accruing on  
2157 such bonds so issued shall be payable semiannually or annually.



2158           If such bonds are sold by sealed bids at public sale, notice  
2159 of the sale shall be published at least one (1) time, not less  
2160 than ten (10) days before the date of sale, and shall be so  
2161 published in one or more newspapers published or having a general  
2162 circulation in the City of Jackson, Mississippi, selected by the  
2163 commission.

2164           The commission, when issuing any bonds under the authority of  
2165 this section, may provide that bonds, at the option of the State  
2166 of Mississippi, may be called in for payment and redemption at the  
2167 call price named therein and accrued interest on such date or  
2168 dates named therein.

2169           (8) The bonds issued under the provisions of this section  
2170 are general obligations of the State of Mississippi, and for the  
2171 payment thereof the full faith and credit of the State of  
2172 Mississippi is irrevocably pledged. If the funds appropriated by  
2173 the Legislature are insufficient to pay the principal of and the  
2174 interest on such bonds as they become due, then the deficiency  
2175 shall be paid by the State Treasurer from any funds in the State  
2176 Treasury not otherwise appropriated. All such bonds shall contain  
2177 recitals on their faces substantially covering the provisions of  
2178 this subsection.

2179           (9) Upon the issuance and sale of bonds under the provisions  
2180 of this section, the commission shall transfer the proceeds of any  
2181 such sale or sales to the special fund created in subsection (2)  
2182 of this section. The proceeds of such bonds shall be disbursed



2183 solely upon the order of the Department of Finance and  
2184 Administration under such restrictions, if any, as may be  
2185 contained in the resolution providing for the issuance of the  
2186 bonds.

2187 (10) The bonds authorized under this section may be issued  
2188 without any other proceedings or the happening of any other  
2189 conditions or things other than those proceedings, conditions and  
2190 things which are specified or required by this section. Any  
2191 resolution providing for the issuance of bonds under the  
2192 provisions of this section shall become effective immediately upon  
2193 its adoption by the commission, and any such resolution may be  
2194 adopted at any regular or special meeting of the commission by a  
2195 majority of its members.

2196 (11) The bonds authorized under the authority of this  
2197 section may be validated in the Chancery Court of the First  
2198 Judicial District of Hinds County, Mississippi, in the manner and  
2199 with the force and effect provided by Chapter 13, Title 31,  
2200 Mississippi Code of 1972, for the validation of county, municipal,  
2201 school district and other bonds. The notice to taxpayers required  
2202 by such statutes shall be published in a newspaper published or  
2203 having a general circulation in the City of Jackson, Mississippi.

2204 (12) Any holder of bonds issued under the provisions of this  
2205 section or of any of the interest coupons pertaining thereto may,  
2206 either at law or in equity, by suit, action, mandamus or other  
2207 proceeding, protect and enforce any and all rights granted under





2208 this section, or under such resolution, and may enforce and compel  
2209 performance of all duties required by this section to be  
2210 performed, in order to provide for the payment of bonds and  
2211 interest thereon.

2212 (13) All bonds issued under the provisions of this section  
2213 shall be legal investments for trustees and other fiduciaries, and  
2214 for savings banks, trust companies and insurance companies  
2215 organized under the laws of the State of Mississippi, and such  
2216 bonds shall be legal securities which may be deposited with and  
2217 shall be received by all public officers and bodies of this state  
2218 and all municipalities and political subdivisions for the purpose  
2219 of securing the deposit of public funds.

2220 (14) Bonds issued under the provisions of this section and  
2221 income therefrom shall be exempt from all taxation in the State of  
2222 Mississippi.

2223 (15) The proceeds of the bonds issued under this section  
2224 shall be used solely for the purposes herein provided, including  
2225 the costs incident to the issuance and sale of such bonds.

2226 (16) The State Treasurer is authorized, without further  
2227 process of law, to certify to the Department of Finance and  
2228 Administration the necessity for warrants, and the Department of  
2229 Finance and Administration is authorized and directed to issue  
2230 such warrants, in such amounts as may be necessary to pay when due  
2231 the principal of, premium, if any, and interest on, or the  
2232 accreted value of, all bonds issued under this section; and the



2233 State Treasurer shall forward the necessary amount to the  
2234 designated place or places of payment of such bonds in ample time  
2235 to discharge such bonds, or the interest thereon, on the due dates  
2236 thereof.

2237 (17) This section shall be deemed to be full and complete  
2238 authority for the exercise of the powers herein granted, but this  
2239 section shall not be deemed to repeal or to be in derogation of  
2240 any existing law of this state.

2241 **SECTION 12.** (1) As used in this section, the following  
2242 words shall have the meanings ascribed herein unless the context  
2243 clearly requires otherwise:

2244 (a) "Accreted value" of any bonds means, as of any date  
2245 of computation, an amount equal to the sum of (i) the stated  
2246 initial value of such bond, plus (ii) the interest accrued thereon  
2247 from the issue date to the date of computation at the rate,  
2248 compounded semiannually, that is necessary to produce the  
2249 approximate yield to maturity shown for bonds of the same  
2250 maturity.

2251 (b) "State" means the State of Mississippi.

2252 (c) "Commission" means the State Bond Commission.

2253 (2) (a) The Commission on Environmental Quality, at one  
2254 time, or from time to time, may declare by resolution the  
2255 necessity for issuance of general obligation bonds of the State of  
2256 Mississippi to provide funds for the Water Pollution Control  
2257 Revolving Fund established in Section 49-17-85. Upon the adoption



2258 of a resolution by the Commission on Environmental Quality  
2259 declaring the necessity for the issuance of any part or all of the  
2260 general obligation bonds authorized by this subsection, the  
2261 Commission on Environmental Quality shall deliver a certified copy  
2262 of its resolution or resolutions to the commission; however, the  
2263 Commission on Environmental Quality shall declare the necessity  
2264 for the issuance of bonds only in the amount necessary to match  
2265 projected federal funds available through the following federal  
2266 fiscal year. Upon receipt of such resolution, the commission, in  
2267 its discretion, may act as the issuing agent, prescribe the form  
2268 of the bonds, determine the appropriate method for sale of the  
2269 bonds, advertise for and accept bids or negotiate the sale of the  
2270 bonds, issue and sell the bonds so authorized to be sold, and do  
2271 any and all other things necessary and advisable in connection  
2272 with the issuance and sale of such bonds. The total amount of  
2273 bonds issued under this section shall not exceed One Million  
2274 Dollars (\$1,000,000.00).

2275 (b) The proceeds of bonds issued pursuant to this  
2276 subsection shall be deposited into the Water Pollution Control  
2277 Revolving Fund created pursuant to Section 49-17-85.

2278 (3) The principal of and interest on the bonds authorized  
2279 under this section shall be payable in the manner provided in this  
2280 section. Such bonds shall bear such date or dates, be in such  
2281 denomination or denominations, bear interest at such rate or rates  
2282 (not to exceed the limits set forth in Section 75-17-101,



2283 Mississippi Code of 1972), be payable at such place or places  
2284 within or without the State of Mississippi, shall mature  
2285 absolutely at such time or times not to exceed twenty-five (25)  
2286 years from date of issue, be redeemable before maturity at such  
2287 time or times and upon such terms, with or without premium, shall  
2288 bear such registration privileges, and shall be substantially in  
2289 such form, all as shall be determined by resolution of the  
2290 commission.

2291 (4) The bonds authorized by this section shall be signed by  
2292 the chairman of the commission, or by his facsimile signature, and  
2293 the official seal of the commission shall be affixed thereto,  
2294 attested by the secretary of the commission. The interest  
2295 coupons, if any, to be attached to such bonds may be executed by  
2296 the facsimile signatures of such officers. Whenever any such  
2297 bonds shall have been signed by the officials designated to sign  
2298 the bonds who were in office at the time of such signing but who  
2299 may have ceased to be such officers before the sale and delivery  
2300 of such bonds, or who may not have been in office on the date such  
2301 bonds may bear, the signatures of such officers upon such bonds  
2302 and coupons shall nevertheless be valid and sufficient for all  
2303 purposes and have the same effect as if the person so officially  
2304 signing such bonds had remained in office until their delivery to  
2305 the purchaser, or had been in office on the date such bonds may  
2306 bear. However, notwithstanding anything herein to the contrary,



2307 such bonds may be issued as provided in the Registered Bond Act of  
2308 the State of Mississippi.

2309 (5) All bonds and interest coupons issued under the  
2310 provisions of this section have all the qualities and incidents of  
2311 negotiable instruments under the provisions of the Uniform  
2312 Commercial Code, and in exercising the powers granted by this  
2313 section, the commission shall not be required to and need not  
2314 comply with the provisions of the Uniform Commercial Code.

2315 (6) The commission shall act as the issuing agent for the  
2316 bonds authorized under this section, prescribe the form of the  
2317 bonds, determine the appropriate method for sale of the bonds,  
2318 advertise for and accept bids or negotiate the sale of the bonds,  
2319 issue and sell the bonds so authorized to be sold, pay all fees  
2320 and costs incurred in such issuance and sale, and do any and all  
2321 other things necessary and advisable in connection with the  
2322 issuance and sale of such bonds. The commission is authorized and  
2323 empowered to pay the costs that are incident to the sale, issuance  
2324 and delivery of the bonds authorized under this section from the  
2325 proceeds derived from the sale of such bonds. The commission may  
2326 sell such bonds on sealed bids at public sale or may negotiate the  
2327 sale of the bonds for such price as it may determine to be for the  
2328 best interest of the State of Mississippi. All interest accruing  
2329 on such bonds so issued shall be payable semiannually or annually.

2330 If the bonds are to be sold on sealed bids at public sale,  
2331 notice of the sale of any such bonds shall be published at least



2332 one time, not less than ten (10) days before the date of sale, and  
2333 shall be so published in one or more newspapers published or  
2334 having a general circulation in the City of Jackson, Mississippi,  
2335 selected by the commission.

2336 The commission, when issuing any bonds under the authority of  
2337 this section, may provide that bonds, at the option of the State  
2338 of Mississippi, may be called in for payment and redemption at the  
2339 call price named therein and accrued interest on such date or  
2340 dates named therein.

2341 (7) The bonds issued under the provisions of this section  
2342 are general obligations of the State of Mississippi, and for the  
2343 payment thereof the full faith and credit of the State of  
2344 Mississippi is irrevocably pledged. Interest and investment  
2345 earnings on money in the Water Pollution Control Revolving Fund  
2346 shall be utilized to pay the principal and interest on such bonds  
2347 as they become due. If the interest and investment earnings of  
2348 the fund and any funds appropriated by the Legislature are  
2349 insufficient to pay the principal of and the interest on such  
2350 bonds as they become due, then the deficiency shall be paid by the  
2351 State Treasurer from any funds in the State Treasury not otherwise  
2352 appropriated. All such bonds shall contain recitals on their  
2353 faces substantially covering the provisions of this section.

2354 (8) Upon the issuance and sale of bonds under the provisions  
2355 of this section, the commission shall transfer the proceeds of any  
2356 such sale or sales to the Water Pollution Control Revolving Fund



2357 created in Section 49-17-85. After the transfer of the proceeds  
2358 of any such sale or sales to the Water Pollution Control Revolving  
2359 Fund, any investment earnings or interest earned on the proceeds  
2360 of such bonds shall be deposited to the credit of the Water  
2361 Pollution Control Revolving Fund and shall be used only for the  
2362 purposes provided in Section 49-17-85. The proceeds of such bonds  
2363 shall be disbursed solely upon the order of the Commission on  
2364 Environmental Quality under such restrictions, if any, as may be  
2365 contained in the resolution providing for the issuance of the  
2366 bonds.

2367 (9) The bonds authorized under this section may be issued  
2368 without any other proceedings or the happening of any other  
2369 conditions or things other than those proceedings, conditions and  
2370 things which are specified or required by this section. Any  
2371 resolution providing for the issuance of bonds under the  
2372 provisions of this section shall become effective immediately upon  
2373 its adoption by the commission, and any such resolution may be  
2374 adopted at any regular or special meeting of the commission by a  
2375 majority of its members.

2376 (10) The bonds authorized under the authority of this  
2377 section may be validated in the Chancery Court of the First  
2378 Judicial District of Hinds County, Mississippi, in the manner and  
2379 with the force and effect provided by Chapter 13, Title 31,  
2380 Mississippi Code of 1972, for the validation of county, municipal,  
2381 school district and other bonds. The notice to taxpayers required



2382 by such statutes shall be published in a newspaper published or  
2383 having a general circulation in the City of Jackson, Mississippi.

2384 (11) Any holder of bonds issued under the provisions of this  
2385 section or of any of the interest coupons pertaining thereto may,  
2386 either at law or in equity, by suit, action, mandamus or other  
2387 proceeding, protect and enforce any and all rights granted under  
2388 this section, or under such resolution, and may enforce and compel  
2389 performance of all duties required by this section to be  
2390 performed, in order to provide for the payment of bonds and  
2391 interest thereon.

2392 (12) All bonds issued under the provisions of this section  
2393 shall be legal investments for trustees and other fiduciaries, and  
2394 for savings banks, trust companies and insurance companies  
2395 organized under the laws of the State of Mississippi, and such  
2396 bonds shall be legal securities which may be deposited with and  
2397 shall be received by all public officers and bodies of this state  
2398 and all municipalities and political subdivisions for the purpose  
2399 of securing the deposit of public funds.

2400 (13) Bonds issued under the provisions of this section and  
2401 income therefrom shall be exempt from all taxation in the State of  
2402 Mississippi.

2403 (14) The proceeds of the bonds issued under this section  
2404 shall be used solely for the purposes therein provided, including  
2405 the costs incident to the issuance and sale of such bonds.





2406 (15) The State Treasurer is authorized, without further  
2407 process of law, to certify to the Department of Finance and  
2408 Administration the necessity for warrants, and the Department of  
2409 Finance and Administration is authorized and directed to issue  
2410 such warrants, in such amounts as may be necessary to pay when due  
2411 the principal of, premium, if any, and interest on, or the  
2412 accreted value of, all bonds issued under this section; and the  
2413 State Treasurer shall forward the necessary amount to the  
2414 designated place or places of payment of such bonds in ample time  
2415 to discharge such bonds, or the interest thereon, on the due dates  
2416 thereof.

2417 (16) This section shall be deemed to be full and complete  
2418 authority for the exercise of the powers therein granted, but this  
2419 section shall not be deemed to repeal or to be in derogation of  
2420 any existing law of this state.

2421 **SECTION 13.** Section 49-17-85, Mississippi Code of 1972, is  
2422 amended as follows:

2423 49-17-85. (1) There is established in the State Treasury a  
2424 fund to be known as the "Water Pollution Control Revolving Fund"  
2425 which shall be administered by the commission acting through the  
2426 department. The revolving fund may receive bond proceeds and  
2427 funds appropriated or otherwise made available by the Legislature  
2428 in any manner and funds from any other source, public or private.  
2429 The revolving fund shall be maintained in perpetuity for the  
2430 purposes established in this section.



2431           (2) There is established in the State Treasury a fund to be  
2432 known as the "Water Pollution Control Hardship Grants Fund," which  
2433 shall be administered by the commission acting through the  
2434 department. The grants fund shall be maintained in perpetuity for  
2435 the purposes established in this section. Any interest earned on  
2436 monies in the grants fund shall be credited to that fund.

2437           (3) The commission shall promulgate regulations for the  
2438 administration of the revolving fund program, the hardship grants  
2439 program and for related programs authorized under this section.  
2440 The regulations shall be in accordance with the federal Water  
2441 Quality Act of 1987, as amended, and regulations and guidance  
2442 issued under that act. The commission may enter into  
2443 capitalization grant agreements with the United States  
2444 Environmental Protection Agency and may accept capitalization  
2445 grant awards made under Title VI of the Water Quality Act of 1987,  
2446 as amended.

2447           (4) The commission shall establish a loan program which  
2448 shall commence after October 1, 1988, to assist political  
2449 subdivisions in the construction of water pollution control  
2450 projects. Loans from the revolving fund may be made to political  
2451 subdivisions as set forth in a loan agreement in amounts not  
2452 exceeding one hundred percent (100%) of eligible project costs as  
2453 established by the commission. Notwithstanding loan amount  
2454 limitations set forth in Section 49-17-61, the commission may  
2455 require local participation or funding from other sources, or



2456 otherwise limit the percentage of costs covered by loans from the  
2457 revolving fund. The commission may establish a maximum amount for  
2458 any loan in order to provide for broad and equitable participation  
2459 in the program.

2460 (5) The commission shall establish a hardship grants program  
2461 for rural communities, which shall commence after July 1, 1997, to  
2462 assist severely economically disadvantaged small rural political  
2463 subdivisions in the construction of water pollution control  
2464 projects. The commission may receive and administer state or  
2465 federal funds, or both, appropriated for the operation of this  
2466 grants program and may take all actions necessary to implement the  
2467 program in accordance with the federal hardship grants program.  
2468 The hardship grants program shall operate in conjunction with the  
2469 revolving loan program administered under this section.

2470 (6) The commission shall act for the state in all matters  
2471 and with respect to all determinations under Title VI of the  
2472 federal Water Quality Act of 1987, as amended, and the federal  
2473 Omnibus Appropriations and Recision Act of 1996.

2474 (7) Except as otherwise provided in this section, the  
2475 revolving fund may be used only:

2476 (a) To make loans on the condition that:

2477 (i) The loans are made at or below market interest  
2478 rates, at terms not to exceed the maximum time allowed by federal  
2479 law after project completion; the interest rate and term may vary



2480 from time to time and from loan to loan at the discretion of the  
2481 commission;

2482 (ii) Periodic principal and interest payments will  
2483 commence when required by the commission but not later than one  
2484 (1) year after project completion and all loans will be fully  
2485 amortized when required by the commission but not later than the  
2486 maximum time allowed by federal law after project completion;

2487 (iii) The recipient of a loan will establish a  
2488 dedicated source of revenue for repayment of loans;

2489 (b) To buy or refinance the debt obligation of  
2490 political subdivisions at or below market rates, where the debt  
2491 obligations were incurred after March 7, 1985, and where the  
2492 projects were constructed in compliance with applicable federal  
2493 and state regulations;

2494 (c) To guarantee, or purchase insurance for,  
2495 obligations of political subdivisions where the action would  
2496 improve credit market access or reduce interest rates;

2497 (d) To provide loan guarantees for similar revolving  
2498 funds established by municipalities or intermunicipal agencies;

2499 (e) To earn interest on fund accounts;

2500 (f) To establish nonpoint source pollution control  
2501 management programs;

2502 (g) To establish estuary conservation and management  
2503 programs;



2504 (h) For the reasonable costs of administering the  
2505 revolving fund and conducting activities under this act, subject  
2506 to the limitations established in Section 603(d)(7) of Title VI of  
2507 the federal Clean Water Act, as amended, and subject to annual  
2508 appropriation by the Legislature;

2509 (i) In connection with the issuance, sale and purchase  
2510 of bonds under Section 31-25-1 et seq., related to the funding of  
2511 projects, to provide security or a pledge of revenues for the  
2512 repayment of the bonds; and

2513 (j) To pay the principal and interest on bonds issued  
2514 pursuant to Section 11 of Chapter 580, Laws of 2007, Section 1 of  
2515 Chapter 492, Laws of 2008, Section 47 of Chapter 557, Laws of  
2516 2009, Section 45 of Chapter 533, Laws of 2010, Section 3 of  
2517 Chapter 480, Laws of 2011, \* \* \*~~and~~ Section 36 of Chapter 569,  
2518 Laws of 2013, and Section 12 of this act, as they become due;  
2519 however, only interest and investment earnings on money in the  
2520 fund may be utilized for this purpose.

2521 (8) The hardship grants program shall be used only to  
2522 provide hardship grants consistent with the federal hardship  
2523 grants program for rural communities, regulations and guidance  
2524 issued by the United States Environmental Protection Agency,  
2525 subsections (3) and (5) of this section and regulations  
2526 promulgated and guidance issued by the commission under this  
2527 section.



2528 (9) The commission shall establish by regulation a system of  
2529 priorities and a priority list of projects eligible for funding  
2530 with loans from the revolving fund.

2531 (10) The commission may provide a loan from the revolving  
2532 fund only with respect to a project if that project is on the  
2533 priority list established by the commission.

2534 (11) The revolving fund shall be credited with all payments  
2535 of principal and interest derived from the fund uses described in  
2536 subsection (7) of this section. However, notwithstanding any  
2537 other provision of law to the contrary, all or any portion of  
2538 payments of principal and interest derived from the fund uses  
2539 described in subsection (7) of this section may be designated or  
2540 pledged for repayment of a loan as provided for in Section  
2541 31-25-28 in connection with a loan from the Mississippi  
2542 Development Bank.

2543 (12) The commission may establish and collect fees to defray  
2544 the reasonable costs of administering the revolving fund if it  
2545 determines that the administrative costs will exceed the  
2546 limitations established in Section 603(d)(7) of Title VI of the  
2547 federal Clean Water Act, as amended. The administration fees may  
2548 be included in loan amounts to political subdivisions for the  
2549 purpose of facilitating payment to the commission. The fees may  
2550 not exceed five percent (5%) of the loan amount.

2551 (13) Except as otherwise provided in this section, the  
2552 commission may, on a case-by-case basis and to the extent allowed



2553 by federal law, renegotiate the payment of principal and interest  
2554 on loans made under this section to the six (6) most southern  
2555 counties of the state covered by the Presidential Declaration of  
2556 Major Disaster for the State of Mississippi (FEMA-1604-DR) dated  
2557 August 29, 2005, and to political subdivisions located in such  
2558 counties; however, the interest on the loans shall not be forgiven  
2559 for a period of more than twenty-four (24) months and the maturity  
2560 of the loans shall not be extended for a period of more than  
2561 forty-eight (48) months.

2562 (14) The commission may, on a case-by-case basis and to the  
2563 extent allowed by federal law, renegotiate the payment of  
2564 principal and interest on loans made under this section to Hancock  
2565 County as a result of coverage under the Presidential Declaration  
2566 of Major Disaster for the State of Mississippi (FEMA-1604-DR)  
2567 dated August 29, 2005, and to political subdivisions located in  
2568 Hancock County.

2569 **SECTION 14.** Section 27-70-5, Mississippi Code of 1972, is  
2570 brought forward as follows:

2571 27-70-5. (1) (a) In addition to the tax imposed under  
2572 Section 27-69-13, and except as provided by subsection (2) of this  
2573 section, there is imposed a tobacco equity tax in the amount of  
2574 One and Thirty-five One Hundredths Cent (\$0.0135) per cigarette on  
2575 all cigarettes subject to the tax imposed under Section 27-69-13.

2576 (b) On July 1 of each year, the tax prescribed by  
2577 subsection (1) of this section shall increase by the greater of:



2578 (i) Three percent (3%); or  
2579 (ii) The percentage increase in the most recent  
2580 annual revised Consumer Price Index for all Urban Consumers, as  
2581 published by the Federal Bureau of Labor Statistics of the United  
2582 States Department of Labor.

2583 (c) The revenue collected from the tax imposed by this  
2584 section shall be deposited into the State General Fund.

2585 (d) The cigarettes manufactured by any manufacturer  
2586 which is a party to the tobacco settlement agreement shall be  
2587 exempt from the imposition of the tobacco equity tax provided for  
2588 herein.

2589 (2) The tax imposed by this chapter does not apply to  
2590 cigarettes that are sold, purchased or otherwise distributed in  
2591 this state for sale outside of this state. A person may not  
2592 transport or cause to be transported from this state such  
2593 cigarettes for retail sale in another state without first affixing  
2594 to the cigarettes the stamp required by the state in which the  
2595 cigarettes are to be sold or by paying any other excise tax on the  
2596 cigarettes imposed by the state in which the cigarettes are to be  
2597 sold; however, a person shall not be required to affix a tax stamp  
2598 of another state or pay the excise tax of another state prior to  
2599 transporting the cigarettes out of this state if the other state  
2600 prohibits that action or if the cigarettes are being sold to a  
2601 wholesaler licensed by that state.





2602 (3) The tax imposed by this chapter is in addition to any  
2603 other privilege, license, fee, assessment or tax required or  
2604 imposed by state law, including, but not limited to, the taxes  
2605 levied by Section 27-69-13.

2606 (4) The tax imposed by this chapter is imposed, levied and  
2607 assessed on each distributor of cigarettes. The tax shall be due  
2608 and payable on or before the fifteenth day of the month next  
2609 succeeding the month in which the stamp is required to be affixed  
2610 to the cigarettes under the Tobacco Tax Law. The distributor  
2611 shall make a return showing the number of such cigarettes, the  
2612 brand family, and the manufacturer. The return shall also include  
2613 the quantity of cigarettes, by brand family, transported or caused  
2614 to be transported outside of Mississippi in the preceding month as  
2615 well as the name and address of the recipient of the cigarettes  
2616 transported outside of Mississippi.

2617 (5) The distributor is eligible for a credit if cigarettes  
2618 for which the distributor had previously paid the tax under this  
2619 chapter were returned to the distributor.

2620 **SECTION 15.** Section 57-89-7, Mississippi Code of 1972, is  
2621 brought forward as follows:

2622 57-89-7. (1) (a) A motion picture production company that  
2623 expends at least Fifty Thousand Dollars (\$50,000.00) in base  
2624 investment, payroll and/or fringes, in the state shall be entitled  
2625 to a rebate of a portion of the base investment made by the motion  
2626 picture production company. Subject to the provisions of this



2627 section, the amount of the rebate shall be equal to twenty-five  
2628 percent (25%) of the base investment made by the motion picture  
2629 production company.

2630 (b) In addition to the rebates authorized under  
2631 paragraphs (a), (c) and (d) of this subsection, a motion picture  
2632 production company may receive a rebate equal to twenty-five  
2633 percent (25%) of payroll and fringes paid for any employee who is  
2634 not a resident and whose wages are subject to the Mississippi  
2635 Income Tax Withholding Law of 1968. However, if the payroll and  
2636 fringes paid for an employee exceeds Five Million Dollars  
2637 (\$5,000,000.00), then the rebate is authorized only for the first  
2638 Five Million Dollars (\$5,000,000.00) of such payroll and fringes.

2639 (c) In addition to the rebates authorized under  
2640 paragraphs (a), (b) and (d) of this subsection, a motion picture  
2641 production company may receive a rebate equal to thirty percent  
2642 (30%) of payroll and fringes paid for any employee who is a  
2643 resident and whose wages are subject to the Mississippi Income Tax  
2644 Withholding Law of 1968. However, if the payroll and fringes paid  
2645 for an employee exceeds Five Million Dollars (\$5,000,000.00), then  
2646 the rebate is authorized only for the first Five Million Dollars  
2647 (\$5,000,000.00) of such payroll and fringes.

2648 (d) In addition to the rebates authorized in paragraphs  
2649 (a), (b) and (c) of this subsection, a motion picture production  
2650 company may receive an additional rebate equal to five percent  
2651 (5%) of the payroll and fringes paid for any employee who is an



2652 honorably discharged veteran of the United States Armed Forces and  
2653 whose wages are subject to the Mississippi Income Tax Withholding  
2654 Law of 1968.

2655 (e) If a motion picture has physical production  
2656 activities and/or post-production activities both inside and  
2657 outside the state, then the motion picture production company  
2658 shall be required to provide an itemized accounting for each  
2659 employee regarding such activities inside and outside the state  
2660 for the purposes of proration of eligible payroll based on the  
2661 percentage of activities performed in the state.

2662 (f) The total amount of rebates authorized for a motion  
2663 picture project shall not exceed Ten Million Dollars  
2664 (\$10,000,000.00) in the aggregate.

2665 (g) The total amount of rebates authorized in any  
2666 fiscal year shall not exceed Twenty Million Dollars  
2667 (\$20,000,000.00) in the aggregate.

2668 (2) A motion picture production company desiring a rebate  
2669 under this section must submit a rebate request to the Department  
2670 of Revenue upon completion of the project. The request must  
2671 include a detailed accounting of the base investment made by the  
2672 motion picture production company and any other information  
2673 required by the Department of Revenue. Rebates made by the  
2674 Department of Revenue under this section shall be made from  
2675 current income tax collections. The Department of Revenue shall



2676 not approve any application for a rebate under subsection (1) (b)  
2677 of this section after July 1, 2017.

2678 (3) The Department of Revenue shall have all powers  
2679 necessary to implement and administer the provisions of this  
2680 section, and the Department of Revenue shall promulgate rules and  
2681 regulations, in accordance with the Mississippi Administrative  
2682 Procedures Law, necessary for the implementation of this section.

2683 (4) The State Auditor may conduct performance and compliance  
2684 audits under this chapter according to Section 7-7-211(o) and may  
2685 bill the oversight agency.

2686 **SECTION 16.** Section 27-55-11, Mississippi Code of 1972, is  
2687 brought forward as follows:

2688 27-55-11. Any person in business as a distributor of  
2689 gasoline or who acts as a distributor of gasoline, as defined in  
2690 this article, shall pay for the privilege of engaging in such  
2691 business or acting as such distributor an excise tax equal to  
2692 Eighteen Cents (18¢) per gallon until the date specified in  
2693 Section 65-39-35, and Fourteen and Four-tenths Cents (14.4¢) per  
2694 gallon thereafter, on all gasoline and blend stock stored, sold,  
2695 distributed, manufactured, refined, distilled, blended or  
2696 compounded in this state or received in this state for sale, use  
2697 on the highways, storage, distribution, or for any purpose.

2698 Any person in business as a distributor of aviation gasoline,  
2699 or who acts as a distributor of aviation gasoline, shall pay for  
2700 the privilege of engaging in such business or acting as such



2701 distributor an excise tax equal to Six and Four-tenths Cents  
2702 (6.4¢) per gallon on all aviation gasoline stored, sold,  
2703 distributed, manufactured, refined, distilled, blended or  
2704 compounded in this state or received in this state for sale,  
2705 storage, distribution or for any purpose.

2706         The excise taxes collected under this section shall be paid  
2707 and distributed in accordance with Section 27-5-101.

2708         The tax herein imposed and assessed shall be collected and  
2709 paid to the State of Mississippi but once in respect to any  
2710 gasoline. The basis for determining the tax liability shall be  
2711 the correct invoiced gallons, adjusted to sixty (60) degrees  
2712 Fahrenheit at the refinery or point of origin of shipment when  
2713 such shipment is made by tank car or by motor carrier. The point  
2714 of origin of shipment of gasoline transported into this state by  
2715 pipelines shall be deemed to be that point in this state where  
2716 such gasoline is withdrawn from the pipeline for storage or  
2717 distribution, and adjustment to sixty (60) degrees Fahrenheit  
2718 shall there be made. The basis for determining the tax liability  
2719 on gasoline shipped into this state in barge cargoes and by  
2720 pipeline shall be the actual number of gallons adjusted to sixty  
2721 (60) degrees Fahrenheit unloaded into storage tanks or other  
2722 containers in this state, such gallonage to be determined by  
2723 measurement and/or gauge of storage tank or tanks or by any other  
2724 method authorized by the commission. The tank or tanks into which  
2725 barge cargoes of gasoline are discharged, or into which gasoline



2726 transported by pipeline is discharged, shall have correct gauge  
2727 tables listing capacity, such gauge tables to be prepared by some  
2728 recognized calibrating agency and to be approved by the  
2729 commission.

2730 The tax levied herein shall accrue at the time gasoline is  
2731 withdrawn from a refinery in this state except when withdrawal is  
2732 by pipeline, barge, ship or vessel. The refiner shall pay to the  
2733 commission the tax levied herein when gasoline is sold or  
2734 delivered to persons who do not hold gasoline distributor permits.  
2735 The refiner shall report to the commission all sales and  
2736 deliveries of gasoline to bonded distributors of gasoline. The  
2737 bonded distributor of gasoline who purchases, receives or acquires  
2738 gasoline from a refinery in this state shall report such gasoline  
2739 and pay the tax levied herein.

2740 Gasoline imported by common carrier shall be deemed to be  
2741 received by the distributor of gasoline, and the tax levied herein  
2742 shall accrue, when the car or tank truck containing such gasoline  
2743 is unloaded by the carrier.

2744 With respect to distributors or other persons who bring,  
2745 ship, have transported, or have brought into this state gasoline  
2746 by means other than through a common carrier, the tax accrues and  
2747 the tax liability attaches on the distributor or other person for  
2748 each gallon of gasoline brought into the state at the time when  
2749 and at the point where such gasoline is brought into the state.



2750           The tax levied herein shall accrue on blend stock at the time  
2751 it is blended with gasoline. The blender shall pay to the  
2752 commission the tax levied herein when blend stock is sold or  
2753 delivered to persons who do not hold gasoline distributor permits.  
2754 The blender shall report to the commission all sales and  
2755 deliveries of blend stock to bonded distributors of gasoline. The  
2756 bonded distributor of gasoline who purchases, receives or acquires  
2757 blend stock from a blender in this state shall report blend stock  
2758 and pay the tax levied herein.

2759           **SECTION 17.** Section 27-55-12, Mississippi Code of 1972, is  
2760 brought forward as follows:

2761           27-55-12. (1) The United States government, the State of  
2762 Mississippi, counties, municipalities, school districts and all  
2763 other political subdivisions of the state, and volunteer fire  
2764 departments chartered under the laws of the State of Mississippi  
2765 as nonprofit corporations shall be exempt from excise taxes on  
2766 gasoline, special fuel and compressed gas as follows:

2767           (a) From the excise tax rate in excess of Nine Cents  
2768 (9¢) per gallon of gasoline and from the excise tax rate in excess  
2769 of One Cent (1¢) per gallon of aviation gasoline levied under  
2770 Section 27-55-11, Mississippi Code of 1972, Five and Four-tenths  
2771 Cents (5.4¢) thereof shall be exempt as provided in Section  
2772 27-55-19, Mississippi Code of 1972.

2773           (b) From the excise tax rate in excess of Ten Cents  
2774 (10¢) per gallon of special fuel levied at Eighteen Cents (18¢)



2775 per gallon under Sections 27-55-519 and 27-55-521, Four and  
2776 Three-fourths Cents (4.75¢) thereof shall be exempt.

2777 (c) From the excise tax rate in excess of One Cent (1¢)  
2778 per gallon of special fuel taxed at Five and Three-fourths Cents  
2779 (5.75¢) per gallon and from the excise tax rate in excess of  
2780 One-half Cent (1/2¢) per gallon of special fuel used in aircraft  
2781 levied under Section 27-55-519, Four and Three-fourths Cents  
2782 (4.75¢) thereof shall be exempt.

2783 (d) From the portion of the excise tax rate on  
2784 compressed gas used as a motor fuel that exceeds the rate of tax  
2785 in effect on June 30, 1987, Three Cents (3¢) thereof shall be  
2786 exempt.

2787 (2) The exemption provided in subsection (1) of this section  
2788 for sales of gasoline, special fuel and compressed gas to  
2789 volunteer fire departments shall apply only to sales of gasoline,  
2790 special fuel and compressed gas for use in a vehicle owned by a  
2791 volunteer fire department and used for department purposes.

2792 (3) The exemption provided in subsection (1) of this section  
2793 for sales of gasoline, special fuel and compressed gas also shall  
2794 apply to sales of gasoline, special fuel and compressed gas to an  
2795 entity described in Section 27-51-41(2)(u) for use in buses and  
2796 other motor vehicles that are exempt from ad valorem taxation  
2797 under Section 27-51-41(2)(u).

2798 (4) Any person other than a bonded distributor of gasoline,  
2799 bonded distributor of special fuel or bonded distributor of





2800 compressed gas who sells or delivers any gasoline, special fuel or  
2801 compressed gas, subject to the exemption set forth in this  
2802 section, is required to obtain credit for such exemption from a  
2803 bonded distributor of gasoline, special fuel or compressed gas.

2804       **SECTION 18.** Section 27-55-519, Mississippi Code of 1972, is  
2805 brought forward as follows:

2806           27-55-519. (1) Any person engaged in business as a  
2807 distributor of special fuel or who acts as a distributor of  
2808 special fuel, as defined in this article, shall pay for the  
2809 privilege of engaging in such business or acting as such  
2810 distributor an excise tax on all special fuel stored, used, sold,  
2811 distributed, manufactured, refined, distilled, blended or  
2812 compounded in this state or received in this state for sale,  
2813 storage, distribution or for any purpose, adjusted to sixty (60)  
2814 degrees Fahrenheit.

2815           The excise tax shall become due and payable when:

2816           (a) Special fuel is withdrawn from storage at a  
2817 refinery, marine or pipeline terminal, except when withdrawal is  
2818 by barge or pipeline.

2819           (b) Special fuel imported by a common carrier is  
2820 unloaded by that carrier unless the special fuel is unloaded  
2821 directly into the storage tanks of a refinery, marine or pipeline  
2822 terminal.

2823           (c) Special fuel imported by any person other than a  
2824 common carrier enters the State of Mississippi unless the special



2825 fuel is unloaded directly into the storage tanks of a refinery,  
2826 marine or pipeline terminal.

2827 (d) Special fuel is blended in this state unless such  
2828 blending occurs in a refinery, marine or pipeline terminal.

2829 (e) Special fuel is acquired tax free.

2830 (2) The special fuel excise tax shall be as follows:

2831 (a) Eighteen Cents (18¢) per gallon on undyed diesel  
2832 fuel until the date specified in Section 65-39-35 and Fourteen and  
2833 Three-fourths Cents (14.75¢) per gallon thereafter;

2834 (b) Five and Three-fourths Cents (5.75¢) per gallon on  
2835 all special fuel except undyed diesel fuel and special fuel used  
2836 as fuels in aircraft; and

2837 (c) Five and One-fourth Cents (5.25¢) per gallon on  
2838 special fuel used as fuel in aircraft.

2839 **SECTION 19.** Section 27-55-521, Mississippi Code of 1972, is  
2840 brought forward as follows:

2841 27-55-521. (1) An excise tax at the rate of Eighteen Cents  
2842 (18¢) per gallon until the date specified in Section 65-39-35,  
2843 Mississippi Code of 1972, and Fourteen and Three-fourths Cents  
2844 (14.75¢) per gallon thereafter is levied on any person engaged in  
2845 business as a distributor of special fuel or who acts as such who  
2846 sells:

2847 (a) Special fuel for use in performing contracts for  
2848 construction, reconstruction, maintenance or repairs, where such  
2849 contracts are entered into with the State of Mississippi, any



2850 political subdivision of the State of Mississippi, or any  
2851 department, agency, institution of the State of Mississippi or any  
2852 political subdivision thereof.

2853 (b) Dyed diesel fuel or kerosene to a state or local  
2854 governmental entity for use on the highways in a motor vehicle.

2855 (c) Special fuel for use on the highway.

2856 (2) An excise tax at the rate of Eighteen Cents (18¢) per  
2857 gallon until the date specified in Section 65-39-35, Mississippi  
2858 Code of 1972, and Fourteen and Three-fourths Cents (14.75¢) per  
2859 gallon thereafter is levied on any person who:

2860 (a) Uses dyed diesel fuel or kerosene in a motor  
2861 vehicle on the highways of this state in violation of Section  
2862 27-55-539.

2863 (b) Purchases or acquires undyed diesel fuel or  
2864 kerosene for nonhighway use and subsequently uses such diesel fuel  
2865 or kerosene in a motor vehicle on the highways of this state.

2866 (c) Purchases or acquires special fuel for use in  
2867 performing contracts as specified in this section.

2868 **SECTION 20.** Section 27-5-101, Mississippi Code of 1972, is  
2869 brought forward as follows:

2870 **[With regard to any county which is exempt from the**  
2871 **provisions of Section 19-2-3, this section shall read as follows:]**

2872 27-5-101. Unless otherwise provided in this section, on or  
2873 before the fifteenth day of each month, all gasoline, diesel fuel  
2874 or kerosene taxes which are levied under the laws of this state



2875 and collected during the previous month shall be paid and  
2876 apportioned by the State Tax Commission as follows:

2877 (a) (i) Except as otherwise provided in Section  
2878 31-17-127, from the gross amount of gasoline, diesel fuel or  
2879 kerosene taxes produced by the state, there shall be deducted an  
2880 amount equal to one-sixth (1/6) of principal and interest  
2881 certified by the State Treasurer to the State Tax Commission to be  
2882 due on the next semiannual bond and interest payment date, as  
2883 required under the provisions of Chapter 130, Laws of 1938, and  
2884 subsequent acts authorizing the issuance of bonds payable from  
2885 gasoline, diesel fuel or kerosene tax revenue on a parity with the  
2886 bonds issued under authority of said Chapter 130. The State  
2887 Treasurer shall certify to the State Tax Commission on or before  
2888 the fifteenth day of each month the amount to be paid to the  
2889 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws  
2890 of 1938, and subsequent acts authorizing the issuance of bonds  
2891 payable from gasoline, diesel fuel or kerosene tax revenue, on a  
2892 parity with the bonds issued under authority of said Chapter 130;  
2893 and the State Tax Commission shall, on or before the twenty-fifth  
2894 day of each month, pay into the State Treasury for credit to the  
2895 "Highway Bonds Sinking Fund" the amount so certified to him by the  
2896 State Treasurer due to be paid into such fund each month. The  
2897 payments to the "Highway Bonds Sinking Fund" shall be made out of  
2898 gross gasoline, diesel fuel or kerosene tax collections before  
2899 deductions of any nature are considered; however, such payments



2900 shall be deducted from the allocation to the Mississippi  
2901 Department of Transportation under paragraph (c) of this section.

2902 (ii) From collections derived from the portion of  
2903 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,  
2904 from the portion of the tax on aviation gas under Section 27-55-11  
2905 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the  
2906 portion of the special fuel tax levied under Sections 27-55-519  
2907 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten  
2908 Cents (10¢) per gallon, from the portion of the taxes levied under  
2909 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per  
2910 gallon that exceeds One Cent (1¢) per gallon on special fuel and  
2911 Five and One-fourth Cents (5.25¢) per gallon on special fuel used  
2912 as aircraft fuel, from the portion of the excise tax on compressed  
2913 gas used as a motor fuel that exceeds the rate of tax in effect on  
2914 June 30, 1987, and from the portion of the gasoline excise tax in  
2915 excess of Seven Cents (7¢) per gallon and the diesel excise tax in  
2916 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there  
2917 shall be deducted:

2918 1. An amount as provided in Section  
2919 27-65-75(4) to the credit of a special fund designated as the  
2920 "Office of State Aid Road Construction."

2921 2. An amount equal to the tax collections  
2922 derived from Two Cents (2¢) per gallon of the gasoline excise tax  
2923 for distribution to the State Highway Fund to be used exclusively  
2924 for the construction, reconstruction and maintenance of highways



2925 of the State of Mississippi or the payment of interest and  
2926 principal on bonds when specifically authorized by the Legislature  
2927 for that purpose.

2928                   3. The balance shall be deposited in the  
2929 State Treasury to the credit of the State Highway Fund.

2930                   (b) Subject to the provisions that said basis of  
2931 distribution shall in nowise affect adversely the amount  
2932 specifically pledged in paragraph (a) of this section to be paid  
2933 into the "Highway Bonds Sinking Fund," the following shall be  
2934 deducted from the amount produced by the state tax on gasoline,  
2935 diesel fuel or kerosene tax collections, excluding collections  
2936 derived from the portion of the gasoline excise tax that exceeds  
2937 Seven Cents (7¢) per gallon, from the portion of the tax on  
2938 aviation gas under Section 27-55-11 that exceeds Six and  
2939 Four-tenths Cents (6.4¢) per gallon, from the portion of the  
2940 special fuel tax levied under Sections 27-55-519 and 27-55-521, at  
2941 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per  
2942 gallon, from the portion of the taxes levied under Section  
2943 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that  
2944 exceeds One Cent (1¢) per gallon on special fuel and Five and  
2945 One-fourth Cents (5.25¢) per gallon on special fuel used as  
2946 aircraft fuel, from the portion of the excise tax on compressed  
2947 gas used as a motor fuel that exceeds the rate of tax in effect on  
2948 June 30, 1987, and from the portion of the gasoline excise tax in



2949 excess of Seven Cents (7¢) per gallon and the diesel excise tax in  
2950 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

2951 (i) Twenty percent (20%) of such amount which  
2952 shall be earmarked and set aside for the construction,  
2953 reconstruction and maintenance of the highways and roads of the  
2954 state, provided that if such twenty percent (20%) should reduce  
2955 any county to a lesser amount than that received in the fiscal  
2956 year ending June 30, 1966, then such twenty percent (20%) shall be  
2957 reduced to a percentage to provide that no county shall receive  
2958 less than its portion for the fiscal year ending June 30, 1966;

2959 (ii) The amount allowed as refund on gasoline or  
2960 as tax credit on diesel fuel or kerosene used for agricultural,  
2961 maritime, industrial, domestic, and nonhighway purposes;

2962 (iii) Five percent (5%) of such amount shall be  
2963 paid to the State Highway Fund;

2964 (iv) The amount or portion thereof authorized by  
2965 legislative appropriation to the Fisheries and Wildlife Fund  
2966 created under Section 59-21-25;

2967 (v) The amount for deposit into the special  
2968 aviation fund under paragraph (d) of this section; and

2969 (vi) The remainder shall be divided on a basis of  
2970 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the  
2971 same basis as Four and One-half Cents (4-1/2¢) and Two and  
2972 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and  
2973 six and forty-three one-hundredths (6.43) and three and



2974 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel  
2975 fuel or kerosene). The amount produced by the nine-fourteenths  
2976 (9/14) division shall be allocated to the Transportation  
2977 Department and paid into the State Treasury as provided in this  
2978 section and in Section 27-5-103 and the five-fourteenths (5/14)  
2979 division shall be returned to the counties of the state on the  
2980 following basis:

2981                   1. In each fiscal year, each county shall be  
2982 paid each month the same percentage of the monthly total to be  
2983 distributed as was paid to that county during the same month in  
2984 the fiscal year which ended April 9, 1960, until the county  
2985 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such  
2986 fiscal year, at which time funds shall be distributed under the  
2987 provisions of paragraph (b) (vi)4 of this section.

2988                   2. If after payments in 1 above, any county  
2989 has not received a total of One Hundred Ninety Thousand Dollars  
2990 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,  
2991 and each fiscal year thereafter, then any available funds not  
2992 distributed under 1 above shall be used to bring such county or  
2993 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)  
2994 or such funds shall be divided equally among such counties not  
2995 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if  
2996 there is not sufficient money to bring all the counties to said  
2997 One Hundred Ninety Thousand Dollars (\$190,000.00).





2998                   3. When a county has been paid an amount  
2999 equal to the total which was paid to the same county during the  
3000 fiscal year ended April 9, 1960, such county shall receive no  
3001 further payments during the then current fiscal year until the  
3002 last month of such current fiscal year, at which time distribution  
3003 will be made under 2 above, except as set out in 4 below.

3004                   4. During the last month of the current  
3005 fiscal year, should it be determined that there are funds  
3006 available in excess of the amount distributed for the year under 1  
3007 and 2 above, then such excess funds shall be distributed among the  
3008 various counties as follows:

3009                                 One-third (1/3) of such excess to be  
3010 divided equally among the counties;

3011                                 One-third (1/3) of such excess to be paid  
3012 to the counties in the proportion which the population of each  
3013 county bears to the total population of the state according to the  
3014 last federal census;

3015                                 One-third (1/3) of such excess to be paid  
3016 to the counties in the proportion which the number of square miles  
3017 of each county bears to the total square miles in the state.

3018                   5. It is the declared purpose and intent of  
3019 the Legislature that no county shall be paid less than was paid  
3020 during the year ended April 9, 1960, unless the amount to be  
3021 distributed to all counties in any year is less than the amount  
3022 distributed to all counties during the year ended April 9, 1960.



3023           The Municipal Aid Fund as established by Section 27-5-103  
3024 shall not participate in any portion of any funds allocated to any  
3025 county hereunder over and above One Hundred Ninety Thousand  
3026 Dollars (\$190,000.00).

3027           In any county having countywide road or bridge bonds, or  
3028 supervisors district or district road or bridge bonds outstanding,  
3029 which exceed, in the aggregate, twelve percent (12%) of the  
3030 assessed valuation of the taxable property of the county or  
3031 district, it shall be the duty of the board of supervisors to set  
3032 aside not less than sixty percent (60%) of such county's share or  
3033 district's share of the gasoline, diesel fuel or kerosene taxes to  
3034 be used in paying the principal and interest on such road or  
3035 bridge bonds as they mature.

3036           In any county having such countywide road or bridge bonds or  
3037 district road or bridge bonds outstanding which exceed, in the  
3038 aggregate, eight percent (8%) of the assessed valuation of the  
3039 taxable property of the county, but which do not exceed, in the  
3040 aggregate, twelve percent (12%) of the assessed valuation of the  
3041 taxable property of the county, it shall be the duty of the board  
3042 of supervisors to set aside not less than thirty-five percent  
3043 (35%) of such county's share of the gasoline, diesel fuel or  
3044 kerosene taxes to be used in paying the principal and interest of  
3045 such road or bridge bonds as they mature.

3046           In any county having such countywide road or bridge bonds or  
3047 district road or bridge bonds outstanding which exceed, in the



3048 aggregate, five percent (5%) of the assessed valuation of the  
3049 taxable property of the county, but which do not exceed, in the  
3050 aggregate, eight percent (8%) of the assessed valuation of the  
3051 taxable property of the county, it shall be the duty of the board  
3052 of supervisors to set aside not less than twenty percent (20%) of  
3053 such county's share of the gasoline, diesel fuel or kerosene taxes  
3054 to be used in paying the principal and interest of such road and  
3055 bridge bonds as they mature.

3056 In any county having such countywide road or bridge bonds or  
3057 district road or bridge bonds outstanding which do not exceed, in  
3058 the aggregate, five percent (5%) of the assessed valuation of the  
3059 taxable property of the county, it shall be the duty of the board  
3060 of supervisors to set aside not less than ten percent (10%) of  
3061 such county's share of the gasoline, diesel fuel or kerosene taxes  
3062 to be used in paying the principal and interest on such road or  
3063 bridge bonds as they mature.

3064 The portion of any such county's share of the gasoline,  
3065 diesel fuel or kerosene taxes thus set aside for the payment of  
3066 the principal and interest of road or bridge bonds, as provided  
3067 for in this section, shall be used first in paying the currently  
3068 maturing installments of the principal and interest of such  
3069 countywide road or bridge bonds, if there be any such countywide  
3070 road or bridge bonds outstanding, and secondly, in paying the  
3071 currently maturing installments of principal and interest of  
3072 district road or bridge bonds outstanding. It shall be the duty



3073 of the board of supervisors to pay bonds and interest maturing in  
3074 each supervisors district out of the supervisors district's share  
3075 of the gasoline, diesel fuel or kerosene taxes of such district.

3076       The remaining portion of such county's share of the gasoline,  
3077 diesel fuel or kerosene taxes, after setting aside the portion  
3078 above provided for the payment of the principal and interest of  
3079 bonds, shall be used in the construction and maintenance of any  
3080 public highways, bridges, or culverts of the county, including the  
3081 roads in special or separate road districts, in the discretion of  
3082 the board of supervisors, or in paying the interest and principal  
3083 of county road and bridge bonds or district road and bridge bonds,  
3084 in the discretion of the board of supervisors.

3085       In any county having no countywide road or bridge bonds or  
3086 district road or bridge bonds outstanding, all such county's share  
3087 of the gasoline, diesel fuel or kerosene taxes shall be used in  
3088 the construction, reconstruction, and maintenance of the public  
3089 highways, bridges, or culverts of the county as the board of  
3090 supervisors may determine.

3091       In every county in which there are county road bonds or  
3092 seawall or road protection bonds outstanding which were issued for  
3093 the purpose of building bridges or constructing public roads or  
3094 seawalls, such funds shall be used in the manner provided by law.

3095       (c) From the amount produced by the nine-fourteenths  
3096 (9/14) division allocated to the Transportation Department, there  
3097 shall be deducted:



3098 (i) The amount paid to the State Treasurer for the  
3099 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

3100 (ii) Any amounts due counties in accordance with  
3101 Section 65-33-45 which have outstanding bonds issued for seawall  
3102 or road protection purposes, issued under provisions of Chapter  
3103 319, Laws of 1924, and amendments thereto;

3104 (iii) Except as otherwise provided in Section  
3105 31-17-127, the remainder shall be paid by the State Tax Commission  
3106 to the State Treasurer on the fifteenth day of each month next  
3107 succeeding the month in which the gasoline, diesel fuel or  
3108 kerosene taxes were collected to the credit of the State Highway  
3109 Fund.

3110 The funds allocated for the construction, reconstruction, and  
3111 improvement of state highways, bridges, and culverts, or so much  
3112 thereof as may be necessary, shall first be used in conjunction  
3113 with funds supplied by the federal government for such purposes  
3114 and allocated to the State Transportation Department to be  
3115 expended on the state highway system. It is specifically provided  
3116 hereby that the necessary portion of such funds hereinabove  
3117 allocated to the State Transportation Department may be used for  
3118 the prompt payment of principal and interest on highway bonds  
3119 heretofore issued, including such bonds issued or to be issued  
3120 under the provisions of Chapter 312, Laws of 1956, and amendments  
3121 thereto.



3122           Nothing contained in this section shall be construed to  
3123 reduce the amount of such gasoline, diesel fuel or kerosene excise  
3124 taxes levied by the state, allotted under the provisions of Title  
3125 65, Chapter 33, Mississippi Code of 1972, to counties in which  
3126 there are outstanding bonds issued for seawall or road protection  
3127 purposes issued under the provisions of Chapter 319, Laws of 1924,  
3128 and amendments thereto; the amount of said gasoline, diesel fuel  
3129 or kerosene excise taxes designated in this section for the  
3130 payment of bonds and interest authorized and issued or to be  
3131 issued under the provisions of Chapter 130, Laws of 1938, and  
3132 subsequent acts authorizing the issuance of bonds payable from  
3133 gasoline, diesel fuel or kerosene tax revenue, shall, in such  
3134 counties, be considered as being paid "into the State Treasury to  
3135 the credit of the State Highway Fund" within the meaning of  
3136 Section 65-33-45 in computing the amount to be paid to such  
3137 counties under the provisions of said section, and this section  
3138 shall be administered in connection with Title 65, Chapter 33,  
3139 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and  
3140 65-33-49 dealing with seawalls, as if made a part of this section.

3141           (d) The proceeds of the Five and One-fourth Cents  
3142 (5.25¢) of the tax per gallon on oils used as a propellant for jet  
3143 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax  
3144 per gallon on aviation gasoline and the tax of One Cent (1¢) per  
3145 gallon for each gallon of gasoline for which a refund has been  
3146 made pursuant to Section 27-55-23 because such gasoline was used



3147 for aviation purposes, shall be paid to the State Treasury into a  
3148 special fund to be used exclusively, pursuant to legislative  
3149 appropriation, for the support and development of aeronautics as  
3150 defined in Section 61-1-3.

3151 (e) State highway funds in an amount equal to the  
3152 difference between Forty-two Million Dollars (\$42,000,000.00) and  
3153 the annual debt service payable on the state's highway revenue  
3154 refunding bonds, Series 1985, shall be expended for the  
3155 construction or reconstruction of highways designated under the  
3156 highway program created under Section 65-3-97.

3157 (f) "Gasoline, diesel fuel or kerosene taxes" as used  
3158 in this section shall be deemed to mean and include state  
3159 gasoline, diesel fuel or kerosene taxes levied and imposed on  
3160 distributors of gasoline, diesel fuel or kerosene, and all state  
3161 excise taxes derived from any fuel used to propel vehicles upon  
3162 the highways of this state, when levied by any statute.

3163 **[With regard to any county which is required to operate on a**  
3164 **countywide system of road administration as described in Section**  
3165 **19-2-3, this section shall read as follows:]**

3166 27-5-101. Unless otherwise provided in this section, on or  
3167 before the fifteenth day of each month, all gasoline, diesel fuel  
3168 or kerosene taxes which are levied under the laws of this state  
3169 and collected during the previous month shall be paid and  
3170 apportioned by the State Tax Commission as follows:



3171                   (a)   (i)   Except as otherwise provided in Section  
3172 31-17-127, from the gross amount of gasoline, diesel fuel or  
3173 kerosene taxes produced by the state, there shall be deducted an  
3174 amount equal to one-sixth (1/6) of principal and interest  
3175 certified by the State Treasurer to the State Tax Commission to be  
3176 due on the next semiannual bond and interest payment date, as  
3177 required under the provisions of Chapter 130, Laws of 1938, and  
3178 subsequent acts authorizing the issuance of bonds payable from  
3179 gasoline, diesel fuel or kerosene tax revenue on a parity with the  
3180 bonds issued under authority of said Chapter 130. The State  
3181 Treasurer shall certify to the State Tax Commission on or before  
3182 the fifteenth day of each month the amount to be paid to the  
3183 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws  
3184 of 1938, and subsequent acts authorizing the issuance of bonds  
3185 payable from gasoline, diesel fuel or kerosene tax revenue, on a  
3186 parity with the bonds issued under authority of said Chapter 130;  
3187 and the State Tax Commission shall, on or before the twenty-fifth  
3188 day of each month, pay into the State Treasury for credit to the  
3189 "Highway Bonds Sinking Fund" the amount so certified to him by the  
3190 State Treasurer due to be paid into such fund each month. The  
3191 payments to the "Highway Bonds Sinking Fund" shall be made out of  
3192 gross gasoline, diesel fuel or kerosene tax collections before  
3193 deductions of any nature are considered; however, such payments  
3194 shall be deducted from the allocation to the Transportation  
3195 Department under paragraph (c) of this section.





3196 (ii) From collections derived from the portion of  
3197 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,  
3198 from the portion of the tax on aviation gas under Section 27-55-11  
3199 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the  
3200 portion of the special fuel tax levied under Sections 27-55-519  
3201 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten  
3202 Cents (10¢) per gallon, from the portion of the taxes levied under  
3203 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per  
3204 gallon that exceeds One Cent (1¢) per gallon on special fuel and  
3205 Five and One-fourth Cents (5.25¢) per gallon on special fuel used  
3206 as aircraft fuel, from the portion of the excise tax on compressed  
3207 gas used as a motor fuel that exceeds the rate of tax in effect on  
3208 June 30, 1987, and from the portion of the gasoline excise tax in  
3209 excess of Seven Cents (7¢) per gallon and the diesel excise tax in  
3210 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there  
3211 shall be deducted:

3212 1. An amount as provided in Section  
3213 27-65-75(4) to the credit of a special fund designated as the  
3214 "Office of State Aid Road Construction."

3215 2. An amount equal to the tax collections  
3216 derived from Two Cents (2¢) per gallon of the gasoline excise tax  
3217 for distribution to the State Highway Fund to be used exclusively  
3218 for the construction, reconstruction and maintenance of highways  
3219 of the State of Mississippi or the payment of interest and



3220 principal on bonds when specifically authorized by the Legislature  
3221 for that purpose.

3222                   3. The balance shall be deposited in the  
3223 State Treasury to the credit of the State Highway Fund.

3224                   (b) Subject to the provisions that said basis of  
3225 distribution shall in nowise affect adversely the amount  
3226 specifically pledged in paragraph (a) of this section to be paid  
3227 into the "Highway Bonds Sinking Fund," the following shall be  
3228 deducted from the amount produced by the state tax on gasoline,  
3229 diesel fuel or kerosene tax collections, excluding collections  
3230 derived from the portion of the gasoline excise tax that exceeds  
3231 Seven Cents (7¢) per gallon, from the portion of the tax on  
3232 aviation gas under Section 27-55-11 that exceeds Six and  
3233 Four-tenths Cents (6.4¢) per gallon, from the portion of the  
3234 special fuel tax levied under Sections 27-55-519 and 27-55-521, at  
3235 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per  
3236 gallon, from the portion of the taxes levied under Section  
3237 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds  
3238 One Cent (1¢) per gallon on special fuel and Five and One-fourth  
3239 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,  
3240 from the portion of the excise tax on compressed gas used as a  
3241 motor fuel that exceeds the rate of tax in effect on June 30,  
3242 1987, and from the portion of the gasoline excise tax in excess of  
3243 Seven Cents (7¢) per gallon and the diesel excise tax in excess of  
3244 Ten Cents (10¢) per gallon under Section 27-61-5:



3245 (i) Twenty percent (20%) of such amount which  
3246 shall be earmarked and set aside for the construction,  
3247 reconstruction and maintenance of the highways and roads of the  
3248 state, provided that if such twenty percent (20%) should reduce  
3249 any county to a lesser amount than that received in the fiscal  
3250 year ending June 30, 1966, then such twenty percent (20%) shall be  
3251 reduced to a percentage to provide that no county shall receive  
3252 less than its portion for the fiscal year ending June 30, 1966;

3253 (ii) The amount allowed as refund on gasoline or  
3254 as tax credit on diesel fuel or kerosene used for agricultural,  
3255 maritime, industrial, domestic and nonhighway purposes;

3256 (iii) Five percent (5%) of such amount shall be  
3257 paid to the State Highway Fund;

3258 (iv) The amount or portion thereof authorized by  
3259 legislative appropriation to the Fisheries and Wildlife Fund  
3260 created under Section 59-21-25;

3261 (v) The amount for deposit into the special  
3262 aviation fund under paragraph (d) of this section; and

3263 (vi) The remainder shall be divided on a basis of  
3264 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the  
3265 same basis as Four and One-half Cents (4-1/2¢) and Two and  
3266 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and  
3267 six and forty-three one-hundredths (6.43) and three and  
3268 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel  
3269 fuel or kerosene). The amount produced by the nine-fourteenths



3270 (9/14) division shall be allocated to the Transportation  
3271 Department and paid into the State Treasury as provided in this  
3272 section and in Section 27-5-103 and the five-fourteenths (5/14)  
3273 division shall be returned to the counties of the state on the  
3274 following basis:

3275 1. In each fiscal year, each county shall be  
3276 paid each month the same percentage of the monthly total to be  
3277 distributed as was paid to that county during the same month in  
3278 the fiscal year which ended April 9, 1960, until the county  
3279 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such  
3280 fiscal year, at which time funds shall be distributed under the  
3281 provisions of paragraph (b) (vi)4 of this section.

3282 2. If after payments in 1 above, any county  
3283 has not received a total of One Hundred Ninety Thousand Dollars  
3284 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,  
3285 and each fiscal year thereafter, then any available funds not  
3286 distributed under 1 above shall be used to bring such county or  
3287 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)  
3288 or such funds shall be divided equally among such counties not  
3289 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if  
3290 there is not sufficient money to bring all the counties to said  
3291 One Hundred Ninety Thousand Dollars (\$190,000.00).

3292 3. When a county has been paid an amount  
3293 equal to the total which was paid to the same county during the  
3294 fiscal year ended April 9, 1960, such county shall receive no



3295 further payments during the then current fiscal year until the  
3296 last month of such current fiscal year, at which time distribution  
3297 will be made under 2 above, except as set out in 4 below.

3298                   4. During the last month of the current  
3299 fiscal year, should it be determined that there are funds  
3300 available in excess of the amount distributed for the year under 1  
3301 and 2 above, then such excess funds shall be distributed among the  
3302 various counties as follows:

3303                                   One-third (1/3) of such excess to be  
3304 divided equally among the counties;

3305                                   One-third (1/3) of such excess to be paid  
3306 to the counties in the proportion which the population of each  
3307 county bears to the total population of the state according to the  
3308 last federal census;

3309                                   One-third (1/3) of such excess to be paid  
3310 to the counties in the proportion which the number of square miles  
3311 of each county bears to the total square miles in the state.

3312                   5. It is the declared purpose and intent of  
3313 the Legislature that no county shall be paid less than was paid  
3314 during the year ended April 9, 1960, unless the amount to be  
3315 distributed to all counties in any year is less than the amount  
3316 distributed to all counties during the year ended April 9, 1960.

3317                   The Municipal Aid Fund as established by Section 27-5-103  
3318 shall not participate in any portion of any funds allocated to any



3319 county hereunder over and above One Hundred Ninety Thousand  
3320 Dollars (\$190,000.00).

3321 In any county having road or bridge bonds outstanding which  
3322 exceed, in the aggregate, twelve percent (12%) of the assessed  
3323 valuation of the taxable property of the county, it shall be the  
3324 duty of the board of supervisors to set aside not less than sixty  
3325 percent (60%) of such county's share of the gasoline, diesel fuel  
3326 or kerosene taxes to be used in paying the principal and interest  
3327 on such road or bridge bonds as they mature.

3328 In any county having such road or bridge bonds outstanding  
3329 which exceed, in the aggregate, eight percent (8%) of the assessed  
3330 valuation of the taxable property of the county, but which do not  
3331 exceed, in the aggregate, twelve percent (12%) of the assessed  
3332 valuation of the taxable property of the county, it shall be the  
3333 duty of the board of supervisors to set aside not less than  
3334 thirty-five percent (35%) of such county's share of the gasoline,  
3335 diesel fuel or kerosene taxes to be used in paying the principal  
3336 and interest of such road or bridge bonds as they mature.

3337 In any county having such road or bridge bonds outstanding  
3338 which exceed, in the aggregate, five percent (5%) of the assessed  
3339 valuation of the taxable property of the county, but which do not  
3340 exceed, in the aggregate, eight percent (8%) of the assessed  
3341 valuation of the taxable property of the county, it shall be the  
3342 duty of the board of supervisors to set aside not less than twenty  
3343 percent (20%) of such county's share of the gasoline, diesel fuel



3344 or kerosene taxes to be used in paying the principal and interest  
3345 of such road and bridge bonds as they mature.

3346 In any county having such road or bridge bonds outstanding  
3347 which do not exceed, in the aggregate, five percent (5%) of the  
3348 assessed valuation of the taxable property of the county, it shall  
3349 be the duty of the board of supervisors to set aside not less than  
3350 ten percent (10%) of such county's share of the gasoline, diesel  
3351 fuel or kerosene taxes to be used in paying the principal and  
3352 interest on such road or bridge bonds as they mature.

3353 The portion of any such county's share of the gasoline,  
3354 diesel fuel or kerosene taxes thus set aside for the payment of  
3355 the principal and interest of road or bridge bonds, as provided  
3356 for in this section, shall be used in paying the currently  
3357 maturing installments of the principal and interest of such road  
3358 or bridge bonds, if there be any such road or bridge bonds  
3359 outstanding.

3360 The remaining portion of such county's share of the gasoline,  
3361 diesel fuel or kerosene taxes, after setting aside the portion  
3362 above provided for the payment of the principal and interest of  
3363 bonds, shall be used in the construction and maintenance of any  
3364 public highways, bridges or culverts of the county, in the  
3365 discretion of the board of supervisors.

3366 In any county having no road or bridge bonds outstanding, all  
3367 such county's share of the gasoline, diesel fuel or kerosene taxes  
3368 shall be used in the construction, reconstruction and maintenance



3369 of the public highways, bridges or culverts of the county, as the  
3370 board of supervisors may determine.

3371 In every county in which there are county road bonds or  
3372 seawall or road protection bonds outstanding which were issued for  
3373 the purpose of building bridges or constructing public roads or  
3374 seawalls, such funds shall be used in the manner provided by law.

3375 (c) From the amount produced by the nine-fourteenths  
3376 (9/14) division allocated to the Transportation Department, there  
3377 shall be deducted:

3378 (i) The amount paid to the State Treasurer for the  
3379 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

3380 (ii) Any amounts due counties in accordance with  
3381 Section 65-33-45 which have outstanding bonds issued for seawall  
3382 or road protection purposes, issued under provisions of Chapter  
3383 319, Laws of 1924, and amendments thereto; and

3384 (iii) Except as otherwise provided in Section  
3385 31-17-127, the remainder shall be paid by the State Tax Commission  
3386 to the State Treasurer on the fifteenth day of each month next  
3387 succeeding the month in which the gasoline, diesel fuel or  
3388 kerosene taxes were collected to the credit of the State Highway  
3389 Fund.

3390 The funds allocated for the construction, reconstruction and  
3391 improvement of state highways, bridges and culverts, or so much  
3392 thereof as may be necessary, shall first be used in conjunction  
3393 with funds supplied by the federal government for such purposes





3394 and allocated to the Transportation Department to be expended on  
3395 the state highway system. It is specifically provided hereby that  
3396 the necessary portion of such funds hereinabove allocated to the  
3397 Transportation Department may be used for the prompt payment of  
3398 principal and interest on highway bonds heretofore issued,  
3399 including such bonds issued or to be issued under the provisions  
3400 of Chapter 312, Laws of 1956, and amendments thereto.

3401       Nothing contained in this section shall be construed to  
3402 reduce the amount of such gasoline, diesel fuel or kerosene excise  
3403 taxes levied by the state, allotted under the provisions of Title  
3404 65, Chapter 33, Mississippi Code of 1972, to counties in which  
3405 there are outstanding bonds issued for seawall or road protection  
3406 purposes issued under the provisions of Chapter 319, Laws of 1924,  
3407 and amendments thereto; the amount of said gasoline, diesel fuel  
3408 or kerosene excise taxes designated in this section for the  
3409 payment of bonds and interest authorized and issued or to be  
3410 issued under the provisions of Chapter 130, Laws of 1938, and  
3411 subsequent acts authorizing the issuance of bonds payable from  
3412 gasoline, diesel fuel or kerosene tax revenue, shall, in such  
3413 counties, be considered as being paid "into the State Treasury to  
3414 the credit of the State Highway Fund" within the meaning of  
3415 Section 65-33-45 in computing the amount to be paid to such  
3416 counties under the provisions of said section, and this section  
3417 shall be administered in connection with Title 65, Chapter 33,



3418 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and  
3419 65-33-49 dealing with seawalls, as if made a part of this section.

3420 (d) The proceeds of the Five and One-fourth Cents  
3421 (5.25¢) of the tax per gallon on oils used as a propellant for jet  
3422 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax  
3423 per gallon on aviation gasoline and the tax of One Cent (1¢) per  
3424 gallon for each gallon of gasoline for which a refund has been  
3425 made pursuant to Section 27-55-23 because such gasoline was used  
3426 for aviation purposes, shall be paid to the State Treasury into a  
3427 special fund to be used exclusively, pursuant to legislative  
3428 appropriation, for the support and development of aeronautics as  
3429 defined in Section 61-1-3.

3430 (e) State highway funds in an amount equal to the  
3431 difference between Forty-two Million Dollars (\$42,000,000.00) and  
3432 the annual debt service payable on the state's highway revenue  
3433 refunding bonds, Series 1985, shall be expended for the  
3434 construction or reconstruction of highways designated under the  
3435 highway program created under Section 65-3-97.

3436 (f) "Gasoline, diesel fuel or kerosene taxes" as used  
3437 in this section shall be deemed to mean and include state  
3438 gasoline, diesel fuel or kerosene taxes levied and imposed on  
3439 distributors of gasoline, diesel fuel or kerosene, and all state  
3440 excise taxes derived from any fuel used to propel vehicles upon  
3441 the highways of this state, when levied by any statute.



3442           **SECTION 21.** Section 27-65-75, Mississippi Code of 1972, is  
3443 brought forward as follows:

3444           27-65-75. On or before the fifteenth day of each month, the  
3445 revenue collected under the provisions of this chapter during the  
3446 preceding month shall be paid and distributed as follows:

3447           (1) (a) On or before August 15, 1992, and each succeeding  
3448 month thereafter through July 15, 1993, eighteen percent (18%) of  
3449 the total sales tax revenue collected during the preceding month  
3450 under the provisions of this chapter, except that collected under  
3451 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
3452 business activities within a municipal corporation shall be  
3453 allocated for distribution to the municipality and paid to the  
3454 municipal corporation. Except as otherwise provided in this  
3455 paragraph (a), on or before August 15, 1993, and each succeeding  
3456 month thereafter, eighteen and one-half percent (18-1/2%) of the  
3457 total sales tax revenue collected during the preceding month under  
3458 the provisions of this chapter, except that collected under the  
3459 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and  
3460 27-65-24, on business activities within a municipal corporation  
3461 shall be allocated for distribution to the municipality and paid  
3462 to the municipal corporation. However, in the event the State  
3463 Auditor issues a certificate of noncompliance pursuant to Section  
3464 21-35-31, the Department of Revenue shall withhold ten percent  
3465 (10%) of the allocations and payments to the municipality that  
3466 would otherwise be payable to the municipality under this



3467 paragraph (a) until such time that the department receives written  
3468 notice of the cancellation of a certificate of noncompliance from  
3469 the State Auditor.

3470 A municipal corporation, for the purpose of distributing the  
3471 tax under this subsection, shall mean and include all incorporated  
3472 cities, towns and villages.

3473 Monies allocated for distribution and credited to a municipal  
3474 corporation under this paragraph may be pledged as security for a  
3475 loan if the distribution received by the municipal corporation is  
3476 otherwise authorized or required by law to be pledged as security  
3477 for such a loan.

3478 In any county having a county seat that is not an  
3479 incorporated municipality, the distribution provided under this  
3480 subsection shall be made as though the county seat was an  
3481 incorporated municipality; however, the distribution to the  
3482 municipality shall be paid to the county treasury in which the  
3483 municipality is located, and those funds shall be used for road,  
3484 bridge and street construction or maintenance in the county.

3485 (b) On or before August 15, 2006, and each succeeding  
3486 month thereafter, eighteen and one-half percent (18-1/2%) of the  
3487 total sales tax revenue collected during the preceding month under  
3488 the provisions of this chapter, except that collected under the  
3489 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
3490 business activities on the campus of a state institution of higher  
3491 learning or community or junior college whose campus is not



3492 located within the corporate limits of a municipality, shall be  
3493 allocated for distribution to the state institution of higher  
3494 learning or community or junior college and paid to the state  
3495 institution of higher learning or community or junior college.

3496 (2) On or before September 15, 1987, and each succeeding  
3497 month thereafter, from the revenue collected under this chapter  
3498 during the preceding month, One Million One Hundred Twenty-five  
3499 Thousand Dollars (\$1,125,000.00) shall be allocated for  
3500 distribution to municipal corporations as defined under subsection  
3501 (1) of this section in the proportion that the number of gallons  
3502 of gasoline and diesel fuel sold by distributors to consumers and  
3503 retailers in each such municipality during the preceding fiscal  
3504 year bears to the total gallons of gasoline and diesel fuel sold  
3505 by distributors to consumers and retailers in municipalities  
3506 statewide during the preceding fiscal year. The Department of  
3507 Revenue shall require all distributors of gasoline and diesel fuel  
3508 to report to the department monthly the total number of gallons of  
3509 gasoline and diesel fuel sold by them to consumers and retailers  
3510 in each municipality during the preceding month. The Department  
3511 of Revenue shall have the authority to promulgate such rules and  
3512 regulations as is necessary to determine the number of gallons of  
3513 gasoline and diesel fuel sold by distributors to consumers and  
3514 retailers in each municipality. In determining the percentage  
3515 allocation of funds under this subsection for the fiscal year  
3516 beginning July 1, 1987, and ending June 30, 1988, the Department



3517 of Revenue may consider gallons of gasoline and diesel fuel sold  
3518 for a period of less than one (1) fiscal year. For the purposes  
3519 of this subsection, the term "fiscal year" means the fiscal year  
3520 beginning July 1 of a year.

3521 (3) On or before September 15, 1987, and on or before the  
3522 fifteenth day of each succeeding month, until the date specified  
3523 in Section 65-39-35, the proceeds derived from contractors' taxes  
3524 levied under Section 27-65-21 on contracts for the construction or  
3525 reconstruction of highways designated under the highway program  
3526 created under Section 65-3-97 shall, except as otherwise provided  
3527 in Section 31-17-127, be deposited into the State Treasury to the  
3528 credit of the State Highway Fund to be used to fund that highway  
3529 program. The Mississippi Department of Transportation shall  
3530 provide to the Department of Revenue such information as is  
3531 necessary to determine the amount of proceeds to be distributed  
3532 under this subsection.

3533 (4) On or before August 15, 1994, and on or before the  
3534 fifteenth day of each succeeding month through July 15, 1999, from  
3535 the proceeds of gasoline, diesel fuel or kerosene taxes as  
3536 provided in Section 27-5-101(a)(ii)1, Four Million Dollars  
3537 (\$4,000,000.00) shall be deposited in the State Treasury to the  
3538 credit of a special fund designated as the "State Aid Road Fund,"  
3539 created by Section 65-9-17. On or before August 15, 1999, and on  
3540 or before the fifteenth day of each succeeding month, from the  
3541 total amount of the proceeds of gasoline, diesel fuel or kerosene



3542 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million  
3543 Dollars (\$4,000,000.00) or an amount equal to twenty-three and  
3544 one-fourth percent (23-1/4%) of those funds, whichever is the  
3545 greater amount, shall be deposited in the State Treasury to the  
3546 credit of the "State Aid Road Fund," created by Section 65-9-17.  
3547 Those funds shall be pledged to pay the principal of and interest  
3548 on state aid road bonds heretofore issued under Sections 19-9-51  
3549 through 19-9-77, in lieu of and in substitution for the funds  
3550 previously allocated to counties under this section. Those funds  
3551 may not be pledged for the payment of any state aid road bonds  
3552 issued after April 1, 1981; however, this prohibition against the  
3553 pledging of any such funds for the payment of bonds shall not  
3554 apply to any bonds for which intent to issue those bonds has been  
3555 published for the first time, as provided by law before March 29,  
3556 1981. From the amount of taxes paid into the special fund under  
3557 this subsection and subsection (9) of this section, there shall be  
3558 first deducted and paid the amount necessary to pay the expenses  
3559 of the Office of State Aid Road Construction, as authorized by the  
3560 Legislature for all other general and special fund agencies. The  
3561 remainder of the fund shall be allocated monthly to the several  
3562 counties in accordance with the following formula:

3563 (a) One-third (1/3) shall be allocated to all counties  
3564 in equal shares;

3565 (b) One-third (1/3) shall be allocated to counties  
3566 based on the proportion that the total number of rural road miles



3567 in a county bears to the total number of rural road miles in all  
3568 counties of the state; and

3569 (c) One-third (1/3) shall be allocated to counties  
3570 based on the proportion that the rural population of the county  
3571 bears to the total rural population in all counties of the state,  
3572 according to the latest federal decennial census.

3573 For the purposes of this subsection, the term "gasoline,  
3574 diesel fuel or kerosene taxes" means such taxes as defined in  
3575 paragraph (f) of Section 27-5-101.

3576 The amount of funds allocated to any county under this  
3577 subsection for any fiscal year after fiscal year 1994 shall not be  
3578 less than the amount allocated to the county for fiscal year 1994.

3579 Any reference in the general laws of this state or the  
3580 Mississippi Code of 1972 to Section 27-5-105 shall mean and be  
3581 construed to refer and apply to subsection (4) of Section  
3582 27-65-75.

3583 (5) One Million Six Hundred Sixty-six Thousand Six Hundred  
3584 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into  
3585 the special fund known as the "State Public School Building Fund"  
3586 created and existing under the provisions of Sections 37-47-1  
3587 through 37-47-67. Those payments into that fund are to be made on  
3588 the last day of each succeeding month hereafter.

3589 (6) An amount each month beginning August 15, 1983, through  
3590 November 15, 1986, as specified in Section 6 of Chapter 542, Laws  
3591 of 1983, shall be paid into the special fund known as the





3592 Correctional Facilities Construction Fund created in Section 6 of  
3593 Chapter 542, Laws of 1983.

3594 (7) On or before August 15, 1992, and each succeeding month  
3595 thereafter through July 15, 2000, two and two hundred sixty-six  
3596 one-thousandths percent (2.266%) of the total sales tax revenue  
3597 collected during the preceding month under the provisions of this  
3598 chapter, except that collected under the provisions of Section  
3599 27-65-17(2), shall be deposited by the department into the School  
3600 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On  
3601 or before August 15, 2000, and each succeeding month thereafter,  
3602 two and two hundred sixty-six one-thousandths percent (2.266%) of  
3603 the total sales tax revenue collected during the preceding month  
3604 under the provisions of this chapter, except that collected under  
3605 the provisions of Section 27-65-17(2), shall be deposited into the  
3606 School Ad Valorem Tax Reduction Fund created under Section  
3607 37-61-35 until such time that the total amount deposited into the  
3608 fund during a fiscal year equals Forty-two Million Dollars  
3609 (\$42,000,000.00). Thereafter, the amounts diverted under this  
3610 subsection (7) during the fiscal year in excess of Forty-two  
3611 Million Dollars (\$42,000,000.00) shall be deposited into the  
3612 Education Enhancement Fund created under Section 37-61-33 for  
3613 appropriation by the Legislature as other education needs and  
3614 shall not be subject to the percentage appropriation requirements  
3615 set forth in Section 37-61-33.



3616 (8) On or before August 15, 1992, and each succeeding month  
3617 thereafter, nine and seventy-three one-thousandths percent  
3618 (9.073%) of the total sales tax revenue collected during the  
3619 preceding month under the provisions of this chapter, except that  
3620 collected under the provisions of Section 27-65-17(2), shall be  
3621 deposited into the Education Enhancement Fund created under  
3622 Section 37-61-33.

3623 (9) On or before August 15, 1994, and each succeeding month  
3624 thereafter, from the revenue collected under this chapter during  
3625 the preceding month, Two Hundred Fifty Thousand Dollars  
3626 (\$250,000.00) shall be paid into the State Aid Road Fund.

3627 (10) On or before August 15, 1994, and each succeeding month  
3628 thereafter through August 15, 1995, from the revenue collected  
3629 under this chapter during the preceding month, Two Million Dollars  
3630 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
3631 Valorem Tax Reduction Fund established in Section 27-51-105.

3632 (11) Notwithstanding any other provision of this section to  
3633 the contrary, on or before February 15, 1995, and each succeeding  
3634 month thereafter, the sales tax revenue collected during the  
3635 preceding month under the provisions of Section 27-65-17(2) and  
3636 the corresponding levy in Section 27-65-23 on the rental or lease  
3637 of private carriers of passengers and light carriers of property  
3638 as defined in Section 27-51-101 shall be deposited, without  
3639 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund  
3640 established in Section 27-51-105.



3641 (12) Notwithstanding any other provision of this section to  
3642 the contrary, on or before August 15, 1995, and each succeeding  
3643 month thereafter, the sales tax revenue collected during the  
3644 preceding month under the provisions of Section 27-65-17(1) on  
3645 retail sales of private carriers of passengers and light carriers  
3646 of property, as defined in Section 27-51-101 and the corresponding  
3647 levy in Section 27-65-23 on the rental or lease of these vehicles,  
3648 shall be deposited, after diversion, into the Motor Vehicle Ad  
3649 Valorem Tax Reduction Fund established in Section 27-51-105.

3650 (13) On or before July 15, 1994, and on or before the  
3651 fifteenth day of each succeeding month thereafter, that portion of  
3652 the avails of the tax imposed in Section 27-65-22 that is derived  
3653 from activities held on the Mississippi State Fairgrounds Complex  
3654 shall be paid into a special fund that is created in the State  
3655 Treasury and shall be expended upon legislative appropriation  
3656 solely to defray the costs of repairs and renovation at the Trade  
3657 Mart and Coliseum.

3658 (14) On or before August 15, 1998, and each succeeding month  
3659 thereafter through July 15, 2005, that portion of the avails of  
3660 the tax imposed in Section 27-65-23 that is derived from sales by  
3661 cotton compresses or cotton warehouses and that would otherwise be  
3662 paid into the General Fund shall be deposited in an amount not to  
3663 exceed Two Million Dollars (\$2,000,000.00) into the special fund  
3664 created under Section 69-37-39. On or before August 15, 2007, and  
3665 each succeeding month thereafter through July 15, 2010, that



3666 portion of the avails of the tax imposed in Section 27-65-23 that  
3667 is derived from sales by cotton compresses or cotton warehouses  
3668 and that would otherwise be paid into the General Fund shall be  
3669 deposited in an amount not to exceed Two Million Dollars  
3670 (\$2,000,000.00) into the special fund created under Section  
3671 69-37-39 until all debts or other obligations incurred by the  
3672 Certified Cotton Growers Organization under the Mississippi Boll  
3673 Weevil Management Act before January 1, 2007, are satisfied in  
3674 full. On or before August 15, 2010, and each succeeding month  
3675 thereafter through July 15, 2011, fifty percent (50%) of that  
3676 portion of the avails of the tax imposed in Section 27-65-23 that  
3677 is derived from sales by cotton compresses or cotton warehouses  
3678 and that would otherwise be paid into the General Fund shall be  
3679 deposited into the special fund created under Section 69-37-39  
3680 until such time that the total amount deposited into the fund  
3681 during a fiscal year equals One Million Dollars (\$1,000,000.00).  
3682 On or before August 15, 2011, and each succeeding month  
3683 thereafter, that portion of the avails of the tax imposed in  
3684 Section 27-65-23 that is derived from sales by cotton compresses  
3685 or cotton warehouses and that would otherwise be paid into the  
3686 General Fund shall be deposited into the special fund created  
3687 under Section 69-37-39 until such time that the total amount  
3688 deposited into the fund during a fiscal year equals One Million  
3689 Dollars (\$1,000,000.00).



3690 (15) Notwithstanding any other provision of this section to  
3691 the contrary, on or before September 15, 2000, and each succeeding  
3692 month thereafter, the sales tax revenue collected during the  
3693 preceding month under the provisions of Section  
3694 27-65-19(1) (d) (i)2, and 27-65-19(1) (d) (i)3 shall be deposited,  
3695 without diversion, into the Telecommunications Ad Valorem Tax  
3696 Reduction Fund established in Section 27-38-7.

3697 (16) (a) On or before August 15, 2000, and each succeeding  
3698 month thereafter, the sales tax revenue collected during the  
3699 preceding month under the provisions of this chapter on the gross  
3700 proceeds of sales of a project as defined in Section 57-30-1 shall  
3701 be deposited, after all diversions except the diversion provided  
3702 for in subsection (1) of this section, into the Sales Tax  
3703 Incentive Fund created in Section 57-30-3.

3704 (b) On or before August 15, 2007, and each succeeding  
3705 month thereafter, eighty percent (80%) of the sales tax revenue  
3706 collected during the preceding month under the provisions of this  
3707 chapter from the operation of a tourism project under the  
3708 provisions of Sections 57-26-1 through 57-26-5, shall be  
3709 deposited, after the diversions required in subsections (7) and  
3710 (8) of this section, into the Tourism Project Sales Tax Incentive  
3711 Fund created in Section 57-26-3.

3712 (17) Notwithstanding any other provision of this section to  
3713 the contrary, on or before April 15, 2002, and each succeeding  
3714 month thereafter, the sales tax revenue collected during the



3715 preceding month under Section 27-65-23 on sales of parking  
3716 services of parking garages and lots at airports shall be  
3717 deposited, without diversion, into the special fund created under  
3718 Section 27-5-101(d).

3719 (18) [Repealed]

3720 (19) (a) On or before August 15, 2005, and each succeeding  
3721 month thereafter, the sales tax revenue collected during the  
3722 preceding month under the provisions of this chapter on the gross  
3723 proceeds of sales of a business enterprise located within a  
3724 redevelopment project area under the provisions of Sections  
3725 57-91-1 through 57-91-11, and the revenue collected on the gross  
3726 proceeds of sales from sales made to a business enterprise located  
3727 in a redevelopment project area under the provisions of Sections  
3728 57-91-1 through 57-91-11 (provided that such sales made to a  
3729 business enterprise are made on the premises of the business  
3730 enterprise), shall, except as otherwise provided in this  
3731 subsection (19), be deposited, after all diversions, into the  
3732 Redevelopment Project Incentive Fund as created in Section  
3733 57-91-9.

3734 (b) For a municipality participating in the Economic  
3735 Redevelopment Act created in Sections 57-91-1 through 57-91-11,  
3736 the diversion provided for in subsection (1) of this section  
3737 attributable to the gross proceeds of sales of a business  
3738 enterprise located within a redevelopment project area under the  
3739 provisions of Sections 57-91-1 through 57-91-11, and attributable



3740 to the gross proceeds of sales from sales made to a business  
3741 enterprise located in a redevelopment project area under the  
3742 provisions of Sections 57-91-1 through 57-91-11 (provided that  
3743 such sales made to a business enterprise are made on the premises  
3744 of the business enterprise), shall be deposited into the  
3745 Redevelopment Project Incentive Fund as created in Section  
3746 57-91-9, as follows:

3747                   (i) For the first six (6) years in which payments  
3748 are made to a developer from the Redevelopment Project Incentive  
3749 Fund, one hundred percent (100%) of the diversion shall be  
3750 deposited into the fund;

3751                   (ii) For the seventh year in which such payments  
3752 are made to a developer from the Redevelopment Project Incentive  
3753 Fund, eighty percent (80%) of the diversion shall be deposited  
3754 into the fund;

3755                   (iii) For the eighth year in which such payments  
3756 are made to a developer from the Redevelopment Project Incentive  
3757 Fund, seventy percent (70%) of the diversion shall be deposited  
3758 into the fund;

3759                   (iv) For the ninth year in which such payments are  
3760 made to a developer from the Redevelopment Project Incentive Fund,  
3761 sixty percent (60%) of the diversion shall be deposited into the  
3762 fund; and



3763 (v) For the tenth year in which such payments are  
3764 made to a developer from the Redevelopment Project Incentive Fund,  
3765 fifty percent (50%) of the funds shall be deposited into the fund.

3766 (20) On or before January 15, 2007, and each succeeding  
3767 month thereafter, eighty percent (80%) of the sales tax revenue  
3768 collected during the preceding month under the provisions of this  
3769 chapter from the operation of a tourism project under the  
3770 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,  
3771 after the diversions required in subsections (7) and (8) of this  
3772 section, into the Tourism Sales Tax Incentive Fund created in  
3773 Section 57-28-3.

3774 (21) (a) On or before April 15, 2007, and each succeeding  
3775 month thereafter through June 15, 2013, One Hundred Fifty Thousand  
3776 Dollars (\$150,000.00) of the sales tax revenue collected during  
3777 the preceding month under the provisions of this chapter shall be  
3778 deposited into the MMEIA Tax Incentive Fund created in Section  
3779 57-101-3.

3780 (b) On or before July 15, 2013, and each succeeding  
3781 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)  
3782 of the sales tax revenue collected during the preceding month  
3783 under the provisions of this chapter shall be deposited into the  
3784 Mississippi Development Authority Job Training Grant Fund created  
3785 in Section 57-1-451.

3786 (22) Notwithstanding any other provision of this section to  
3787 the contrary, on or before August 15, 2009, and each succeeding



3788 month thereafter, the sales tax revenue collected during the  
3789 preceding month under the provisions of Section 27-65-201 shall be  
3790 deposited, without diversion, into the Motor Vehicle Ad Valorem  
3791 Tax Reduction Fund established in Section 27-51-105.

3792 (23) The remainder of the amounts collected under the  
3793 provisions of this chapter shall be paid into the State Treasury  
3794 to the credit of the General Fund.

3795 (24) (a) It shall be the duty of the municipal officials of  
3796 any municipality that expands its limits, or of any community that  
3797 incorporates as a municipality, to notify the commissioner of that  
3798 action thirty (30) days before the effective date. Failure to so  
3799 notify the commissioner shall cause the municipality to forfeit  
3800 the revenue that it would have been entitled to receive during  
3801 this period of time when the commissioner had no knowledge of the  
3802 action.

3803 (b) (i) Except as otherwise provided in subparagraph  
3804 (ii) of this paragraph, if any funds have been erroneously  
3805 disbursed to any municipality or any overpayment of tax is  
3806 recovered by the taxpayer, the commissioner may make correction  
3807 and adjust the error or overpayment with the municipality by  
3808 withholding the necessary funds from any later payment to be made  
3809 to the municipality.

3810 (ii) Subject to the provisions of Sections  
3811 27-65-51 and 27-65-53, if any funds have been erroneously  
3812 disbursed to a municipality under subsection (1) of this section



3813 for a period of three (3) years or more, the maximum amount that  
3814 may be recovered or withheld from the municipality is the total  
3815 amount of funds erroneously disbursed for a period of three (3)  
3816 years beginning with the date of the first erroneous disbursement.  
3817 However, if during such period, a municipality provides written  
3818 notice to the Department of Revenue indicating the erroneous  
3819 disbursement of funds, then the maximum amount that may be  
3820 recovered or withheld from the municipality is the total amount of  
3821 funds erroneously disbursed for a period of one (1) year beginning  
3822 with the date of the first erroneous disbursement.

3823 **SECTION 22.** Section 65-39-35, Mississippi Code of 1972, is  
3824 brought forward as follows:

3825 65-39-35. The date upon which the taxes and fees levied and  
3826 charged under the provisions of Sections 27-55-11, 27-57-37,  
3827 27-59-11, 27-19-43, 27-19-309, 27-65-75, and Sections 27-55-519  
3828 and 27-55-521 are reduced under such sections shall be the first  
3829 day of the month immediately following the date upon which:

3830 (a) The Mississippi Transportation Commission certifies  
3831 to the State Tax Commission that:

3832 (i) The highway program created under Section  
3833 65-3-97 and the Gaming Counties Infrastructure Program created  
3834 under Section 65-39-3, are completed and no funds are any longer  
3835 necessary to pay the costs of such programs; and

3836 (ii) The Mississippi Transportation Commission  
3837 will not declare the necessity for additional borrowings under



3838 Section 65-9-27, or for additional bonds under Sections 65-39-5  
3839 through 65-39-33; and

3840 (b) The State Treasurer certifies:

3841 (i) That the amount on deposit in the Gaming  
3842 Counties Bond Sinking Fund, together with earnings on investments  
3843 to accrue to such fund, is equal to or greater than the aggregate  
3844 of the entire principal, redemption premium (if any), and interest  
3845 due and to become due (until the final maturity date or earlier  
3846 scheduled redemption date) on all general obligation bonds issued  
3847 under Sections 65-39-5 through 65-39-33; and

3848 (ii) That all principal, interest, cost and other  
3849 expenses for all bonds, notes or other borrowings under Section  
3850 65-9-27 and Section 31-17-127 (including redemption notes, if any)  
3851 have been paid and are completely satisfied.

3852 **SECTION 23.** This act shall take effect and be in force from  
3853 and after July 1, 2017.

