

By: Representatives Denny, Dixon

To: Appropriations

HOUSE BILL NO. 1226

1 AN ACT TO CREATE THE CAPITOL COMPLEX IMPROVEMENT DISTRICT; TO
2 ESTABLISH THE BOARD OF DIRECTORS OF THE CAPITOL COMPLEX
3 IMPROVEMENT DISTRICT TO IMPLEMENT AND SUPERVISE CERTAIN
4 IMPROVEMENT PROJECTS WITHIN SUCH DISTRICT; TO AUTHORIZE THE BOARD
5 OF DIRECTORS TO EMPLOY AN EXECUTIVE DIRECTOR WHO SHALL BE THE
6 CHIEF EXECUTIVE OFFICER OF THE BOARD AND ADMINISTER THE DAY-TO-DAY
7 ACTIVITIES OF THE DISTRICT; TO AUTHORIZE THE EXECUTIVE DIRECTOR,
8 SUBJECT TO APPROVAL OF THE BOARD OF DIRECTORS, TO EMPLOY PERSONS
9 AS HE OR SHE CONSIDERS NECESSARY FOR THE PROPER CONDUCT OF BOARD
10 BUSINESS; TO CREATE THE CAPITOL COMPLEX IMPROVEMENT DISTRICT
11 PROJECT ADVISORY COMMITTEE; TO PROVIDE THAT THE BOARD OF DIRECTORS
12 SHALL DEVELOP A COMPREHENSIVE PLAN FOR IMPROVEMENT PROJECTS IN THE
13 DISTRICT IN CONSULTATION WITH THE CAPITOL COMPLEX IMPROVEMENT
14 DISTRICT PROJECT ADVISORY COMMITTEE; TO PROVIDE THAT SUCH PLAN
15 SHALL ATTEMPT TO INCORPORATE THE NEEDS OF THE CITY OF JACKSON, THE
16 DEPARTMENT OF FINANCE AND ADMINISTRATION, JACKSON STATE
17 UNIVERSITY, THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER AND THE
18 MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY; TO PROVIDE THAT
19 ANY PLAN ADOPTED BY THE BOARD OF DIRECTORS MUST BE APPROVED BY THE
20 GOVERNING AUTHORITIES OF THE CITY OF JACKSON; TO REQUIRE
21 IMPROVEMENT PROJECTS UNDERTAKEN UNDER THIS ACT TO COMPORT WITH THE
22 PLAN; TO PROVIDE THAT THE PLAN MAY BE UPDATED AT ANY TIME AND
23 SHALL BE COMPLETELY UPDATED EVERY FIVE YEARS; TO CREATE THE
24 CAPITOL COMPLEX IMPROVEMENT DISTRICT PROJECT FUND, INTO WHICH
25 SHALL BE DEPOSITED THE MONEY SPECIFIED IN SECTION 27-65-75,
26 MISSISSIPPI CODE OF 1972, AND SUCH OTHER MONEY AS THE LEGISLATURE
27 MAY PROVIDE BY APPROPRIATION; TO PROVIDE THAT AN AMOUNT NOT TO
28 EXCEED FIVE PERCENT OF THE AMOUNT DEPOSITED INTO THE FUND MAY BE
29 UTILIZED TO FUND THE ADMINISTRATIVE EXPENSES OF THE DISTRICT; TO
30 PROVIDE THAT AN AMOUNT OF NOT LESS THAN 95% OF THE AMOUNT
31 DEPOSITED INTO THE FUND SHALL BE UTILIZED WITHIN THE DISTRICT FOR
32 IMPROVEMENT PROJECTS; TO PROVIDE THAT THE CITY OF JACKSON SHALL
33 PROVIDE POLICE COVERAGE FOR MAJOR EVENTS CONDUCTED WITHIN THE
34 DISTRICT AND SHALL MAINTAIN ALL INFRASTRUCTURE AND COMPLETED



35 IMPROVEMENT PROJECTS WITHIN THE DISTRICT; TO AMEND SECTION
36 29-5-77, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT
37 OF FINANCE AND ADMINISTRATION SHALL HAVE JURISDICTION RELATIVE TO
38 THE ENFORCEMENT OF ALL LAWS OF THE STATE OF MISSISSIPPI WITHIN THE
39 BOUNDARIES OF THE CAPITOL COMPLEX IMPROVEMENT DISTRICT; TO AMEND
40 SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO DIVERT 12-1/2% OF
41 THE TOTAL SALES TAX REVENUE COLLECTED ON BUSINESS ACTIVITIES
42 WITHIN THE CITY OF JACKSON AND TO DISTRIBUTE 15% OF THE REVENUE SO
43 COLLECTED TO THE CITY OF JACKSON TO COMPENSATE THE CITY FOR
44 GENERAL POLICE AND FIRE PROTECTION PROVIDED BY THE CITY IN THE
45 CAPITOL COMPLEX IMPROVEMENT DISTRICT AND FOR POLICE COVERAGE FOR
46 MAJOR EVENTS CONDUCTED WITHIN SUCH DISTRICT, AND TO PROVIDE THAT
47 THE REMAINDER OF SUCH REVENUE SO COLLECTED SHALL BE DEPOSITED INTO
48 THE CAPITOL COMPLEX IMPROVEMENT DISTRICT PROJECT FUND; TO BRING
49 FORWARD SECTIONS 57-67-1 THROUGH 57-67-39, MISSISSIPPI CODE OF
50 1972, WHICH ARE THE MISSISSIPPI SUPERCONDUCTING SUPER COLLIDER
51 ACT, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

53 **SECTION 1.** As used in Sections 1 through 10 of this act:

54 (a) "Board" means the Board of Directors of the Capitol
55 Complex Improvement District.

56 (b) "District" means the Capitol Complex Improvement
57 District.

58 (c) "Improvement projects" means the following types of
59 projects in the public areas of the district:

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

62 (ii) Bridge construction, reconstruction and
63 repair;

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

67 (iv) Installing and replacing street lighting;

68 (v) Installing and replacing traffic signals;



69 (vi) Installation of new water and sewer lines and
70 rehabilitation of existing water and sewer lines;

71 (vii) Reconstruction and repair of parks,
72 cemeteries and public rights-of-way;

73 (viii) Reconstruction and repair of sidewalks
74 along public streets;

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

77 (x) Constructing, reconstruction and repairing of
78 city-owned buildings used for public performances and the arts;
79 and

80 (xi) Placing above-ground utilities underground.

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

85 CAPITOL COMPLEX PROPOSED BOUNDARIES

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

89 • Then north along the west bank of the Pearl River
90 (extending along the southern boundary of LeFleurs Bluff State
91 Park) until it reaches a point on such bank determined by
92 extending the east curb line of Ridgewood Road south until it
93 meets the bank of the Pearl River;



94 • Then north along such line determined by extending the
95 east curb line of Ridgewood Road and continuing along such curb
96 line until it reaches the northern drainage ditch of Eastover
97 Drive;

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

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

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

105 • Then north along the east curb line of Old Canton Road
106 until it reaches the northern curb line of Duling Avenue;

107 • Then west along the north curb line of Duling Avenue to
108 the east curb line of North State Street;

109 • Then north along the east curb line of North State Street
110 to the south curb line of Hartfield Street;

111 • Then west along the south curb line of Hartfield Street to
112 the east curb line of Oxford Avenue;

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

115 • Then west along the north curb line of Mitchell Street and
116 then Stonewall Street until it reaches the west curb line of
117 Livingston Road;



118 • Then south along the west curb line of Livingston Road
119 until it reaches the south curb line of Woodrow Wilson Drive;
120 • Then east along the south curb line of Woodrow Wilson
121 Drive to the west curb line of Bailey Avenue (which becomes
122 Gallatin Street);
123 • Then south along the west curb line of Bailey Avenue and
124 then Gallatin Street until it reaches the north curb line of West
125 Pearl Street which becomes Dr. Robert Smith Sr. Parkway;
126 • Then west along the north curb line of Pearl Street and
127 then Dr. Robert Smith Sr. Parkway until it intersects with the
128 north curb line of John R. Lynch Street on the west side of
129 Jackson State University;
130 • Then west on the north curb line of John R. Lynch Street
131 until it reaches the west curb line of Valley Street;
132 • Then south along the west curb line of Valley Street until
133 it reaches the south curb line of Morehouse Street;
134 • Then east along the south curb line of Morehouse Street
135 until it reaches the west curb line of Dalton Street;
136 • Then south along the west curb line of Dalton Street until
137 it reaches the south curb line of Florence Avenue;
138 • Then east along the south curb line of Florence Avenue
139 until it reaches the east curb line of University Blvd. (Terry
140 Road);
141 • Then north and along the east curb line of University
142 Blvd. until it reaches the south curb line of Hooker Street;



143 • Then east along the south curb line of Hooker Street
144 extending in a straight line to the railroad tracks;
145 • Then north on the west side of such railroad tracks to the
146 south curb line of South Street;
147 • Then east on South Street to the east curb line of
148 Jefferson Street and extend the south curb line of South Street in
149 a straight line to the east to the western edge of I-55;
150 • Then north along the western edge of I-55 until it reaches
151 the south curb line of High Street;
152 • Then east along the south curb line of High Street and
153 extending such line to the Pearl River and the point of the
154 beginning.

155 **SECTION 3.** (1) There is created the Board of Directors of
156 the Capitol Complex Improvement District which shall be composed
157 of five (5) members, two (2) of whom shall be residents of Hinds
158 County and three (3) of whom shall be residents of Hinds, Rankin
159 or Madison Counties, appointed as follows:

160 (a) Two (2) members shall be appointed by the Governor,
161 with the advice and consent of the Senate, one (1) for an initial
162 term of three (3) years and one (1) for an initial term of one (1)
163 year;

164 (b) Two (2) members shall be appointed by the
165 Lieutenant Governor, with the advice and consent of the Senate,
166 one (1) of whom shall be a resident of Hinds County for an initial



167 term of two (2) years and one (1) for an initial term of one (1)
168 year; and

169 (c) One (1) member who shall be a resident of Hinds
170 County shall be appointed by the Mayor of the City of Jackson,
171 with the advise and consent of the Senate, for an initial term of
172 two (2) years.

173 After the initial terms, the terms of the board shall be for
174 three (3) years and until their successors are appointed and
175 qualified. Members to fill vacancies shall be appointed by the
176 appropriate appointing authority for the unexpired term.

177 **SECTION 4.** (1) Each person appointed as a member of the
178 board of directors shall qualify by taking the oath prescribed by
179 the Constitution for state officers and file a certificate thereof
180 in the Office of the Secretary of State within fifteen (15) days
181 after his or her appointment.

182 (2) There shall be a chairman of the board and such other
183 officers considered necessary by the board elected by and from its
184 membership.

185 (3) The board shall meet at least once quarterly to conduct
186 business, and may meet at such additional times as it may consider
187 necessary. Additional meetings may be called by the chairman of
188 the board or a majority of the members of the board.

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



192 (5) Each member of the board shall receive per diem
193 compensation as provided in Section 25-3-69 for attendance at
194 board meetings, together with necessary travel and other expenses
195 incurred in the discharge of his or her duties as a board member.

196 (6) The board shall implement and supervise projects
197 financed, in whole or in part, with funds from the Capitol Complex
198 Improvement District Project Fund.

199 (7) The board may borrow money to finance improvement
200 projects; however, not more than twenty-five percent (25%) of the
201 improvement project funds deposited in the Capitol Complex
202 Improvement District Project Fund in any fiscal year may be
203 utilized to pay principal, interest and other incidental expenses
204 incurred in connection with the debt. Any debt incurred under
205 this subsection shall mature not longer than five (5) years after
206 the date of issuance.

207 **SECTION 5.** (1) The board may employ an executive director
208 who shall be the chief executive officer of the board and
209 administer the day-to-day activities of the district. The
210 executive director shall receive a salary set by the board subject
211 to approval by the State Personnel Board.

212 (2) The executive director, subject to approval of the
213 board, may employ persons as he or she considers necessary for the
214 proper conduct of board business.



215 (3) Other duties and responsibilities of the executive
216 director shall be defined by rules and regulations prescribed by
217 the board.

218 **SECTION 6.** The Department of Finance and Administration
219 shall provide necessary office space for the district and may
220 provide such personnel and services as requested by the board.
221 The board shall reimburse the Department of Finance and
222 Administration the cost of providing such personnel and services.

223 **SECTION 7.** (1) There is created the Capitol Complex
224 Improvement District Project Advisory Committee composed of the
225 following eleven (11) members:

226 (a) Three (3) members appointed by the Mayor of the
227 City of Jackson;

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

229 (c) One (1) member appointed by the Lieutenant
230 Governor;

231 (d) One (1) member appointed by the Speaker of the
232 House of Representatives;

233 (e) One (1) member appointed by the President of
234 Jackson State University;

235 (f) One (1) member appointed by the Vice Chancellor for
236 Health Affairs of University of Mississippi Medical Center;

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



239 (h) The Executive Director of the Department of Finance
240 and Administration.

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

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

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

248 (5) The committee shall consult with the board and advise
249 them in the development of comprehensive plans for improvement
250 projects in the district and any changes to such plans.

251 **SECTION 8.** The board shall develop a comprehensive plan for
252 improvement projects in the district in consultation with the
253 Capitol Complex Improvement District Project Advisory Committee.
254 The plan shall attempt to incorporate the needs of the City of
255 Jackson, the Department of Finance and Administration, Jackson
256 State University, the University of Mississippi Medical Center and
257 the Mississippi Department of Archives and History. Any plan
258 adopted by the board must be approved by the governing authorities
259 of the City of Jackson. Improvement projects undertaken under
260 Sections 1 through 10 of this act shall comport with the plan.
261 The plan may be updated at any time and shall be completely
262 updated every five (5) years.



263 **SECTION 9.** (1) There is created in the State Treasury the
264 Capitol Complex Improvement District Project Fund, into which
265 shall be deposited the money specified in Section 27-65-75(1)(c)
266 and such other money as the Legislature may provide by
267 appropriation.

268 (2) An amount not to exceed five percent (5%) of the amount
269 deposited into the fund may be utilized to fund salaries and
270 benefits of employees of the district and other administrative
271 expenses of the district approved by the board.

272 (3) An amount of not less than ninety-five percent (95%) of
273 the amount deposited into the fund, which shall be designated as
274 "improvement project funds," shall be utilized within the district
275 for improvement projects. In addition to fully funding
276 improvement projects, money in the fund may be utilized to fund a
277 portion of an improvement project in cases in which other funds
278 are available for a project and may be used as leverage or
279 matching funds for projects in the district that comport with the
280 district's comprehensive plan.

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

286 **SECTION 10.** (1) The City of Jackson shall provide police
287 coverage for major events conducted within the district.



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

290 **SECTION 11.** Section 29-5-77, Mississippi Code of 1972, is
291 amended as follows:

292 29-5-77. (1) The Department of Finance and Administration
293 shall have jurisdiction relative to the enforcement of all laws of
294 the State of Mississippi on the properties, from curb to curb
295 including adjoining streets, sidewalks and leased parking lots
296 within the Capitol complex, set forth in Section 29-5-2, the Court
297 of Appeals Building, the Mississippi Department of Transportation
298 Building and the Public Employees' Retirement System Building, and
299 any property purchased, constructed or otherwise acquired by the
300 State of Mississippi for conducting state business and not
301 specifically under the supervision and care by any other state
302 entity, but which is reasonably assumed the department would be
303 responsible for such, as approved by the Public Procurement Review
304 Board. The Department of Finance and Administration shall,
305 through any person or persons appointed by the Department of
306 Finance and Administration, or through the Department of Public
307 Safety when requested by the Department of Finance and
308 Administration, make arrests for any violation of any law of the
309 State of Mississippi on those grounds of or within those
310 properties. The Department of Finance and Administration shall
311 enforce the provisions of Sections 29-5-57 through 29-5-67,



312 29-5-71 through 29-5-77, and 29-5-81 through 29-5-95, and
313 prescribe such rules and regulations as are necessary therefor.

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

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

333 (4) (a) The Department of Finance and Administration and
334 the Department of Agriculture are authorized to enter into a
335 contract for the Department of Finance and Administration to have
336 jurisdiction and enforce all laws of the State of Mississippi on



337 the property of the Department of Agriculture located at 121 North
338 Jefferson Street and the new Farmer's Market Building located at
339 the corner of High and Jefferson Streets in the City of Jackson,
340 Hinds County, Mississippi. It is the intent of the Legislature
341 that the Department of Finance and Administration will not post
342 any security personnel at such buildings, but will provide regular
343 vehicle patrols and responses to security system alarms.

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

357 (5) The Department of Finance and Administration and the
358 Department of Revenue are authorized to enter into a contract for
359 the Department of Finance and Administration to supply the
360 security personnel with jurisdiction to enforce all laws of the



361 State of Mississippi at the Alcoholic Beverage Control facility
362 and the Department of Revenue main office.

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

378 **SECTION 12.** Section 27-65-75, Mississippi Code of 1972, is
379 amended as follows:

380 27-65-75. On or before the fifteenth day of each month, the
381 revenue collected under the provisions of this chapter during the
382 preceding month shall be paid and distributed as follows:

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



386 under the provisions of this chapter, except that collected under
387 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
388 business activities within a municipal corporation shall be
389 allocated for distribution to the municipality and paid to the
390 municipal corporation. Except as otherwise provided in this
391 paragraph (a), on or before August 15, 1993, and each succeeding
392 month thereafter, eighteen and one-half percent (18-1/2%) of the
393 total sales tax revenue collected during the preceding month under
394 the provisions of this chapter, except that collected under the
395 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
396 27-65-24, on business activities within a municipal corporation
397 shall be allocated for distribution to the municipality and paid
398 to the municipal corporation. However, in the event the State
399 Auditor issues a certificate of noncompliance pursuant to Section
400 21-35-31, the Department of Revenue shall withhold ten percent
401 (10%) of the allocations and payments to the municipality that
402 would otherwise be payable to the municipality under this
403 paragraph (a) until such time that the department receives written
404 notice of the cancellation of a certificate of noncompliance from
405 the State Auditor.

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

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



411 loan if the distribution received by the municipal corporation is
412 otherwise authorized or required by law to be pledged as security
413 for such a loan.

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

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

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



436 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
437 27-65-24, on business activities within the corporate limits of
438 the City of Jackson, Mississippi, shall be allocated for
439 distribution as follows:

440 (i) Fifteen percent (15%) of the revenue so
441 collected shall be allocated for distribution to the City of
442 Jackson, Mississippi, to compensate the city for general police
443 and fire protection provided by the city in the Capitol Complex
444 Improvement District created in Section 2 of this act and for
445 police coverage for major events conducted within such district;
446 and

447 (ii) The remainder of such revenue shall be
448 deposited into the Capitol Complex Improvement District Project
449 Fund created in Section 9 of this act.

450 (2) On or before September 15, 1987, and each succeeding
451 month thereafter, from the revenue collected under this chapter
452 during the preceding month, One Million One Hundred Twenty-five
453 Thousand Dollars (\$1,125,000.00) shall be allocated for
454 distribution to municipal corporations as defined under subsection
455 (1) of this section in the proportion that the number of gallons
456 of gasoline and diesel fuel sold by distributors to consumers and
457 retailers in each such municipality during the preceding fiscal
458 year bears to the total gallons of gasoline and diesel fuel sold
459 by distributors to consumers and retailers in municipalities
460 statewide during the preceding fiscal year. The Department of



461 Revenue shall require all distributors of gasoline and diesel fuel
462 to report to the department monthly the total number of gallons of
463 gasoline and diesel fuel sold by them to consumers and retailers
464 in each municipality during the preceding month. The Department
465 of Revenue shall have the authority to promulgate such rules and
466 regulations as is necessary to determine the number of gallons of
467 gasoline and diesel fuel sold by distributors to consumers and
468 retailers in each municipality. In determining the percentage
469 allocation of funds under this subsection for the fiscal year
470 beginning July 1, 1987, and ending June 30, 1988, the Department
471 of Revenue may consider gallons of gasoline and diesel fuel sold
472 for a period of less than one (1) fiscal year. For the purposes
473 of this subsection, the term "fiscal year" means the fiscal year
474 beginning July 1 of a year.

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



485 necessary to determine the amount of proceeds to be distributed
486 under this subsection.

487 (4) On or before August 15, 1994, and on or before the
488 fifteenth day of each succeeding month through July 15, 1999, from
489 the proceeds of gasoline, diesel fuel or kerosene taxes as
490 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
491 (\$4,000,000.00) shall be deposited in the State Treasury to the
492 credit of a special fund designated as the "State Aid Road Fund,"
493 created by Section 65-9-17. On or before August 15, 1999, and on
494 or before the fifteenth day of each succeeding month, from the
495 total amount of the proceeds of gasoline, diesel fuel or kerosene
496 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
497 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
498 one-fourth percent (23-1/4%) of those funds, whichever is the
499 greater amount, shall be deposited in the State Treasury to the
500 credit of the "State Aid Road Fund," created by Section 65-9-17.
501 Those funds shall be pledged to pay the principal of and interest
502 on state aid road bonds heretofore issued under Sections 19-9-51
503 through 19-9-77, in lieu of and in substitution for the funds
504 previously allocated to counties under this section. Those funds
505 may not be pledged for the payment of any state aid road bonds
506 issued after April 1, 1981; however, this prohibition against the
507 pledging of any such funds for the payment of bonds shall not
508 apply to any bonds for which intent to issue those bonds has been
509 published for the first time, as provided by law before March 29,



510 1981. From the amount of taxes paid into the special fund under
511 this subsection and subsection (9) of this section, there shall be
512 first deducted and paid the amount necessary to pay the expenses
513 of the Office of State Aid Road Construction, as authorized by the
514 Legislature for all other general and special fund agencies. The
515 remainder of the fund shall be allocated monthly to the several
516 counties in accordance with the following formula:

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

519 (b) One-third (1/3) shall be allocated to counties
520 based on the proportion that the total number of rural road miles
521 in a county bears to the total number of rural road miles in all
522 counties of the state; and

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

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

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

533 Any reference in the general laws of this state or the
534 Mississippi Code of 1972 to Section 27-5-105 shall mean and be



535 construed to refer and apply to subsection (4) of Section
536 27-65-75.

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

543 (6) An amount each month beginning August 15, 1983, through
544 November 15, 1986, as specified in Section 6 * * *, Chapter 542,
545 Laws of 1983, shall be paid into the special fund known as the
546 Correctional Facilities Construction Fund created in Section
547 6 * * *, Chapter 542, Laws of 1983.

548 (7) On or before August 15, 1992, and each succeeding month
549 thereafter through July 15, 2000, two and two hundred sixty-six
550 one-thousandths percent (2.266%) of the total sales tax revenue
551 collected during the preceding month under the provisions of this
552 chapter, except that collected under the provisions of Section
553 27-65-17(2), shall be deposited by the department into the School
554 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
555 or before August 15, 2000, and each succeeding month thereafter,
556 two and two hundred sixty-six one-thousandths percent (2.266%) of
557 the total sales tax revenue collected during the preceding month
558 under the provisions of this chapter, except that collected under
559 the provisions of Section 27-65-17(2), shall be deposited into the



560 School Ad Valorem Tax Reduction Fund created under Section
561 37-61-35 until such time that the total amount deposited into the
562 fund during a fiscal year equals Forty-two Million Dollars
563 (\$42,000,000.00). Thereafter, the amounts diverted under this
564 subsection (7) during the fiscal year in excess of Forty-two
565 Million Dollars (\$42,000,000.00) shall be deposited into the
566 Education Enhancement Fund created under Section 37-61-33 for
567 appropriation by the Legislature as other education needs and
568 shall not be subject to the percentage appropriation requirements
569 set forth in Section 37-61-33.

570 (8) On or before August 15, 1992, and each succeeding month
571 thereafter, nine and seventy-three one-thousandths percent
572 (9.073%) of the total sales tax revenue collected during the
573 preceding month under the provisions of this chapter, except that
574 collected under the provisions of Section 27-65-17(2), shall be
575 deposited into the Education Enhancement Fund created under
576 Section 37-61-33.

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

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



584 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
585 Valorem Tax Reduction Fund established in Section 27-51-105.

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

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

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



609 Treasury and shall be expended upon legislative appropriation
610 solely to defray the costs of repairs and renovation at the Trade
611 Mart and Coliseum.

612 (14) On or before August 15, 1998, and each succeeding month
613 thereafter through July 15, 2005, that portion of the avails of
614 the tax imposed in Section 27-65-23 that is derived from sales by
615 cotton compresses or cotton warehouses and that would otherwise be
616 paid into the General Fund shall be deposited in an amount not to
617 exceed Two Million Dollars (\$2,000,000.00) into the special fund
618 created under Section 69-37-39. On or before August 15, 2007, and
619 each succeeding month thereafter through July 15, 2010, that
620 portion of the avails of the tax imposed in Section 27-65-23 that
621 is derived from sales by cotton compresses or cotton warehouses
622 and that would otherwise be paid into the General Fund shall be
623 deposited in an amount not to exceed Two Million Dollars
624 (\$2,000,000.00) into the special fund created under Section
625 69-37-39 until all debts or other obligations incurred by the
626 Certified Cotton Growers Organization under the Mississippi Boll
627 Weevil Management Act before January 1, 2007, are satisfied in
628 full. On or before August 15, 2010, and each succeeding month
629 thereafter through July 15, 2011, fifty percent (50%) of that
630 portion of the avails of the tax imposed in Section 27-65-23 that
631 is derived from sales by cotton compresses or cotton warehouses
632 and that would otherwise be paid into the General Fund shall be
633 deposited into the special fund created under Section 69-37-39



634 until such time that the total amount deposited into the fund
635 during a fiscal year equals One Million Dollars (\$1,000,000.00).
636 On or before August 15, 2011, and each succeeding month
637 thereafter, that portion of the avails of the tax imposed in
638 Section 27-65-23 that is derived from sales by cotton compresses
639 or cotton warehouses and that would otherwise be paid into the
640 General Fund shall be deposited into the special fund created
641 under Section 69-37-39 until such time that the total amount
642 deposited into the fund during a fiscal year equals One Million
643 Dollars (\$1,000,000.00).

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

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



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

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

673 (18) [Repealed]

674 (19) (a) On or before August 15, 2005, and each succeeding
675 month thereafter, the sales tax revenue collected during the
676 preceding month under the provisions of this chapter on the gross
677 proceeds of sales of a business enterprise located within a
678 redevelopment project area under the provisions of Sections
679 57-91-1 through 57-91-11, and the revenue collected on the gross
680 proceeds of sales from sales made to a business enterprise located
681 in a redevelopment project area under the provisions of Sections
682 57-91-1 through 57-91-11 (provided that such sales made to a



683 business enterprise are made on the premises of the business
684 enterprise), shall, except as otherwise provided in this
685 subsection (19), be deposited, after all diversions, into the
686 Redevelopment Project Incentive Fund as created in Section
687 57-91-9.

688 (b) For a municipality participating in the Economic
689 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
690 the diversion provided for in subsection (1) of this section
691 attributable to the gross proceeds of sales of a business
692 enterprise located within a redevelopment project area under the
693 provisions of Sections 57-91-1 through 57-91-11, and attributable
694 to the gross proceeds of sales from sales made to a business
695 enterprise located in a redevelopment project area under the
696 provisions of Sections 57-91-1 through 57-91-11 (provided that
697 such sales made to a business enterprise are made on the premises
698 of the business enterprise), shall be deposited into the
699 Redevelopment Project Incentive Fund as created in Section
700 57-91-9, as follows:

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

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



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

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

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

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

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

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



732 deposited into the MMEIA Tax Incentive Fund created in Section
733 57-101-3.

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

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

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

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



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

764 (ii) Subject to the provisions of Sections
765 27-65-51 and 27-65-53, if any funds have been erroneously
766 disbursed to a municipality under subsection (1) of this section
767 for a period of three (3) years or more, the maximum amount that
768 may be recovered or withheld from the municipality is the total
769 amount of funds erroneously disbursed for a period of three (3)
770 years beginning with the date of the first erroneous disbursement.
771 However, if during such period, a municipality provides written
772 notice to the Department of Revenue indicating the erroneous
773 disbursement of funds, then the maximum amount that may be
774 recovered or withheld from the municipality is the total amount of
775 funds erroneously disbursed for a period of one (1) year beginning
776 with the date of the first erroneous disbursement.

777 **SECTION 13.** Section 57-67-1, Mississippi Code of 1972, is
778 brought forward as follows:

779 57-67-1. This chapter shall be known and may be cited as the
780 "Mississippi Superconducting Super Collider Act."



781 **SECTION 14.** Section 57-67-3, Mississippi Code of 1972, is
782 brought forward as follows:

783 57-67-3. The Legislature hereby finds and declares that:

784 (a) There exists in the State of Mississippi a
785 continuing need for gainful employment for the citizens of this
786 state.

787 (b) To help provide employment opportunities, a
788 division within the Office of the Governor should be created with
789 power to secure the location within this state of the particle
790 beam accelerator known as the Superconducting Super Collider that
791 the United States Department of Energy is planning to build.

792 (c) In accomplishing this purpose, such division will
793 be acting in all respects for the benefit of the people of the
794 state in the performance of essential public functions and is
795 serving a valid public purpose in improving and otherwise
796 promoting their health, welfare and prosperity, and the enactment
797 of the provisions hereinafter set forth is for a valid public
798 purpose.

799 (d) Public agencies of the state, as herein defined,
800 must be authorized and empowered to contract with and cooperate
801 with the authority for the purposes herein set out.

802 (e) The borrowing of money and the issuance of bonds
803 and state bonds for the purposes hereinafter set out serves valid
804 public purposes in that the project will significantly contribute



805 to the employment base and scientific and educational growth of
806 the state.

807 **SECTION 15.** Section 57-67-5, Mississippi Code of 1972, is
808 brought forward as follows:

809 57-67-5. Words and phrases used in this chapter shall have
810 meanings as follows, unless the context clearly indicates a
811 different meaning:

812 (a) "Act" means the Mississippi Superconducting Super
813 Collider Act as originally enacted or as hereafter amended.

814 (b) "Authority" means the Mississippi Superconducting
815 Super Collider Authority created pursuant to the chapter.

816 (c) "Bonds" means bonds, interim notes and other
817 certificates of indebtedness of the authority issued pursuant to
818 the provisions of Sections 57-67-19 through 57-67-31.

819 (d) "Facility related to the project" means and
820 includes any of the following, as the same may pertain to the
821 project:

822 (i) Facilities to provide potable and industrial
823 water supply systems (including cooling lakes) and sewage and
824 waste disposal systems to the site of the project;

825 (ii) Airports, airfields and air terminals;

826 (iii) Rail lines;

827 (iv) Port facilities on the Tennessee-Tombigbee
828 Waterway;

829 (v) Highways, streets and other roadways;



830 (vi) Public school buildings, classrooms and
831 instructional facilities, including any functionally related
832 facilities;

833 (vii) Parks, outdoor recreation facilities and
834 athletic facilities; and

835 (viii) Auditoriums, pavilions, campgrounds, art
836 centers, cultural centers, folklore centers and other public
837 facilities.

838 (e) "Person" means any natural person, corporation,
839 association, partnership, receiver, trustee, guardian, executor,
840 administrator, fiduciary, governmental unit, public agency,
841 political subdivision, or any other group acting as a unit, and
842 the plural as well as the singular.

843 (f) "Project" means the superconducting super colliding
844 particle beam accelerator, known as the Superconducting Super
845 Collider, proposed to be constructed by the United States
846 Department of Energy, as described in the Invitation for Proposals
847 issued by said department, as now or hereafter supplemented or
848 amended, together with all real property required for
849 construction, maintenance and operation of the Superconducting
850 Super Collider, and all buildings, tunneling and other supporting
851 land and facilities required or useful for construction,
852 maintenance and operation of the Superconducting Super Collider.

853 (g) "Project area" means the project site, together
854 with any area or territory within the state lying within fifty



855 (50) air miles from any portion of the project site to be conveyed
856 to the Department of Energy, whether or not such area or territory
857 be contiguous. "Project site" means the real property to be
858 conveyed to the United States Department of Energy as set forth in
859 the application to be filed with the Department of Energy by the
860 authority.

861 (h) "Public agency" means and includes:

862 (i) The state and any department, board,
863 commission, institution or other agency or instrumentality of the
864 state, including but not limited to, the Board of Trustees of
865 State Institutions of Higher Learning and the State Board of
866 Education;

867 (ii) Any city, town, county, political
868 subdivision, school district or other district created or existing
869 under the laws of the state or any public agency of any such city,
870 town, county, political subdivision or district;

871 (iii) Any department, commission, agency or
872 instrumentality of the United States of America; and

873 (iv) Any other state of the United States of
874 America which may be cooperating with respect to location of the
875 project within the state, or any agency thereof.

876 (i) "State" means State of Mississippi.

877 (j) "State bonds" means general obligation bonds, notes
878 or other evidences of the State of Mississippi issued under
879 Section 57-67-15.



880 **SECTION 16.** Section 57-67-7, Mississippi Code of 1972, is
881 brought forward as follows:

882 57-67-7. (1) There is created within the Office of the
883 Governor a division to be known as the "Mississippi
884 Superconducting Super Collider Authority" for the performance of
885 essential public functions. The Governor shall appoint, with the
886 advice and consent of the Senate, an executive director, who shall
887 serve at the will and pleasure of the Governor. The Governor
888 shall prescribe the duties of and fix the compensation of such
889 executive director. The executive director shall have the
890 authority to employ and dismiss employees of the authority.

891 (2) The executive director shall administer, manage and
892 direct the affairs and business of the authority, subject to the
893 policies, direction, control and approval of the Governor.

894 **SECTION 17.** Section 57-67-9, Mississippi Code of 1972, is
895 brought forward as follows:

896 57-67-9. (1) The authority is hereby designated and
897 empowered to act on behalf of the state in submitting a siting
898 proposal for the project. If the authority is not operational as
899 of the date of the proposal, the Governor is authorized to submit
900 the proposal. The authority is empowered to take all steps
901 appropriate or necessary to effect the siting, development, and
902 operation of the Superconducting Super Collider research facility
903 within the state. If the state is selected as the preferred site
904 for the project, the authority is hereby designated and empowered



905 to act on behalf of the state and to represent the state in the
906 planning, financing, development, construction and operation of
907 the project or any facility related to the project. The authority
908 shall take affirmative steps to coordinate fully all aspects of
909 the submission of a siting proposal for the project and, if the
910 state is selected as the preferred site, to coordinate fully the
911 development of the project or any facility related to the project
912 with the United States Department of Energy and other public
913 agencies. Other state agencies and local governmental entities in
914 this state shall cooperate to the fullest extent possible to
915 effectuate the duties of the authority.

916 (2) To consult with the Governor and with the authority
917 concerning the siting, development and operation of the
918 Superconducting Super Collider research facility in the state, the
919 Governor may establish special advisory committees, as he deems
920 necessary, which may be composed of lay persons, scientists,
921 physicists, engineers, other professionals and anyone having
922 special knowledge of or interest in the project.

923 **SECTION 18.** Section 57-67-11, Mississippi Code of 1972, is
924 brought forward as follows:

925 57-67-11. The authority, in addition to any and all powers
926 now or hereafter granted to it, is hereby empowered:

927 (a) To maintain an office at a place or places in the
928 state.



929 (b) To employ or contract with architects, engineers,
930 attorneys, accountants, construction and financial experts and
931 such other advisors, consultants and agents as may be necessary in
932 its judgment and to fix and pay their compensation.

933 (c) To make such applications and enter into such
934 contracts for financial assistance as may be appropriate under
935 applicable federal or state law.

936 (d) To apply for, accept and utilize grants, gifts and
937 other funds or aid from any source for any purpose contemplated by
938 the chapter, and to comply, subject to the provisions of this
939 chapter, with the terms and conditions thereof.

940 (e) To acquire by purchase, lease, gift, or in other
941 manner other than by eminent domain, or obtain options to acquire,
942 and to own, maintain, use, operate and convey any and all property
943 of any kind, real, personal, or mixed, or any interest or estate
944 therein, (including easements, rights-of-way, air rights or
945 subsurface rights, or a stratified fee estate in a specified
946 volume of land located below, at, or above the surface) within or
947 without the project area, necessary or convenient for the project
948 or any facility related to the project or necessary or convenient
949 for any enhancement offered to secure the siting of the project in
950 the state or for the exercise of the powers granted by this
951 chapter.

952 (f) To acquire by purchase or lease any public lands
953 and public property, including sixteenth section lands and lieu



954 lands, within the project area, which are necessary or convenient
955 for the project. Sixteenth section lands or lieu lands acquired
956 under this chapter shall be deemed to be acquired for the purposes
957 of industrial development thereon and such acquisition will serve
958 a higher public interest in accordance with the purposes of this
959 chapter.

960 (g) To make or cause to be made such examinations and
961 surveys as may be necessary to the planning, design, construction
962 and operation of the project; and for such purpose the authority,
963 its agents, servants, or any public agency involved in the project
964 selection, design, construction or operation, shall have immediate
965 and full right of entry upon the lands and waters of any person
966 for the purposes of survey and exploration.

967 (h) From and after the date of notification to the
968 authority by the Department of Energy that the state has been
969 finally selected as the site of the project, to acquire by
970 condemnation and to own, maintain, use, operate and convey or
971 otherwise dispose of any and all property of any kind, real,
972 personal or mixed, or any interest or estate therein, (including
973 easements, rights-of-way, air rights or subsurface rights, or a
974 stratified fee estate in a specified volume of land located below,
975 at, or above the surface), within the project area, necessary or
976 convenient for the project or any facility related to the project
977 and the exercise of the powers granted by this chapter, according
978 to the procedures provided by Chapter 27, Title 11, Mississippi



979 Code of 1972, except as modified by this chapter. For the
980 purposes of this chapter, the right of eminent domain shall be
981 superior and dominant to the right of eminent domain of other
982 public agencies and of railroad, telephone, telegraph, gas, power
983 and other companies or corporations and shall extend to public and
984 private lands including sixteenth section lands. The amount and
985 character of interest in land, other property, and easements thus
986 to be acquired shall be determined by the authority, and its
987 determination shall be conclusive and shall not be subject to
988 attack in the absence of manifest abuse of discretion or fraud on
989 the part of the authority in making such determination. However,

990 (i) In acquiring lands by condemnation, the
991 authority shall not acquire minerals or royalties in minerals
992 unless a competent registered professional engineer shall have
993 certified that the acquisition of such minerals and royalties in
994 minerals is necessary for purposes of the project; provided that
995 limestone, clay, chalk, sand and gravel shall not be considered as
996 minerals within the meaning of this section; and

997 (ii) Unless minerals or royalties in minerals have
998 been acquired by condemnation or otherwise, no person or persons
999 owning the drilling rights or the right to share in production of
1000 minerals shall be prevented from exploring, developing, or
1001 producing oil or gas with necessary rights-of-way for ingress and
1002 egress, pipelines and other means of transporting interests on any
1003 land or interest therein of the authority held or used for the



1004 purposes of this chapter; but any such activities shall be under
1005 such reasonable regulation by the authority as will adequately
1006 protect the project contemplated by this chapter as provided in
1007 subparagraph (s) of this section. For the purpose of acquiring by
1008 condemnation land and easements for the project or any facility
1009 related to the project located within the project area, the
1010 authority shall have the right of immediate possession pursuant to
1011 Sections 11-27-81 through 11-27-89.

1012 (i) In any proceeding in any court which has been or
1013 may be instituted by and in the name of the authority for the
1014 acquisition of any land or easement or right-of-way in land for
1015 the public use as provided in subparagraph (h) of this section,
1016 the authority may file in the cause, with the petition or at any
1017 time before judgment, a declaration of taking signed by the
1018 authority, declaring that said lands are thereby taken for the use
1019 of the authority in connection with the location of the project.
1020 Said declaration of taking shall contain or have annexed thereto:

1021 (i) A statement of the statutory authority under
1022 which and the public use for which said lands are taken.

1023 (ii) A description of the lands taken sufficient
1024 for the identification thereof.

1025 (iii) A statement of the estate or interest in
1026 said lands taken for said public use.



1027 (iv) A statement of the necessity of the immediate
1028 vesting of title in the authority in order to convey such property
1029 to the United States for the use in connection with the project.

1030 (v) A statement of the sum of money estimated by
1031 the authority to be due compensation for the land taken. Upon
1032 filing the declaration of taking and of the deposit in the court,
1033 to the use of the persons entitled thereto, of the amount of the
1034 estimated compensation stated in the declaration, title to such
1035 lands in fee simple absolute, or such less estate or interest
1036 therein as is specified in the declaration, shall vest in the
1037 authority, and such lands shall be deemed to be condemned and
1038 taken for the use of the authority, and the right to due
1039 compensation for the same shall vest in the persons entitled
1040 thereto; and compensation shall be ascertained and awarded in the
1041 proceeding and established by judgment therein, and the judgment
1042 shall include, as part of the due compensation awarded, interest
1043 in accordance with law on the amount finally awarded as the value
1044 of the property as of the date of taking, from such date to the
1045 date of payment; but interest shall not be allowed on so much
1046 thereof as shall have been paid into the court. No sum so paid
1047 into the court shall be charged with commissions or poundage.

1048 Upon the application of the parties in interest, the court
1049 may order that the money deposited in the court, or any part
1050 thereof, be paid forthwith for or on account of the due
1051 compensation to be awarded in the proceeding. If the compensation



1052 finally awarded in respect of such lands, or any parcel thereof,
1053 shall exceed the amount of the money so received by any person
1054 entitled, the court shall enter judgment against the authority for
1055 the amount of the deficiency.

1056 Upon the filing of a declaration of taking, the court shall
1057 have power to fix the time within which and the terms upon which
1058 the parties in possession shall be required to surrender
1059 possession to the petitioner. The court shall have power to make
1060 such orders in respect of encumbrances, liens, rents, taxes,
1061 assessments, insurance, and other charges, if any, as shall be
1062 just and equitable. No appeal in any cause under this
1063 subparagraph (i) of this section nor any bond or undertaking given
1064 therein shall operate to prevent or delay the vesting of title to
1065 such lands in the authority.

1066 (j) To require the necessary relocation or rerouting of
1067 roads and highways, railroad, telephone and telegraph lines and
1068 properties, electric power lines, pipelines and related
1069 facilities, or to require the anchoring or other protection of any
1070 of these, provided due compensation is paid to the owners thereof
1071 or agreement is had with such owners regarding the payment of the
1072 cost of such relocation, and to acquire by condemnation or
1073 otherwise easements or rights-of-way for such relocation or
1074 rerouting and to convey the same to the owners of the facilities
1075 being relocated or rerouted in connection with the purposes of
1076 this chapter.



1077 (k) To require the necessary relocation of cemeteries
1078 and to pay all reasonable costs thereof.

1079 (l) To perform or have performed any and all acts and
1080 make all payments necessary to comply with all applicable federal
1081 laws, rules or regulations including but not limited to the
1082 Uniform Relocation Assistance and Real Property Acquisition
1083 Policies Act of 1970 (42 U.S.C. 4601, 4602, 4621 to 4638, and 4651
1084 to 4655) and relocation rules and regulations promulgated by the
1085 Department of Energy.

1086 (m) To construct, extend, improve, maintain, and
1087 reconstruct, to cause to be constructed, extended, improved,
1088 maintained, and reconstructed, and to use and operate any and all
1089 components of the project or any facility related to the project,
1090 within the project area, necessary or convenient to the project
1091 and to the exercise of such powers, rights, and privileges granted
1092 the authority.

1093 (n) To incur or defray any designated portion of the
1094 cost of any component of the project or any facility related to
1095 the project acquired or constructed by any public agency.

1096 (o) To lease, sell, give, donate, convey or otherwise
1097 transfer any or all property acquired by the authority under the
1098 provisions of this chapter to the United States Department of
1099 Energy, its successors or assigns, and in connection therewith to
1100 pay the costs of title search, perfection of title, title
1101 insurance and recording fees as may be required. The authority



1102 may provide in the instrument conveying such property a provision
1103 that such property shall revert to the authority if, as and when
1104 the property is declared by the United States Department of Energy
1105 to be no longer needed for the Superconducting Super Collider
1106 research facility.

1107 (p) To enter into contracts with any person, public
1108 agency or political subdivision including, but not limited to,
1109 contracts authorized by Section 57-67-17, in furtherance of any of
1110 the purposes authorized by this chapter upon such consideration as
1111 the authority and such person, public agency or political
1112 subdivision may agree. Any such contract may extend over any
1113 period of time, notwithstanding any rule of law to the contrary,
1114 may be upon such terms as the parties thereto shall agree, and may
1115 provide that it shall continue in effect until bonds specified
1116 therein, refunding bonds issued in lieu of such bonds, and all
1117 other obligations specified therein are paid or terminated. Any
1118 such contract shall be binding upon the parties thereto according
1119 to its terms. Such contracts may include an agreement to
1120 reimburse the United States Department of Energy, its successors
1121 and assigns for any assistance provided by the United States
1122 Department of Energy in the acquisition of real property for the
1123 project or any facility related to the project.

1124 (q) To establish and maintain reasonable rates and
1125 charges for the use of any facility within the project area owned
1126 or operated by the authority, and from time to time to adjust such



1127 rates and to impose penalties for failure to pay such rates and
1128 charges when due.

1129 (r) To make and enforce, and from time to time amend
1130 and repeal, rules and regulations for the construction, use,
1131 maintenance and operation of any facility related to the project
1132 under its management and control and any other of its properties.

1133 (s) To adopt and enforce all necessary and reasonable
1134 rules and regulations to carry out and effectuate the
1135 implementation of the project and any land use plan or zoning
1136 classification adopted for the project area, including but not
1137 limited to rules, regulations, and restrictions concerning mining,
1138 construction, excavation or any other activity the occurrence of
1139 which may endanger the structure or operation of the project.

1140 Such rules may be enforced within the project area and without the
1141 project area as necessary to protect the structure and operation
1142 of the project. The authority is authorized to plan or replan,
1143 zone or rezone, and make exceptions to any regulations, whether
1144 local or state, which are inconsistent with the design, planning,
1145 construction or operation of the project and facilities related to
1146 the project.

1147 (t) To plan, design, coordinate and implement measures
1148 and programs to mitigate impacts on the natural environment caused
1149 by the project or any facility related to the project.

1150 (u) To assist any public agency involved with the
1151 project design, construction or operation in securing any state or



1152 local permits and approval required for the project or any
1153 facility related to the project.

1154 (v) To do any and all things necessary or convenient to
1155 carry out the authority's purposes and to exercise the powers
1156 given and granted in this chapter.

1157 **SECTION 19.** Section 57-67-13, Mississippi Code of 1972, is
1158 brought forward as follows:

1159 57-67-13. (1) The Board of Trustees of State Institutions
1160 of Higher Learning is hereby directed to develop plans for the
1161 creation of an Institute of High Energy Physics. Upon
1162 notification to the authority by the Department of Energy that the
1163 state has been selected as the site of the project, the Board of
1164 Trustees of State Institutions of Higher Learning not later than
1165 one (1) year thereafter shall establish and create the institute.
1166 Such institute shall include at least twenty (20) funded faculty
1167 positions and shall include facilities to accommodate faculty and
1168 graduate students.

1169 (2) The Board of Trustees of State Institutions of Higher
1170 Learning is hereby directed to develop plans for the creation of
1171 an Institute for Mathematics and Computing Sciences. Upon
1172 notification to the authority by the Department of Energy that the
1173 state has been selected as the site of the project, the Board of
1174 Trustees of State Institutions of Higher Learning not later than
1175 one (1) year thereafter shall establish and create the institute.



1176 (3) The authority is hereby directed to develop plans for
1177 technology transfer activities to ensure private sector conduits
1178 for exchange of information, technology and expertise related to
1179 the project to generate opportunities for commercial development
1180 within the state.

1181 **SECTION 20.** Section 57-67-15, Mississippi Code of 1972, is
1182 brought forward as follows:

1183 57-67-15. (1) Upon notification to the authority by the
1184 Department of Energy that the state has been finally selected as
1185 the site for the project, the State Bond Commission shall have the
1186 power and is hereby authorized and directed, upon receipt of a
1187 declaration from the Governor as hereinafter provided, to borrow
1188 money and issue general obligation bonds of the state in one or
1189 more series for the purposes herein set out. Upon such
1190 notification, the Governor may thereafter from time to time
1191 declare the necessity for the issuance of general obligation state
1192 bonds as authorized by this section and forward such declaration
1193 to the State Bond Commission, provided that prior to said
1194 notification, the Governor may enter into agreements with the
1195 United States Government and others that will commit the Governor
1196 to direct the State Bond Commission to issue bonds for eligible
1197 undertakings set out in subsection (4) of this section,
1198 conditioned on the siting of the project in the state.

1199 (2) Upon receipt of any such declaration from the Governor,
1200 the State Bond Commission, upon verifying that the state has been



1201 selected as the site of the project, shall act as the issuing
1202 agent for the series of state bonds directed to be issued in such
1203 declaration pursuant to authority granted in this section.

1204 (3) Bonds issued under the authority of this section shall
1205 not exceed an aggregate principal amount in the sum of Five
1206 Hundred Million Dollars (\$500,000,000.00).

1207 (4) The proceeds from the sale of the state bonds issued
1208 pursuant to this section may be applied for the purposes of: (a)
1209 defraying all or any designated portion of the costs incurred with
1210 respect to acquisition, planning, design, construction,
1211 installation, rehabilitation, improvement and relocation of the
1212 project and any facility related to the project located within the
1213 project area, including costs of design and engineering, all costs
1214 incurred to provide land, easements and rights-of-way, relocation
1215 costs with respect to the project and with respect to any facility
1216 related to the project located within the project area, and costs
1217 associated with mitigation of environmental impacts; (b) providing
1218 for the payment of interest on the bonds; (c) providing debt
1219 service reserves; and (d) paying underwriters discount, original
1220 issue discount, accountants' fees, engineers' fees, attorney's
1221 fees, rating agency fees and other fees and expenses in connection
1222 with the issuance of the bonds. Such bonds shall be issued from
1223 time to time and in such principal amounts as shall be designated
1224 by the Governor not to exceed in aggregate principal amount the
1225 amount authorized in subsection (3) of this section. Proceeds



1226 from the sale of the state bonds issued pursuant to this section
1227 may be invested, subject to federal limitations, pending their
1228 use, in such securities as may be specified in the resolution
1229 authorizing the issuance of the bonds or the trust indenture
1230 securing them, and the earning on such investment applied as
1231 provided in such resolution or trust indenture.

1232 (5) The principal of and the interest on the state bonds
1233 shall be payable in the manner hereinafter set forth. The state
1234 bonds shall bear date or dates, be in such denomination or
1235 denominations, bear interest at such rate or rates, be payable at
1236 such place or places within or without the state, shall mature
1237 absolutely at such time or times, be redeemable prior to maturity
1238 at such time or times and upon such terms, with or without
1239 premium, shall bear such registration privileges, and shall be
1240 substantially in such form, all as shall be determined by
1241 resolution of the State Bond Commission. Provided, however, that
1242 such state bonds shall mature or otherwise be retired in annual
1243 installments beginning not more than five (5) years from date
1244 thereof and extending not more than twenty-five (25) years from
1245 date thereof. The state bonds shall be signed by the Chairman of
1246 the State Bond Commission, or by his facsimile signature, and the
1247 official seal of the State Bond Commission shall be imprinted on
1248 or affixed thereto, attested by the manual or facsimile signature
1249 of the Secretary of the State Bond Commission. Whenever any such
1250 state bonds shall have been signed by the officials herein



1251 designated to sign the bonds, who were in the office at the time
1252 of such signing but who may have ceased to be such officers prior
1253 to the sale and delivery of such bonds, or who may not have been
1254 in office on the date such bonds may bear, the signatures of such
1255 officers upon such bonds shall nevertheless be valid and
1256 sufficient for all purposes and have the same effect as if the
1257 person so officially signing such bonds had remained in office
1258 until the delivery of the same to the purchaser, or had been in
1259 office on the date such bonds may bear.

1260 (6) All state bonds issued under the provisions of this
1261 section shall be and are hereby declared to have all the qualities
1262 and incidents of negotiable instruments under the provisions of
1263 the Uniform Commercial Code and in exercising the powers granted
1264 by this chapter, the State Bond Commission shall not be required
1265 to and need not comply with the provisions of the Uniform
1266 Commercial Code.

1267 (7) The State Bond Commission shall sell the state bonds on
1268 sealed bids at public sale, and for such price as it may determine
1269 to be for the best interest of the State of Mississippi, but no
1270 such sale shall be made at a price less than par plus accrued
1271 interest to date of delivery of the bonds to the purchaser. The
1272 state bonds shall bear interest at such rate or rates not
1273 exceeding the limits set forth in Section 75-17-101 as shall be
1274 fixed by the State Bond Commission. All interest accruing on such
1275 bonds so issued shall be payable semiannually or annually;



1276 provided that the first interest payment may be for any period of
1277 not more than one (1) year.

1278 The lowest interest rate specified for any bonds issued shall
1279 not be less than sixty percent (60%) of the highest interest rate
1280 specified for the same bond issue. Each interest rate specified
1281 in any bid must be in a multiple of one-eighth of one percent (1/8
1282 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of
1283 interest cannot be named. Notice of the sale of any state bond
1284 shall be published at least one (1) time, the first of which shall
1285 be made not less than ten (10) days prior to the date of sale, and
1286 shall be so published in one or more newspapers having a general
1287 circulation in the City of Jackson and in one or more other
1288 newspapers or financial journals with a large national
1289 circulation, to be selected by the State Bond Commission.

1290 The State Bond Commission, when issuing any state bonds under
1291 the authority of this section, may provide that the bonds, at the
1292 option of the state, may be called in for payment and redemption
1293 in reverse order of maturity at the call price named therein and
1294 accrued interest on such date or dates named therein.

1295 (8) State bonds issued under the provisions of this section
1296 shall be the general obligations of the state and backed by the
1297 full faith and credit of the state, and if the funds appropriated
1298 by the Legislature shall be insufficient to pay the principal of
1299 and the interest on such bonds as they become due, then the
1300 deficiency shall be paid by the State Treasurer from any funds in



1301 the State Treasury not otherwise appropriated. All state bonds
1302 shall contain recitals on their faces substantially covering the
1303 foregoing provisions of this section.

1304 (9) The State Treasurer is hereby authorized, without
1305 further process of law, to certify to the State Fiscal Management
1306 Board the necessity for warrants, and the State Fiscal Management
1307 Board is hereby authorized and directed to issue such warrants
1308 payable out of any funds authorized by this section for such
1309 purpose, in such amounts as may be necessary to pay when due the
1310 principal of and interest on all state bonds issued under the
1311 provisions of this section; and the State Treasurer shall forward
1312 the necessary amount to the designated place or places of payment
1313 of such bonds in ample time to discharge such bonds, or the
1314 interest thereon, on the due dates thereof.

1315 (10) The state bonds may be issued without any other
1316 proceedings or the happening of any other conditions or things
1317 other than those proceedings, conditions and things which are
1318 specified or required by this chapter. Any resolution providing
1319 for the issuance of general obligation state bonds under the
1320 provisions of this section shall become effective immediately upon
1321 its adoption by the State Bond Commission, and any such resolution
1322 may be adopted at any regular or special meeting of the State Bond
1323 Commission by a majority of its members.

1324 (11) In anticipation of the issuance of state bonds
1325 hereunder, the State Bond Commission is hereby authorized to



1326 negotiate and enter into any purchase, loan, credit or other
1327 agreement with any bank, trust company or other lending
1328 institution or to issue and sell short-term notes for the purpose
1329 of making any payments authorized under this section. All
1330 borrowings made under this provision shall be evidenced by notes
1331 of the state which shall be issued from time to time, for such
1332 amounts not exceeding the amount of state bonds authorized herein,
1333 in such form and in such denomination and subject to such terms
1334 and conditions of sale and issuance, prepayment or redemption and
1335 maturity, rate or rates of interest not to exceed the maximum rate
1336 authorized herein for bonds, and time of payment of interest as
1337 the State Bond Commission shall agree to in such agreement. Such
1338 notes shall constitute general obligations of the state and shall
1339 be backed by the full faith and credit of the state. Such notes
1340 may also be issued for the purpose of refunding previously issued
1341 notes; provided that no notes shall mature more than three (3)
1342 years following the date of issuance of the first note hereunder
1343 and provided further, that all outstanding notes shall be retired
1344 from the proceeds of the first issuance of bonds hereunder. The
1345 State Bond Commission is authorized to provide for the
1346 compensation of any purchaser of the notes by payment of a fixed
1347 fee or commission and for all other costs and expenses of issuance
1348 and service, including paying agent costs. Such costs and
1349 expenses may be paid from the proceeds of the notes.



1350 (12) The bonds and notes authorized under the authority of
1351 this section may be validated in the First Judicial District of
1352 the Chancery Court of Hinds County, Mississippi, in the manner and
1353 with the force and effect provided now or hereafter by Chapter 13,
1354 Title 31, Mississippi Code of 1972, for the validation of county,
1355 municipal, school district and other bonds. The necessary papers
1356 for such validation proceedings shall be transmitted to the state
1357 bond attorney, and the required notice shall be published in a
1358 newspaper published in the City of Jackson, Mississippi.

1359 (13) There is hereby created in the State Treasury a special
1360 fund, separate and apart from any other fund, to be designated as
1361 the "Superconducting Super Collider Special Fund." On July 15
1362 immediately succeeding the date that the state has been finally
1363 selected as the site for the project and on or before the
1364 fifteenth day of each succeeding month thereafter until a period
1365 of time not to exceed twenty-five (25) years from the initial
1366 deposit or until the date that all state bonds issued under this
1367 chapter are retired, whichever occurs last in time, the State
1368 Treasurer shall deposit into the Superconducting Super Collider
1369 Special Fund the sum of Three Million Seven Hundred Fifty Thousand
1370 Dollars (\$3,750,000.00) from taxes collected under the provisions
1371 of Chapter 7, Title 27, Mississippi Code of 1972. Funds deposited
1372 in the special fund shall be used to pay the principal of and
1373 interest on the state bonds issued under this section and any
1374 balance in the special fund in excess of the amount needed to pay



1375 the principal of and interest on the state bonds shall be
1376 appropriated by the Legislature to defray expenses of the project,
1377 facilities related to the project or enhancements within the
1378 project area.

1379 **SECTION 21.** Section 57-67-17, Mississippi Code of 1972, is
1380 brought forward as follows:

1381 57-67-17. For the purpose of aiding in the planning, design,
1382 undertaking and carrying out of the project or any facility
1383 related to the project, or any educational, cultural, housing or
1384 recreational facility or enhancement offered to secure the siting
1385 of the project in the state, any public agency or political
1386 subdivision of any kind is authorized and empowered upon such
1387 terms, with or without consideration, as it may determine: (a) to
1388 enter into agreements, which may extend over any period, with the
1389 authority respecting action to be taken by such public agency or
1390 political subdivision with respect to the acquisition, planning,
1391 construction, improvement, operation, maintenance or funding of
1392 the project or any such facility or enhancement, including without
1393 limitation (i) the appropriation or payment of funds to the
1394 authority or to a trustee in amounts which shall be sufficient to
1395 enable the authority to defray any designated portion or
1396 percentage of the expenses of administering, planning, designing,
1397 constructing, acquiring, improving, operating, and maintaining the
1398 project or any such facility or enhancement, (ii) the
1399 appropriation or payment of funds to the authority or to a trustee



1400 to pay interest and principal (whether at maturity or upon sinking
1401 fund redemption) on bonds of the authority issued pursuant to this
1402 chapter and to fund reserves for debt service, for operation and
1403 maintenance and for renewals and replacements, and to fulfill
1404 requirements of any covenant with respect to debt service
1405 contained in any resolution, trust indenture or other security
1406 agreement relating to the bonds of the authority issued pursuant
1407 to this chapter and (iii) the furnishing of other assistance in
1408 connection with the project or any such facility or enhancement;
1409 (b) to dedicate, sell, donate, convey or lease any property or
1410 interest in property to the authority or grant easements, licenses
1411 or other rights or privileges therein to the authority; (c) to
1412 incur the entire expense of any public improvements made or to be
1413 made by such public agency or political subdivision in exercising
1414 the powers granted in this section; (d) to do any and all things
1415 necessary to aid or cooperate in the planning or carrying out of
1416 the project or any such facility or enhancement; (e) to lend,
1417 grant or contribute funds to the authority; (f) to cause public
1418 buildings and public facilities, including parks, playgrounds,
1419 recreational areas, community meeting facilities, water, sewer or
1420 drainage facilities, or any other works which it is otherwise
1421 empowered to undertake, to be furnished to or with respect to the
1422 project or any such facility or enhancement; (g) to furnish,
1423 dedicate, close, vacate, pave, install, upgrade or improve
1424 highways, streets, roads, sidewalks, airports, railroads, ports or



1425 other public facilities; (h) to plan or replan, zone or rezone any
1426 parcel of land within the public agency or political subdivision
1427 or make exceptions from land use, building and zoning regulations;
1428 and (i) to cause administrative and other services to be furnished
1429 to the authority, including services pertaining to the acquisition
1430 of real property and the furnishing of relocation assistance. Any
1431 contract between a public agency or political subdivision entered
1432 into with the authority pursuant to any of the powers granted by
1433 this chapter shall be binding upon said public agency or political
1434 subdivision according to its terms, and such public agency or
1435 political subdivision shall have the power to enter into such
1436 contracts as in the discretion of the governing authorities
1437 thereof would be to the best interest of the people of such public
1438 agency or political subdivision. Such contracts may include
1439 within the discretion of such governing authorities a pledge of
1440 the full faith and credit of such political subdivision for the
1441 performance thereof. If such contracts include a pledge of the
1442 full faith and credit of such political subdivision, then for the
1443 purposes of Sections 27-39-321 and 37-57-107, the indebtedness
1444 created by such contracts shall be deemed to be general obligation
1445 bonds. The obligations of any public agency or political
1446 subdivision arising under the terms of such contracts shall not be
1447 included within the indebtedness of such public agency or
1448 political subdivision for the purposes of any constitutional or
1449 statutory limitation or provision. If at any time title to or



1450 possession of the project or any such facility or enhancement is
1451 held by any public body or governmental agency other than the
1452 authority, including any agency or instrumentality of the United
1453 States of America, the agreements referred to in this section
1454 shall inure to the benefit of and may be enforced by such public
1455 body or governmental agency.

1456 Notwithstanding any provisions of this chapter to the
1457 contrary, any contract entered into between the authority and any
1458 political subdivision for the appropriation or payment of funds to
1459 the authority under item (a)(ii) of this section shall contain a
1460 provision therein requiring monthly payments by the political
1461 subdivision to pay its indebtedness and, if the political
1462 subdivision is not a county or municipality, such contract shall
1463 include as an additional party to the contract the county or
1464 municipality (referred to in this paragraph as "levying
1465 authority") that levies and collects taxes for the contracting
1466 political subdivision. If the political subdivision fails to pay
1467 its indebtedness for any month, the authority shall certify to the
1468 State Tax Commission, or other appropriate agency, the amount of
1469 the delinquency, and the State Tax Commission shall deduct such
1470 amount from the political subdivision's or levying authority's, as
1471 the case may be, next allocation of sales taxes, petroleum taxes,
1472 highway privilege taxes, severance taxes, Tennessee Valley
1473 Authority payments in lieu of taxes and homestead exemption
1474 reimbursements in that order of priority. The State Tax



1475 Commission, or other appropriate agency, shall pay the sums so
1476 deducted to the authority to be applied to the discharge of the
1477 contractual obligation.

1478 **SECTION 22.** Section 57-67-19, Mississippi Code of 1972, is
1479 brought forward as follows:

1480 57-67-19. (1) Upon notification to the authority by the
1481 United States Department of Energy that the state has been finally
1482 selected as the site for the project, then the authority shall
1483 have the power and is hereby authorized, from time to time,
1484 pursuant to contracts entered into under Section 57-67-17, to
1485 borrow money and to issue bonds in such principal amounts as the
1486 authority may determine to be necessary to provide funds
1487 sufficient to defray all or any designated portion of the costs
1488 incurred with respect to the project or any facility related to
1489 the project, or any educational, cultural, housing or recreational
1490 facility or enhancement offered to secure the siting of the
1491 project in the state; provided that prior to said notification,
1492 the authority may enter into agreements with the United States
1493 Government or others that will commit the authority to issue bonds
1494 for eligible undertakings set out in subsection (6) of this
1495 section pursuant to contracts entered into under Section 57-67-17,
1496 conditioned on the siting of the project in the state.

1497 (2) Bonds of the authority issued pursuant to Sections
1498 57-67-19 through 57-67-31 shall be payable (except to the extent
1499 that payment may be made from bond proceeds deposited or



1500 accumulated in any capitalized interest fund or bond reserve fund)
1501 solely from and secured by a pledge of all or any designated part
1502 of the revenues received by the authority pursuant to contracts
1503 entered into with one or more public agencies pursuant to Section
1504 57-67-17. Such bonds may be further secured by a trust indenture
1505 between the authority and a corporate trustee, which may be any
1506 trust company or bank having powers of a trust company within or
1507 without the state, and by reserves established to secure the
1508 payment of principal of and interest on such bonds. Any pledge of
1509 earnings, revenues or other moneys made by the authority shall be
1510 valid and binding from the time the pledge is made. The earnings,
1511 revenues or other moneys so pledged and thereafter received by the
1512 authority shall immediately be subject to the lien of such pledge
1513 without any physical delivery thereof or further act, and the lien
1514 of any such pledge shall be valid and binding as against all
1515 parties having claims of any kind against the authority whether
1516 such parties have or do not have notice thereof. Neither the bond
1517 resolution, trust indenture nor any other instrument by which a
1518 pledge is created need be recorded.

1519 (3) Bonds of the authority issued pursuant to Sections
1520 57-67-19 through 57-67-31 may be authorized and issued in one or
1521 more series by a resolution or resolutions of the authority,
1522 without publication of notice of intent and without an election on
1523 the question of the issuance thereof. Such bonds shall bear such
1524 date or dates, mature at such time or times, bear interest at such



1525 rate or rates, be in such denomination or denominations, be in
1526 such form, carry such conversion privileges, have such rank or
1527 priority, be executed in such manner and by such officers, be
1528 payable from such sources in such medium of payment at such place
1529 or places within or without the state, be subject to such terms of
1530 redemption prior to maturity, all as may be provided by resolution
1531 or resolutions of the authority. Such bonds may be executed and
1532 delivered at any time as a single issue or from time to time as
1533 several issues, and may mature or become payable in such amounts
1534 and at such time or times not exceeding thirty (30) years from
1535 their date, all as may be provided by resolution or resolutions of
1536 the authority.

1537 (4) Bonds of the authority issued pursuant to Sections
1538 57-67-19 through 57-67-31 may be sold at a price not less than
1539 ninety-eight percent (98%) of par value plus accrued interest, at
1540 public or private sale, at such times as may be determined by the
1541 authority to be in the public interest, and the authority may pay
1542 all expenses, premiums, fees and commissions which it may deem
1543 necessary and advantageous in connection with the issuance and
1544 sale thereof.

1545 (5) Whenever any bonds issued pursuant to Sections 57-67-19
1546 through 57-67-31 shall have been signed by the officer(s)
1547 designated by the resolution of the authority to sign the bonds,
1548 who were in office at the time of such signing but who may have
1549 ceased to be such officer(s) prior to the sale and delivery of



1550 such bonds, or who may not have been in office on the date such
1551 bonds may bear, the manual or facsimile signatures of such
1552 officer(s) upon such bonds shall nevertheless be valid and
1553 sufficient for all purposes and have the same effect as if the
1554 person so officially executing such bonds had remained in office
1555 until the delivery of the same to the purchaser or had been in
1556 office on the date such bonds may bear.

1557 (6) Proceeds from the sale of bonds issued pursuant to
1558 Sections 57-67-19 through 57-67-31 may be applied for the purposes
1559 of (a) defraying all or any designated portion of the costs
1560 incurred with respect to the project or any facility related to
1561 the project, or any educational, cultural, housing or recreational
1562 facility offered as an enhancement to secure the siting of the
1563 project in the state, including costs of design and engineering,
1564 all costs incurred to provide land, easements, rights-of-way and
1565 relocation costs with respect to the project and with respect to
1566 any such facility; (b) providing for the payment of interest on
1567 the bonds; (c) providing debt service reserves; and (d) paying
1568 underwriters discount, original issue discount, accountants' fees,
1569 engineers' fees, attorney's fees, rating agency fees and other
1570 fees and expenses in connection with the issuance of the bonds and
1571 other necessary and proper expenses of the authority in connection
1572 with the project or any such facility. Proceeds from the sale of
1573 bonds issued pursuant to Sections 57-67-19 through 57-67-31 may be
1574 invested, subject to federal limitations, pending their use, in



1575 such securities as may be specified in the resolution authorizing
1576 the issuance of the bonds or the trust indenture securing them,
1577 and the earning on such investment applied as provided in such
1578 resolution or trust indenture.

1579 (7) Neither the executive director of the authority nor any
1580 person executing the bonds shall be personally liable on the bonds
1581 or be subject to any personal liability or accountability by
1582 reason of the issuance thereof.

1583 (8) In anticipation of the issuance of bonds under Sections
1584 57-67-19 through 57-67-31, the authority is hereby authorized to
1585 negotiate and enter into any loan or credit agreement with any
1586 bank, trust company or other lending institution for the purpose
1587 of making any payments authorized under this chapter. All
1588 borrowings made under this provision shall be evidenced by notes
1589 of the authority which shall be issued from time to time, for such
1590 amounts not exceeding the amount of bonds authorized herein, in
1591 such form and in such denomination and subject to such terms and
1592 conditions of sale and issuance, prepayment or redemption and
1593 maturity, rate or rates of interest, and time of payment of
1594 interest as the authority shall agree to in such agreement. Such
1595 notes may also be issued for the purpose of refunding previously
1596 issued notes; provided that no notes shall mature more than three
1597 (3) years following the date of issuance of the first note
1598 hereunder and provided further, that all outstanding notes shall
1599 be retired from the proceeds of the first issuance of bonds



1600 hereunder. The authority is authorized to provide for the
1601 compensation of any purchaser of the notes by payment of a fixed
1602 fee or commission and for all other costs and expenses of issuance
1603 and service, including paying agent costs. Such costs and
1604 expenses may be paid from the proceeds of the notes.

1605 **SECTION 23.** Section 57-67-21, Mississippi Code of 1972, is
1606 brought forward as follows:

1607 57-67-21. The authority may issue refunding bonds for the
1608 purpose of paying any of its bonds at or prior to maturity or upon
1609 acceleration or redemption. Refunding bonds may be issued at such
1610 time prior to the maturity or redemption of the refunded bonds as
1611 the authority deems to be in the public interest, without notice
1612 and without an election on the question of the issuance thereof.
1613 The refunding bonds may be issued in sufficient amounts to pay or
1614 provide the principal of the bonds being refunded, together with
1615 any redemption premium thereon, any interest accrued or to accrue
1616 to the date of payment of such bonds, the expenses of issue of the
1617 refunding bonds, the expenses of redeeming the bonds being
1618 refunded, and such reserves for debt service or other capital or
1619 current expenses from the proceeds of such refunding bonds as may
1620 be required by the resolution, trust indenture or other security
1621 instruments. The issue of refunding bonds, the maturities and
1622 other details thereof, the security therefor, the rights of the
1623 holders and the rights, duties and obligations of the authority in
1624 respect of the same shall be governed by the provisions of this



1625 chapter relating to the issue of bonds other than refunding bonds
1626 insofar as the same may be applicable. Any such refunding may be
1627 effected, whether the obligations to be refunded shall have then
1628 matured or shall thereafter mature, either by the exchange of the
1629 refunding bonds for the obligations to be refunded thereby with
1630 the consent of the holders of the obligations so to be refunded,
1631 or by sale of the refunding bonds and the application of the
1632 proceeds thereof to the payment of the obligations proposed to be
1633 refunded thereby, and regardless of whether the obligations
1634 proposed to be refunded shall be payable on the same date or
1635 different dates or shall be due serially or otherwise.

1636 **SECTION 24.** Section 57-67-23, Mississippi Code of 1972, is
1637 brought forward as follows:

1638 57-67-23. All bonds (other than state bonds, refunding
1639 bonds, interim notes and certificates of indebtedness, which may
1640 be validated) issued pursuant to Sections 57-67-19 through
1641 57-67-31 shall be validated as provided in Sections 31-13-1
1642 through 31-13-11, Mississippi Code of 1972; provided, however,
1643 that notice of such validation proceedings shall be addressed to
1644 the taxpayers of all public agencies and political subdivisions:

1645 (a) Which have contracted with the authority pursuant
1646 to Section 57-67-17; and

1647 (b) Whose contracts and the payments to be made
1648 thereunder constitute security for the bonds of the authority
1649 proposed to be issued, and such notice shall be published at least



1650 once in a newspaper or newspapers having a general circulation
1651 within the geographical boundaries of each public agency or
1652 political subdivision to whose taxpayers the notice is addressed.
1653 Such validation proceedings shall be instituted in the First
1654 Judicial District of the Chancery Court of Hinds County. The
1655 validity of the bonds so validated and of the contracts and
1656 payments to be made by the political subdivisions thereunder
1657 constituting security for the bonds shall be forever conclusive
1658 against the authority and the political subdivisions which are
1659 parties to said contracts; and the validity of said bonds and said
1660 contracts and the payments to be made thereunder shall never be
1661 called in question in any court in this state.

1662 **SECTION 25.** Section 57-67-25, Mississippi Code of 1972, is
1663 brought forward as follows:

1664 57-67-25. Bonds issued pursuant to Sections 57-67-19 through
1665 57-67-31 shall not be deemed to constitute a debt, liability or
1666 obligation of the contracting public agency or political
1667 subdivisions, within the meaning of any constitutional or
1668 statutory limitation, nor shall such bonds constitute a pledge of
1669 the full faith and credit of the state or the contracting public
1670 agency or political subdivisions, but shall be payable solely from
1671 the revenues, moneys and funds of the authority pledged therefor.
1672 Each bond shall contain on the face thereof a statement to the
1673 effect that the authority shall not be obligated to pay the same
1674 nor the interest thereon except from those sources above mentioned



1675 and pledged therefor and that neither the full faith and credit
1676 nor the taxing power of the state or any political subdivision
1677 thereof is pledged to the payment of the principal of or the
1678 interest on such bond.

1679 **SECTION 26.** Section 57-67-27, Mississippi Code of 1972, is
1680 brought forward as follows:

1681 57-67-27. The authority may, in any authorizing resolution,
1682 trust indenture or other security instrument relating to its
1683 bonds, provide for the appointment of a trustee who shall have
1684 such powers as are provided therein to represent the registered
1685 owners of any issue of bonds in the enforcement or protection of
1686 their rights under any such resolution, trust indenture or
1687 security instrument. The authority may also provide in such
1688 resolution, trust indenture or other security instrument that the
1689 trustee, or in the event that the trustee so appointed shall fail
1690 or decline to so protect and enforce such registered owners'
1691 rights then such percentage of registered owners as shall be set
1692 forth in, and subject to the provisions of, such resolution, trust
1693 indenture or other security interest, may petition the court of
1694 proper jurisdiction for the appointment of a receiver of the
1695 revenues which are pledged to the payment of the principal of and
1696 interest on the bonds of such registered owners. Such receiver
1697 may exercise any power as may be granted in any such resolution,
1698 trust indenture or security instrument to collect, enforce and
1699 receive all revenues derived from agreements with any public



1700 agency or political subdivisions entered pursuant to Section
1701 57-67-17, and carry out the contracts and obligations of the
1702 authority in the same manner as the authority itself might do, all
1703 under the direction of such court.

1704 **SECTION 27.** Section 57-67-29, Mississippi Code of 1972, is
1705 brought forward as follows:

1706 57-67-29. The authority shall have power in connection with
1707 the issuance of bonds other than state bonds issued pursuant to
1708 this chapter to:

1709 (a) Covenant as to the use of any or all of its
1710 property, real or personal.

1711 (b) Redeem the bonds, to covenant for their redemption
1712 and to provide the terms and conditions thereof.

1713 (c) Covenant and prescribe as to events of default and
1714 terms and conditions upon which any or all of its bonds shall
1715 become or may be declared due before maturity, as to the terms and
1716 conditions upon which such declaration and its consequences may be
1717 waived and as to the consequences of default and the remedies of
1718 the registered owners of the bonds.

1719 (d) Covenant as to the mortgage or pledge of or the
1720 grant of a security interest in all or any part of the revenues
1721 derived from any revenue-producing contract or contracts made by
1722 the authority with any public agency or political subdivision to
1723 secure the payment of bonds, subject to such agreements with the
1724 registered owners of bonds as may then exist.



1725 (e) Covenant as to the custody, collection, securing,
1726 investment and payment of any revenues to which the authority may
1727 have any rights or interest, which are pledged as security for the
1728 bonds.

1729 (f) Covenant as to the purposes to which the proceeds
1730 from the sale of any bonds then or thereafter to be issued may be
1731 applied, and the pledge of such proceeds to secure the payment of
1732 the bonds.

1733 (g) Covenant as to the limitations on the issuance of
1734 any additional bonds, the terms upon which additional bonds may be
1735 issued and secured, and the refunding of outstanding bonds.

1736 (h) Covenant as to the rank or priority of any bonds
1737 with respect to any lien or security.

1738 (i) Covenant as to the procedure by which the terms of
1739 any contract with or for the benefit of the registered owners of
1740 bonds may be amended or abrogated, the amount of bonds the
1741 registered owners of which must consent thereto, and the manner in
1742 which such consent may be given.

1743 (j) Covenant as to the custody of any of its properties
1744 or investments, the safekeeping thereof, the insurance to be
1745 carried thereon, and the use and disposition of insurance
1746 proceeds.

1747 (k) Covenant as to the vesting in a trustee or
1748 trustees, within or outside the state, of such properties, rights,
1749 powers and duties in trust as the authority may determine.



1750 (1) Covenant as to the appointing and providing for the
1751 duties and obligations of a paying agent or paying agents, a bond
1752 registrar and transfer agent or other fiduciaries, all of which
1753 may be domiciled within or outside the state.

1754 (m) Make all other covenants and to do any and all such
1755 acts and things as may be necessary or convenient or desirable in
1756 order to secure its bonds, or in the absolute discretion of the
1757 authority tend to make the bonds more marketable, notwithstanding
1758 that such covenants, acts or things may not be enumerated herein;
1759 it being the intention hereof to give the authority power to do
1760 all things in the issuance of bonds and in the provisions for
1761 security thereof which are not inconsistent with the Constitution
1762 of the state.

1763 (n) Execute all instruments necessary or convenient in
1764 the exercise of the powers herein granted or in the performance of
1765 covenants or duties, which may contain such covenants and
1766 provisions, as any purchaser of the bonds of the authority may
1767 reasonably require.

1768 **SECTION 28.** Section 57-67-31, Mississippi Code of 1972, is
1769 brought forward as follows:

1770 57-67-31. The state hereby covenants with the registered
1771 owners of bonds of the authority issued pursuant to this chapter,
1772 that so long as the bonds are outstanding and unpaid the state
1773 will not materially limit or materially alter the rights and
1774 powers of the authority under this chapter to conduct the



1775 activities referred to herein in any way pertinent to the
1776 interests of the bondholders including without limitation the
1777 authority's right to collect revenues and to fulfill the terms of
1778 any covenants made with the registered owners of the bonds, or in
1779 any other way materially impair the rights and remedies of the
1780 registered owners of the bonds, unless provision for full payment
1781 of such bonds, by escrow or otherwise, has been made pursuant to
1782 the terms of the bonds or the resolution, trust indenture or
1783 security instrument securing the bonds.

1784 **SECTION 29.** Section 57-67-33, Mississippi Code of 1972, is
1785 brought forward as follows:

1786 57-67-33. Any bonds or state bonds issued under the
1787 provisions of this chapter, a transaction relating to the sale or
1788 securing of such bonds, their transfer and the income therefrom
1789 shall at all times be free from taxation by the state or any local
1790 unit or political subdivision or other instrumentality of the
1791 state, excepting inheritance and gift taxes.

1792 **SECTION 30.** Section 57-67-35, Mississippi Code of 1972, is
1793 brought forward as follows:

1794 57-67-35. All bonds or state bonds issued pursuant to this
1795 chapter shall be legal investments for trustees, other
1796 fiduciaries, savings banks, trust companies and insurance
1797 companies organized under the laws of the State of Mississippi;
1798 and such bonds shall be legal securities which may be deposited
1799 with and shall be received by all public officers and bodies of



1800 the state and all municipalities and other political subdivisions
1801 thereof for the purpose of securing the deposit of public funds.

1802 **SECTION 31.** Section 57-67-37, Mississippi Code of 1972, is
1803 brought forward as follows:

1804 57-67-37. (1) (a) The authority shall expend not less than
1805 fifteen percent (15%) of the total amounts expended by the
1806 authority on planning, construction, training, research,
1807 development, testing, evaluation, personal services, procurement,
1808 and for the operation and maintenance of any facilities or
1809 activities controlled by such authority, with minority small
1810 business concerns owned and controlled by socially and
1811 economically disadvantaged individuals. For the purpose of
1812 determining the total amounts expended with such minority small
1813 business concerns, credit shall be given for that portion of any
1814 prime contract entered into with the authority which inures to the
1815 benefit of such minority small business concern as a subcontractor
1816 thereunder.

1817 (b) For the purposes of this section, the term
1818 "socially and economically disadvantaged individuals" shall have
1819 the meaning ascribed to such term under Section 8(d) of the Small
1820 Business Act (15 U.S.C.S., Section 637(d)) and relevant
1821 subcontracting regulations promulgated pursuant thereto.

1822 (c) For the purposes of this section, the term
1823 "minority small business concern" means any small business
1824 concern:



1825 (i) Which is at least fifty-one percent (51%)
1826 owned by one or more socially and economically disadvantaged
1827 individuals; or, in the case of any publicly owned businesses, at
1828 least fifty-one percent (51%) of the stock of which is owned by
1829 one or more socially and economically disadvantaged individuals;
1830 and

1831 (ii) Whose management and daily business
1832 operations are controlled by one or more of such individuals.

1833 (d) For the purposes of this section, the term "small
1834 business concern" shall mean "small business" as the latter term
1835 is defined in Section 57-10-155, Mississippi Code of 1972.

1836 (2) In order to comply in a timely manner with its minority
1837 small business participation mandate, the authority shall set an
1838 annual goal to expend not less than fifteen percent (15%) of its
1839 aggregate yearly expenditures with minority small business
1840 concerns.

1841 (3) The authority shall:

1842 (a) Monitor the minority small business concerns
1843 assistance programs prescribed in this section.

1844 (b) Review and determine the business capabilities of
1845 minority small business concerns.

1846 (c) Establish standards for a certification procedure
1847 for minority small business concerns seeking to do business with
1848 the authority.



1849 (d) Provide technical assistance services to minority
1850 small business concerns. Such technical assistance shall include
1851 but not be limited to:

- 1852 (i) Research;
- 1853 (ii) Assistance in obtaining bonds;
- 1854 (iii) Bid preparation;
- 1855 (iv) Certification of business concerns;
- 1856 (v) Marketing assistance; and
- 1857 (vi) Joint venture and capital development.

1858 (e) Develop alternative bidding and contracting
1859 procedures for minority small business concerns in conjunction
1860 with the State Fiscal Management Board and the Governor's Office
1861 of General Services.

1862 (f) Utilize such alternative bidding and contracting
1863 procedures in lieu of those prescribed in Title 31, Chapters 5 and
1864 7, Mississippi Code of 1972, when contracting with minority small
1865 business concerns that have qualified to bid for contracts and
1866 have satisfied any other disclosure provisions required by the
1867 authority.

1868 (g) Be authorized to accept in lieu of any bond
1869 otherwise required from minority small business concerns or small
1870 business concerns contracting with the authority, in an amount
1871 equal to one hundred percent (100%) of the total cost of the
1872 contracted project, any combination of the following:

- 1873 (i) Cash;



1874 (ii) Certificates of deposit from any bank or
1875 banking corporation insured by the Federal Deposit Insurance
1876 Corporation or the Federal Savings and Loan Insurance Corporation;

1877 (iii) Federal treasury bills;

1878 (iv) Letters of credit issued by a bank as that
1879 term is defined in Section 81-3-1, Mississippi Code of 1972; or

1880 (v) Surety bonds issued by an insurance company
1881 licensed and qualified to do business in the State of Mississippi.

1882 (h) Be authorized, in its discretion, to waive any bond
1883 required on any project which does not exceed a total dollar value
1884 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall
1885 be held by the authority in an amount not to exceed fifteen
1886 percent (15%) from each draw according to American Institute of
1887 Architects (AIA) standards. Upon satisfactory completion of such
1888 project, ten percent (10%) of the total cost of the contract shall
1889 be held in an interest-bearing escrow account for one (1) year.
1890 Funds deposited in such escrow account shall stand as a surety for
1891 any defects in workmanship or materials detected within twelve
1892 (12) months of completion. The balance of all monies so escrowed
1893 including accrued interest shall be paid to the contractor at the
1894 end of such twelve-month period.

1895 (i) Be empowered to provide an incentive of bimonthly
1896 payments to any prime contractors utilizing minority small
1897 business concerns as subcontractors on twenty-five percent (25%)



1898 or more of the total dollar value of any single project or
1899 contract.

1900 (j) Submit an annual report on its progress concerning
1901 minority small business contracts to the Legislature by January 30
1902 of each year.

1903 (k) Take all steps necessary to implement the
1904 provisions of this section.

1905 (4) The Governor shall create an Office of Minority Small
1906 Business Development within the authority. The Office of Minority
1907 Small Business Development shall be the primary provider of
1908 technical assistance to minority small business concerns. The
1909 authority may, in its discretion, contract with minority small
1910 business concerns and small business concerns to provide technical
1911 assistance under the provisions of this section. The authority
1912 may annually expend not more than one percent (1%) of the total
1913 dollar amount prescribed in subsection (2) of this section for the
1914 purpose of providing technical assistance. All funds expended for
1915 technical assistance shall be administrative funds or any funds
1916 available other than the amounts prescribed in subsection (1)(a)
1917 of this section.

1918 (5) The authority shall assist in facilitating the entry of
1919 minorities into the subject areas of engineering, high-energy
1920 physics, mathematics and computer science. An historically Black
1921 public institution of higher learning may receive funding from the
1922 authority for the enhancement of curriculum in any of these areas



1923 for minority student development on the undergraduate and graduate
1924 levels.

1925 **SECTION 32.** Section 57-67-39, Mississippi Code of 1972, is
1926 brought forward as follows:

1927 57-67-39. The provisions of this chapter are cumulative of
1928 other statutes now or hereafter enacted relating to the authority,
1929 and the authority may exercise all presently held powers in the
1930 furtherance of this chapter. If any section, paragraph, sentence,
1931 clause, phrase or any part of the provisions of this chapter is
1932 declared to be unconstitutional or void, or for any reason is
1933 declared to be invalid or of no effect, the remaining sections,
1934 paragraphs, sentences, clauses and phrases shall in no manner be
1935 affected thereby but shall remain in full force and effect.

1936 **SECTION 33.** This act shall take effect and be in force from
1937 and after July 1, 2017.

