

By: Representative Smith

To: Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1733

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



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

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

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

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

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

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



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

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

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



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

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

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



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

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

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

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



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

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

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



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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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



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

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

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



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

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



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

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

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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



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

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

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

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



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



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

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

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



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

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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



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

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

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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



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

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



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

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



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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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



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

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



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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

1403 (3) The commission shall:

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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



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

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

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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



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

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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



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

1874 (ii) One Million Seven Hundred Fifty Thousand
1875 Dollars (\$1,750,000.00) shall be allocated and disbursed as grants
1876 through the Department of Finance and Administration, based upon
1877 the recommendations of the Board of Trustees of the Department of
1878 Archives and History, to assist county governments in helping pay
1879 the costs of historically appropriate restoration, repair and
1880 renovation of historically significant county courthouses. Grants
1881 to individual courthouses under this paragraph (a)(ii) shall not
1882 exceed Eight Hundred Seventy-five Thousand Dollars (\$875,000.00).

1883 (b) Two Hundred Fifty Thousand Dollars (\$250,000.00)
1884 shall be allocated and disbursed as grant funds to the Amory
1885 Regional Museum in Amory, Mississippi, to pay the costs of capital
1886 improvements, repair, renovation, furnishing and/or equipping of
1887 the museum. The Department of Finance and Administration is



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

1898 (c) One Hundred Thousand Dollars (\$100,000.00) shall be
1899 allocated and disbursed as grant funds to the Jacinto Foundation,
1900 Inc., to pay the costs of capital improvements, repairing,
1901 renovating, restoring, rehabilitating, preserving, furnishing
1902 and/or equipping the courthouse and related facilities in Jacinto,
1903 Mississippi, and to pay the costs of capital improvements,
1904 repairing, renovating, restoring, rehabilitating, preserving,
1905 furnishing and/or equipping other buildings and facilities near
1906 the courthouse.

1907 (d) Four Hundred Twenty-five Thousand Dollars
1908 (\$425,000.00) shall be allocated and disbursed as grant funds to
1909 the Oxford-Lafayette County Heritage Foundation to pay the costs
1910 of capital improvements, repairing, renovating, restoring,
1911 rehabilitating, preserving, furnishing, equipping and/or acquiring
1912 the L.Q.C. Lamar Home in Oxford, Mississippi.



1913 (e) Nine Hundred Seventy-five Thousand Dollars
1914 (\$975,000.00) shall be allocated and disbursed as grant funds to
1915 the City of Columbus, Mississippi, to assist in paying the costs
1916 associated with repair, renovation and restoration of the Columbus
1917 City Hall building and related facilities.

1918 (f) One Million Dollars (\$1,000,000.00) shall be
1919 allocated and disbursed as grant funds to the Town of Wesson,
1920 Mississippi, to pay the costs of restoration and renovation of the
1921 Old Wesson School.

1922 (g) Two Hundred Fifty Thousand Dollars (\$250,000.00)
1923 shall be allocated and disbursed as grant funds to the Town of
1924 Shubuta, Mississippi, to assist in paying the costs associated
1925 with construction, reconstruction, refurbishing, repair,
1926 renovation and restoration of the Shubuta Town Hall building and
1927 related facilities.

1928 (h) Two Hundred Fifty Thousand Dollars (\$250,000.00)
1929 shall be allocated and disbursed as grant funds to the City of
1930 Okolona, Mississippi, to assist in paying costs associated with
1931 the purchase, repair, renovation, furnishing and equipping of a
1932 building and related facilities on Main Street in the City of
1933 Okolona, for the purpose of establishing a welcome center in which
1934 historical information relating to the City of Okolona will be
1935 displayed, including, but not limited to, information relating to
1936 the furniture, banking, retail and farming industries; education;
1937 historical collections owned by individuals and organizations;



1938 genealogy; Okolona College; and the Battle of Okolona and the War
1939 Between the States.

1940 (i) One Hundred Thousand Dollars (\$100,000.00) shall be
1941 allocated and disbursed as grant funds to Tallahatchie County,
1942 Mississippi, to assist in paying the costs associated with repair,
1943 renovation and restoration of the Tallahatchie County Courthouse.

1944 (j) Two Hundred Fifty Thousand Dollars (\$250,000.00)
1945 shall be allocated and disbursed as grant funds to Wayne County,
1946 Mississippi, to assist in paying the costs associated with repair,
1947 renovation and restoration of the Wayne County Courthouse.

1948 (k) Three Hundred Thousand Dollars (\$300,000.00) shall
1949 be allocated and disbursed as grant funds to assist in paying the
1950 cost of rehabilitation and restoration of Winterville Indian
1951 Mounds in Washington County, Mississippi.

1952 (l) Five Hundred Thousand Dollars (\$500,000.00) shall
1953 be allocated and disbursed as grant funds to the City of
1954 Kosciusko, to assist the City of Kosciusko, Mississippi, in paying
1955 costs associated with (i) repair, renovation, furnishing,
1956 equipping, additions to and expansion of the Kosciusko Natchez
1957 Trace Visitor Center in the City of Kosciusko, Mississippi, and
1958 (ii) repair, renovation, furnishing, equipping, additions to and
1959 expansion of buildings and related facilities to house the
1960 Mississippi Native American Museum in the City of Kosciusko,
1961 Mississippi.



1962 (m) One Hundred Thousand Dollars (\$100,000.00) shall be
1963 allocated and disbursed as grant funds to Jefferson County,
1964 Mississippi, to assist in paying costs associated with repair,
1965 renovation, upgrades and improvements to the confederate cemetery
1966 and related properties and facilities in the county.

1967 (n) Monies in the Mississippi Community Heritage
1968 Preservation Grant Fund which are derived from proceeds of state
1969 general obligation bonds may be used to reimburse reasonable
1970 actual and necessary costs incurred by the Mississippi Department
1971 of Archives and History in providing assistance directly related
1972 to a project described in paragraph (a) of this subsection for
1973 which funding is provided under this section. Reimbursement may
1974 be made only until such time as the project is completed. An
1975 accounting of actual costs incurred for which reimbursement is
1976 sought shall be maintained for each project by the Mississippi
1977 Department of Archives and History. Reimbursement of reasonable
1978 actual and necessary costs for a project shall not exceed three
1979 percent (3%) of the proceeds of bonds issued for such project.
1980 Monies authorized for a particular project may not be used to
1981 reimburse administrative costs for unrelated projects.

1982 (3) (a) The Board of Trustees of the Department of Archives
1983 and History shall receive and consider proposals from county
1984 governments, municipal governments, school districts and nonprofit
1985 organizations that have obtained Section 501(c)(3) tax-exempt
1986 status from the United States Internal Revenue Service for



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

1998 (b) The Board of Trustees of the Department of Archives
1999 and History shall receive and consider proposals from county
2000 governments for projects associated with historically appropriate
2001 restoration, repair and renovation of historically significant
2002 county courthouses. Proposals shall be submitted in accordance
2003 with the provisions of procedures, criteria and standards
2004 developed by the board. The board shall determine those projects
2005 to be funded and may require matching funds from any applicant
2006 seeking assistance under this section. This subsection shall not
2007 apply to projects described in subsection (2) (a) (i), (2) (b),
2008 (2) (c), (2) (d), (2) (e) and (2) (f) of this section.

2009 (4) The Department of Archives and History shall publicize
2010 the Community Heritage Preservation Grant Program described in
2011 this section on a statewide basis, including the publication of



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

2021 (5) With regard to any project awarded funding under this
2022 section, any consultant, planner, architect, engineer, exhibit
2023 contracting firm, historic preservation specialist or other
2024 professional hired by a grant recipient to work on any such
2025 project shall be approved by the board before their employment by
2026 the grant recipient.

2027 (6) Plans and specifications for all projects initiated
2028 under the provisions of this section shall be approved by the
2029 board before the awarding of any contracts. The plans and
2030 specifications for any work involving "Mississippi Landmark"
2031 properties shall be developed in accordance with "The Secretary of
2032 the Interior's Standards for the Treatment of Historic
2033 Properties."

2034 **SECTION 11.** (1) As used in this section, the following
2035 words shall have the meanings ascribed herein unless the context
2036 clearly requires otherwise:



2037 (a) "Accreted value" of any bond means, as of any date
2038 of computation, an amount equal to the sum of (i) the stated
2039 initial value of such bond, plus (ii) the interest accrued thereon
2040 from the issue date to the date of computation at the rate,
2041 compounded semiannually, that is necessary to produce the
2042 approximate yield to maturity shown for bonds of the same
2043 maturity.

2044 (b) "State" means the State of Mississippi.

2045 (c) "Commission" means the State Bond Commission.

2046 (2) (a) (i) A special fund, to be designated the "2017
2047 Alcoholic Beverages Control Warehouse Improvements Fund" is
2048 created within the State Treasury. The fund shall be maintained
2049 by the State Treasurer as a separate and special fund, separate
2050 and apart from the General Fund of the state. Unexpended amounts
2051 remaining in the fund at the end of a fiscal year shall not lapse
2052 into the State General Fund, and any interest earned or investment
2053 earnings on amounts in the fund shall be deposited into such fund.

2054 (ii) Monies deposited into the fund shall be
2055 disbursed, in the discretion of the Department of Finance and
2056 Administration, to pay the costs of construction, repair,
2057 renovation and replacement of buildings at the Alcoholic Beverage
2058 Control Warehouse located in Madison County, Mississippi, and the
2059 purchase or renovation of equipment at such warehouse.

2060 (b) Amounts deposited into such special fund shall be
2061 disbursed to pay the costs of the projects described in paragraph



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

2070 (c) The Department of Finance and Administration,
2071 acting through the Bureau of Building, Grounds and Real Property
2072 Management, is expressly authorized and empowered to receive and
2073 expend any local or other source funds in connection with the
2074 expenditure of funds provided for in this subsection. The
2075 expenditure of monies deposited into the special fund shall be
2076 under the direction of the Department of Finance and
2077 Administration, and such funds shall be paid by the State
2078 Treasurer upon warrants issued by such department, which warrants
2079 shall be issued upon requisitions signed by the Executive Director
2080 of the Department of Finance and Administration, or his designee.

2081 (3) (a) The commission, at one time, or from time to time,
2082 may declare by resolution the necessity for issuance of general
2083 obligation bonds of the State of Mississippi to provide funds for
2084 all costs incurred or to be incurred for the purposes described in
2085 subsection (2) of this section. Upon the adoption of a resolution
2086 by the Department of Finance and Administration, declaring the



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

2100 (b) Any investment earnings on amounts deposited into
2101 the special fund created in subsection (2) of this section shall
2102 be used to pay debt service on bonds issued under this section, in
2103 accordance with the proceedings authorizing issuance of such
2104 bonds.

2105 (4) The principal of and interest on the bonds authorized
2106 under this section shall be payable in the manner provided in this
2107 subsection. Such bonds shall bear such date or dates, be in such
2108 denomination or denominations, bear interest at such rate or rates
2109 (not to exceed the limits set forth in Section 75-17-101,
2110 Mississippi Code of 1972), be payable at such place or places
2111 within or without the State of Mississippi, shall mature



2112 absolutely at such time or times not to exceed twenty-five (25)
2113 years from date of issue, be redeemable before maturity at such
2114 time or times and upon such terms, with or without premium, shall
2115 bear such registration privileges, and shall be substantially in
2116 such form, all as shall be determined by resolution of the
2117 commission.

2118 (5) The bonds authorized by this section shall be signed by
2119 the chairman of the commission, or by his facsimile signature, and
2120 the official seal of the commission shall be affixed thereto,
2121 attested by the secretary of the commission. The interest
2122 coupons, if any, to be attached to such bonds may be executed by
2123 the facsimile signatures of such officers. Whenever any such
2124 bonds shall have been signed by the officials designated to sign
2125 the bonds who were in office at the time of such signing but who
2126 may have ceased to be such officers before the sale and delivery
2127 of such bonds, or who may not have been in office on the date such
2128 bonds may bear, the signatures of such officers upon such bonds
2129 and coupons shall nevertheless be valid and sufficient for all
2130 purposes and have the same effect as if the person so officially
2131 signing such bonds had remained in office until their delivery to
2132 the purchaser, or had been in office on the date such bonds may
2133 bear. However, notwithstanding anything herein to the contrary,
2134 such bonds may be issued as provided in the Registered Bond Act of
2135 the State of Mississippi.



2136 (6) All bonds and interest coupons issued under the
2137 provisions of this section have all the qualities and incidents of
2138 negotiable instruments under the provisions of the Uniform
2139 Commercial Code, and in exercising the powers granted by this
2140 section, the commission shall not be required to and need not
2141 comply with the provisions of the Uniform Commercial Code.

2142 (7) The commission shall act as issuing agent for the bonds
2143 authorized under this section, prescribe the form of the bonds,
2144 determine the appropriate method for sale of the bonds, advertise
2145 for and accept bids or negotiate the sale of the bonds, issue and
2146 sell the bonds so authorized to be sold, pay all fees and costs
2147 incurred in such issuance and sale, and do any and all other
2148 things necessary and advisable in connection with the issuance and
2149 sale of such bonds. The commission is authorized and empowered to
2150 pay the costs that are incident to the sale, issuance and delivery
2151 of the bonds authorized under this section from the proceeds
2152 derived from the sale of such bonds. The commission may sell such
2153 bonds on sealed bids at public sale or may negotiate the sale of
2154 the bonds for such price as it may determine to be for the best
2155 interest of the State of Mississippi. All interest accruing on
2156 such bonds so issued shall be payable semiannually or annually.

2157 If such bonds are sold by sealed bids at public sale, notice
2158 of the sale shall be published at least one (1) time, not less
2159 than ten (10) days before the date of sale, and shall be so
2160 published in one or more newspapers published or having a general



2161 circulation in the City of Jackson, Mississippi, selected by the
2162 commission.

2163 The commission, when issuing any bonds under the authority of
2164 this section, may provide that bonds, at the option of the State
2165 of Mississippi, may be called in for payment and redemption at the
2166 call price named therein and accrued interest on such date or
2167 dates named therein.

2168 (8) The bonds issued under the provisions of this section
2169 are general obligations of the State of Mississippi, and for the
2170 payment thereof the full faith and credit of the State of
2171 Mississippi is irrevocably pledged. If the funds appropriated by
2172 the Legislature are insufficient to pay the principal of and the
2173 interest on such bonds as they become due, then the deficiency
2174 shall be paid by the State Treasurer from any funds in the State
2175 Treasury not otherwise appropriated. All such bonds shall contain
2176 recitals on their faces substantially covering the provisions of
2177 this subsection.

2178 (9) Upon the issuance and sale of bonds under the provisions
2179 of this section, the commission shall transfer the proceeds of any
2180 such sale or sales to the special fund created in subsection (2)
2181 of this section. The proceeds of such bonds shall be disbursed
2182 solely upon the order of the Department of Finance and
2183 Administration under such restrictions, if any, as may be
2184 contained in the resolution providing for the issuance of the
2185 bonds.



2186 (10) The bonds authorized under this section may be issued
2187 without any other proceedings or the happening of any other
2188 conditions or things other than those proceedings, conditions and
2189 things which are specified or required by this section. Any
2190 resolution providing for the issuance of bonds under the
2191 provisions of this section shall become effective immediately upon
2192 its adoption by the commission, and any such resolution may be
2193 adopted at any regular or special meeting of the commission by a
2194 majority of its members.

2195 (11) The bonds authorized under the authority of this
2196 section may be validated in the Chancery Court of the First
2197 Judicial District of Hinds County, Mississippi, in the manner and
2198 with the force and effect provided by Chapter 13, Title 31,
2199 Mississippi Code of 1972, for the validation of county, municipal,
2200 school district and other bonds. The notice to taxpayers required
2201 by such statutes shall be published in a newspaper published or
2202 having a general circulation in the City of Jackson, Mississippi.

2203 (12) Any holder of bonds issued under the provisions of this
2204 section or of any of the interest coupons pertaining thereto may,
2205 either at law or in equity, by suit, action, mandamus or other
2206 proceeding, protect and enforce any and all rights granted under
2207 this section, or under such resolution, and may enforce and compel
2208 performance of all duties required by this section to be
2209 performed, in order to provide for the payment of bonds and
2210 interest thereon.



2211 (13) All bonds issued under the provisions of this section
2212 shall be legal investments for trustees and other fiduciaries, and
2213 for savings banks, trust companies and insurance companies
2214 organized under the laws of the State of Mississippi, and such
2215 bonds shall be legal securities which may be deposited with and
2216 shall be received by all public officers and bodies of this state
2217 and all municipalities and political subdivisions for the purpose
2218 of securing the deposit of public funds.

2219 (14) Bonds issued under the provisions of this section and
2220 income therefrom shall be exempt from all taxation in the State of
2221 Mississippi.

2222 (15) The proceeds of the bonds issued under this section
2223 shall be used solely for the purposes herein provided, including
2224 the costs incident to the issuance and sale of such bonds.

2225 (16) The State Treasurer is authorized, without further
2226 process of law, to certify to the Department of Finance and
2227 Administration the necessity for warrants, and the Department of
2228 Finance and Administration is authorized and directed to issue
2229 such warrants, in such amounts as may be necessary to pay when due
2230 the principal of, premium, if any, and interest on, or the
2231 accreted value of, all bonds issued under this section; and the
2232 State Treasurer shall forward the necessary amount to the
2233 designated place or places of payment of such bonds in ample time
2234 to discharge such bonds, or the interest thereon, on the due dates
2235 thereof.



2236 (17) This section shall be deemed to be full and complete
2237 authority for the exercise of the powers herein granted, but this
2238 section shall not be deemed to repeal or to be in derogation of
2239 any existing law of this state.

2240 **SECTION 12.** (1) As used in this section, the following
2241 words shall have the meanings ascribed herein unless the context
2242 clearly requires otherwise:

2243 (a) "Accreted value" of any bonds means, as of any date
2244 of computation, an amount equal to the sum of (i) the stated
2245 initial value of such bond, plus (ii) the interest accrued thereon
2246 from the issue date to the date of computation at the rate,
2247 compounded semiannually, that is necessary to produce the
2248 approximate yield to maturity shown for bonds of the same
2249 maturity.

2250 (b) "State" means the State of Mississippi.

2251 (c) "Commission" means the State Bond Commission.

2252 (2) (a) The Commission on Environmental Quality, at one
2253 time, or from time to time, may declare by resolution the
2254 necessity for issuance of general obligation bonds of the State of
2255 Mississippi to provide funds for the Water Pollution Control
2256 Revolving Fund established in Section 49-17-85. Upon the adoption
2257 of a resolution by the Commission on Environmental Quality
2258 declaring the necessity for the issuance of any part or all of the
2259 general obligation bonds authorized by this subsection, the
2260 Commission on Environmental Quality shall deliver a certified copy



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

2274 (b) The proceeds of bonds issued pursuant to this
2275 subsection shall be deposited into the Water Pollution Control
2276 Revolving Fund created pursuant to Section 49-17-85.

2277 (3) The principal of and interest on the bonds authorized
2278 under this section shall be payable in the manner provided in this
2279 section. Such bonds shall bear such date or dates, be in such
2280 denomination or denominations, bear interest at such rate or rates
2281 (not to exceed the limits set forth in Section 75-17-101,
2282 Mississippi Code of 1972), be payable at such place or places
2283 within or without the State of Mississippi, shall mature
2284 absolutely at such time or times not to exceed twenty-five (25)
2285 years from date of issue, be redeemable before maturity at such



2286 time or times and upon such terms, with or without premium, shall
2287 bear such registration privileges, and shall be substantially in
2288 such form, all as shall be determined by resolution of the
2289 commission.

2290 (4) The bonds authorized by this section shall be signed by
2291 the chairman of the commission, or by his facsimile signature, and
2292 the official seal of the commission shall be affixed thereto,
2293 attested by the secretary of the commission. The interest
2294 coupons, if any, to be attached to such bonds may be executed by
2295 the facsimile signatures of such officers. Whenever any such
2296 bonds shall have been signed by the officials designated to sign
2297 the bonds who were in office at the time of such signing but who
2298 may have ceased to be such officers before the sale and delivery
2299 of such bonds, or who may not have been in office on the date such
2300 bonds may bear, the signatures of such officers upon such bonds
2301 and coupons shall nevertheless be valid and sufficient for all
2302 purposes and have the same effect as if the person so officially
2303 signing such bonds had remained in office until their delivery to
2304 the purchaser, or had been in office on the date such bonds may
2305 bear. However, notwithstanding anything herein to the contrary,
2306 such bonds may be issued as provided in the Registered Bond Act of
2307 the State of Mississippi.

2308 (5) All bonds and interest coupons issued under the
2309 provisions of this section have all the qualities and incidents of
2310 negotiable instruments under the provisions of the Uniform



2311 Commercial Code, and in exercising the powers granted by this
2312 section, the commission shall not be required to and need not
2313 comply with the provisions of the Uniform Commercial Code.

2314 (6) The commission shall act as the issuing agent for the
2315 bonds authorized under this section, prescribe the form of the
2316 bonds, determine the appropriate method for sale of the bonds,
2317 advertise for and accept bids or negotiate the sale of the bonds,
2318 issue and sell the bonds so authorized to be sold, pay all fees
2319 and costs incurred in such issuance and sale, and do any and all
2320 other things necessary and advisable in connection with the
2321 issuance and sale of such bonds. The commission is authorized and
2322 empowered to pay the costs that are incident to the sale, issuance
2323 and delivery of the bonds authorized under this section from the
2324 proceeds derived from the sale of such bonds. The commission may
2325 sell such bonds on sealed bids at public sale or may negotiate the
2326 sale of the bonds for such price as it may determine to be for the
2327 best interest of the State of Mississippi. All interest accruing
2328 on such bonds so issued shall be payable semiannually or annually.

2329 If the bonds are to be sold on sealed bids at public sale,
2330 notice of the sale of any such bonds shall be published at least
2331 one time, not less than ten (10) days before the date of sale, and
2332 shall be so published in one or more newspapers published or
2333 having a general circulation in the City of Jackson, Mississippi,
2334 selected by the commission.



2335 The commission, when issuing any bonds under the authority of
2336 this section, may provide that bonds, at the option of the State
2337 of Mississippi, may be called in for payment and redemption at the
2338 call price named therein and accrued interest on such date or
2339 dates named therein.

2340 (7) The bonds issued under the provisions of this section
2341 are general obligations of the State of Mississippi, and for the
2342 payment thereof the full faith and credit of the State of
2343 Mississippi is irrevocably pledged. Interest and investment
2344 earnings on money in the Water Pollution Control Revolving Fund
2345 shall be utilized to pay the principal and interest on such bonds
2346 as they become due. If the interest and investment earnings of
2347 the fund and any funds appropriated by the Legislature are
2348 insufficient to pay the principal of and the interest on such
2349 bonds as they become due, then the deficiency shall be paid by the
2350 State Treasurer from any funds in the State Treasury not otherwise
2351 appropriated. All such bonds shall contain recitals on their
2352 faces substantially covering the provisions of this section.

2353 (8) Upon the issuance and sale of bonds under the provisions
2354 of this section, the commission shall transfer the proceeds of any
2355 such sale or sales to the Water Pollution Control Revolving Fund
2356 created in Section 49-17-85. After the transfer of the proceeds
2357 of any such sale or sales to the Water Pollution Control Revolving
2358 Fund, any investment earnings or interest earned on the proceeds
2359 of such bonds shall be deposited to the credit of the Water



2360 Pollution Control Revolving Fund and shall be used only for the
2361 purposes provided in Section 49-17-85. The proceeds of such bonds
2362 shall be disbursed solely upon the order of the Commission on
2363 Environmental Quality under such restrictions, if any, as may be
2364 contained in the resolution providing for the issuance of the
2365 bonds.

2366 (9) The bonds authorized under this section may be issued
2367 without any other proceedings or the happening of any other
2368 conditions or things other than those proceedings, conditions and
2369 things which are specified or required by this section. Any
2370 resolution providing for the issuance of bonds under the
2371 provisions of this section shall become effective immediately upon
2372 its adoption by the commission, and any such resolution may be
2373 adopted at any regular or special meeting of the commission by a
2374 majority of its members.

2375 (10) The bonds authorized under the authority of this
2376 section may be validated in the Chancery Court of the First
2377 Judicial District of Hinds County, Mississippi, in the manner and
2378 with the force and effect provided by Chapter 13, Title 31,
2379 Mississippi Code of 1972, for the validation of county, municipal,
2380 school district and other bonds. The notice to taxpayers required
2381 by such statutes shall be published in a newspaper published or
2382 having a general circulation in the City of Jackson, Mississippi.

2383 (11) Any holder of bonds issued under the provisions of this
2384 section or of any of the interest coupons pertaining thereto may,



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

2391 (12) All bonds issued under the provisions of this section
2392 shall be legal investments for trustees and other fiduciaries, and
2393 for savings banks, trust companies and insurance companies
2394 organized under the laws of the State of Mississippi, and such
2395 bonds shall be legal securities which may be deposited with and
2396 shall be received by all public officers and bodies of this state
2397 and all municipalities and political subdivisions for the purpose
2398 of securing the deposit of public funds.

2399 (13) Bonds issued under the provisions of this section and
2400 income therefrom shall be exempt from all taxation in the State of
2401 Mississippi.

2402 (14) The proceeds of the bonds issued under this section
2403 shall be used solely for the purposes therein provided, including
2404 the costs incident to the issuance and sale of such bonds.

2405 (15) The State Treasurer is authorized, without further
2406 process of law, to certify to the Department of Finance and
2407 Administration the necessity for warrants, and the Department of
2408 Finance and Administration is authorized and directed to issue
2409 such warrants, in such amounts as may be necessary to pay when due



2410 the principal of, premium, if any, and interest on, or the
2411 accreted value of, all bonds issued under this section; and the
2412 State Treasurer shall forward the necessary amount to the
2413 designated place or places of payment of such bonds in ample time
2414 to discharge such bonds, or the interest thereon, on the due dates
2415 thereof.

2416 (16) This section shall be deemed to be full and complete
2417 authority for the exercise of the powers therein granted, but this
2418 section shall not be deemed to repeal or to be in derogation of
2419 any existing law of this state.

2420 **SECTION 13.** Section 49-17-85, Mississippi Code of 1972, is
2421 amended as follows:

2422 49-17-85. (1) There is established in the State Treasury a
2423 fund to be known as the "Water Pollution Control Revolving Fund"
2424 which shall be administered by the commission acting through the
2425 department. The revolving fund may receive bond proceeds and
2426 funds appropriated or otherwise made available by the Legislature
2427 in any manner and funds from any other source, public or private.
2428 The revolving fund shall be maintained in perpetuity for the
2429 purposes established in this section.

2430 (2) There is established in the State Treasury a fund to be
2431 known as the "Water Pollution Control Hardship Grants Fund," which
2432 shall be administered by the commission acting through the
2433 department. The grants fund shall be maintained in perpetuity for



2434 the purposes established in this section. Any interest earned on
2435 monies in the grants fund shall be credited to that fund.

2436 (3) The commission shall promulgate regulations for the
2437 administration of the revolving fund program, the hardship grants
2438 program and for related programs authorized under this section.
2439 The regulations shall be in accordance with the federal Water
2440 Quality Act of 1987, as amended, and regulations and guidance
2441 issued under that act. The commission may enter into
2442 capitalization grant agreements with the United States
2443 Environmental Protection Agency and may accept capitalization
2444 grant awards made under Title VI of the Water Quality Act of 1987,
2445 as amended.

2446 (4) The commission shall establish a loan program which
2447 shall commence after October 1, 1988, to assist political
2448 subdivisions in the construction of water pollution control
2449 projects. Loans from the revolving fund may be made to political
2450 subdivisions as set forth in a loan agreement in amounts not
2451 exceeding one hundred percent (100%) of eligible project costs as
2452 established by the commission. Notwithstanding loan amount
2453 limitations set forth in Section 49-17-61, the commission may
2454 require local participation or funding from other sources, or
2455 otherwise limit the percentage of costs covered by loans from the
2456 revolving fund. The commission may establish a maximum amount for
2457 any loan in order to provide for broad and equitable participation
2458 in the program.



2459 (5) The commission shall establish a hardship grants program
2460 for rural communities, which shall commence after July 1, 1997, to
2461 assist severely economically disadvantaged small rural political
2462 subdivisions in the construction of water pollution control
2463 projects. The commission may receive and administer state or
2464 federal funds, or both, appropriated for the operation of this
2465 grants program and may take all actions necessary to implement the
2466 program in accordance with the federal hardship grants program.
2467 The hardship grants program shall operate in conjunction with the
2468 revolving loan program administered under this section.

2469 (6) The commission shall act for the state in all matters
2470 and with respect to all determinations under Title VI of the
2471 federal Water Quality Act of 1987, as amended, and the federal
2472 Omnibus Appropriations and Recision Act of 1996.

2473 (7) Except as otherwise provided in this section, the
2474 revolving fund may be used only:

2475 (a) To make loans on the condition that:

2476 (i) The loans are made at or below market interest
2477 rates, at terms not to exceed the maximum time allowed by federal
2478 law after project completion; the interest rate and term may vary
2479 from time to time and from loan to loan at the discretion of the
2480 commission;

2481 (ii) Periodic principal and interest payments will
2482 commence when required by the commission but not later than one

2483 (1) year after project completion and all loans will be fully



2484 amortized when required by the commission but not later than the
2485 maximum time allowed by federal law after project completion;

2486 (iii) The recipient of a loan will establish a
2487 dedicated source of revenue for repayment of loans;

2488 (b) To buy or refinance the debt obligation of
2489 political subdivisions at or below market rates, where the debt
2490 obligations were incurred after March 7, 1985, and where the
2491 projects were constructed in compliance with applicable federal
2492 and state regulations;

2493 (c) To guarantee, or purchase insurance for,
2494 obligations of political subdivisions where the action would
2495 improve credit market access or reduce interest rates;

2496 (d) To provide loan guarantees for similar revolving
2497 funds established by municipalities or intermunicipal agencies;

2498 (e) To earn interest on fund accounts;

2499 (f) To establish nonpoint source pollution control
2500 management programs;

2501 (g) To establish estuary conservation and management
2502 programs;

2503 (h) For the reasonable costs of administering the
2504 revolving fund and conducting activities under this act, subject
2505 to the limitations established in Section 603(d)(7) of Title VI of
2506 the federal Clean Water Act, as amended, and subject to annual
2507 appropriation by the Legislature;



2508 (i) In connection with the issuance, sale and purchase
2509 of bonds under Section 31-25-1 et seq., related to the funding of
2510 projects, to provide security or a pledge of revenues for the
2511 repayment of the bonds; and

2512 (j) To pay the principal and interest on bonds issued
2513 pursuant to Section 11 of Chapter 580, Laws of 2007, Section 1 of
2514 Chapter 492, Laws of 2008, Section 47 of Chapter 557, Laws of
2515 2009, Section 45 of Chapter 533, Laws of 2010, Section 3 of
2516 Chapter 480, Laws of 2011, * * * Section 36 of Chapter 569, Laws
2517 of 2013, and Section 12 of this act, as they become due; however,
2518 only interest and investment earnings on money in the fund may be
2519 utilized for this purpose.

2520 (8) The hardship grants program shall be used only to
2521 provide hardship grants consistent with the federal hardship
2522 grants program for rural communities, regulations and guidance
2523 issued by the United States Environmental Protection Agency,
2524 subsections (3) and (5) of this section and regulations
2525 promulgated and guidance issued by the commission under this
2526 section.

2527 (9) The commission shall establish by regulation a system of
2528 priorities and a priority list of projects eligible for funding
2529 with loans from the revolving fund.

2530 (10) The commission may provide a loan from the revolving
2531 fund only with respect to a project if that project is on the
2532 priority list established by the commission.



2533 (11) The revolving fund shall be credited with all payments
2534 of principal and interest derived from the fund uses described in
2535 subsection (7) of this section. However, notwithstanding any
2536 other provision of law to the contrary, all or any portion of
2537 payments of principal and interest derived from the fund uses
2538 described in subsection (7) of this section may be designated or
2539 pledged for repayment of a loan as provided for in Section
2540 31-25-28 in connection with a loan from the Mississippi
2541 Development Bank.

2542 (12) The commission may establish and collect fees to defray
2543 the reasonable costs of administering the revolving fund if it
2544 determines that the administrative costs will exceed the
2545 limitations established in Section 603(d)(7) of Title VI of the
2546 federal Clean Water Act, as amended. The administration fees may
2547 be included in loan amounts to political subdivisions for the
2548 purpose of facilitating payment to the commission. The fees may
2549 not exceed five percent (5%) of the loan amount.

2550 (13) Except as otherwise provided in this section, the
2551 commission may, on a case-by-case basis and to the extent allowed
2552 by federal law, renegotiate the payment of principal and interest
2553 on loans made under this section to the six (6) most southern
2554 counties of the state covered by the Presidential Declaration of
2555 Major Disaster for the State of Mississippi (FEMA-1604-DR) dated
2556 August 29, 2005, and to political subdivisions located in such
2557 counties; however, the interest on the loans shall not be forgiven



2558 for a period of more than twenty-four (24) months and the maturity
2559 of the loans shall not be extended for a period of more than
2560 forty-eight (48) months.

2561 (14) The commission may, on a case-by-case basis and to the
2562 extent allowed by federal law, renegotiate the payment of
2563 principal and interest on loans made under this section to Hancock
2564 County as a result of coverage under the Presidential Declaration
2565 of Major Disaster for the State of Mississippi (FEMA-1604-DR)
2566 dated August 29, 2005, and to political subdivisions located in
2567 Hancock County.

2568 **SECTION 14.** Section 27-70-5, Mississippi Code of 1972, is
2569 brought forward as follows:

2570 27-70-5. (1) (a) In addition to the tax imposed under
2571 Section 27-69-13, and except as provided by subsection (2) of this
2572 section, there is imposed a tobacco equity tax in the amount of
2573 One and Thirty-five One Hundredths Cent (\$0.0135) per cigarette on
2574 all cigarettes subject to the tax imposed under Section 27-69-13.

2575 (b) On July 1 of each year, the tax prescribed by
2576 subsection (1) of this section shall increase by the greater of:

2577 (i) Three percent (3%); or

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



2582 (c) The revenue collected from the tax imposed by this
2583 section shall be deposited into the State General Fund.

2584 (d) The cigarettes manufactured by any manufacturer
2585 which is a party to the tobacco settlement agreement shall be
2586 exempt from the imposition of the tobacco equity tax provided for
2587 herein.

2588 (2) The tax imposed by this chapter does not apply to
2589 cigarettes that are sold, purchased or otherwise distributed in
2590 this state for sale outside of this state. A person may not
2591 transport or cause to be transported from this state such
2592 cigarettes for retail sale in another state without first affixing
2593 to the cigarettes the stamp required by the state in which the
2594 cigarettes are to be sold or by paying any other excise tax on the
2595 cigarettes imposed by the state in which the cigarettes are to be
2596 sold; however, a person shall not be required to affix a tax stamp
2597 of another state or pay the excise tax of another state prior to
2598 transporting the cigarettes out of this state if the other state
2599 prohibits that action or if the cigarettes are being sold to a
2600 wholesaler licensed by that state.

2601 (3) The tax imposed by this chapter is in addition to any
2602 other privilege, license, fee, assessment or tax required or
2603 imposed by state law, including, but not limited to, the taxes
2604 levied by Section 27-69-13.

2605 (4) The tax imposed by this chapter is imposed, levied and
2606 assessed on each distributor of cigarettes. The tax shall be due



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

2616 (5) The distributor is eligible for a credit if cigarettes
2617 for which the distributor had previously paid the tax under this
2618 chapter were returned to the distributor.

2619 **SECTION 15.** Section 57-89-7, Mississippi Code of 1972, is
2620 brought forward as follows:

2621 57-89-7. (1) (a) A motion picture production company that
2622 expends at least Fifty Thousand Dollars (\$50,000.00) in base
2623 investment, payroll and/or fringes, in the state shall be entitled
2624 to a rebate of a portion of the base investment made by the motion
2625 picture production company. Subject to the provisions of this
2626 section, the amount of the rebate shall be equal to twenty-five
2627 percent (25%) of the base investment made by the motion picture
2628 production company.

2629 (b) In addition to the rebates authorized under
2630 paragraphs (a), (c) and (d) of this subsection, a motion picture
2631 production company may receive a rebate equal to twenty-five



2632 percent (25%) of payroll and fringes paid for any employee who is
2633 not a resident and whose wages are subject to the Mississippi
2634 Income Tax Withholding Law of 1968. However, if the payroll and
2635 fringes paid for an employee exceeds Five Million Dollars
2636 (\$5,000,000.00), then the rebate is authorized only for the first
2637 Five Million Dollars (\$5,000,000.00) of such payroll and fringes.

2638 (c) In addition to the rebates authorized under
2639 paragraphs (a), (b) and (d) of this subsection, a motion picture
2640 production company may receive a rebate equal to thirty percent
2641 (30%) of payroll and fringes paid for any employee who is a
2642 resident and whose wages are subject to the Mississippi Income Tax
2643 Withholding Law of 1968. However, if the payroll and fringes paid
2644 for an employee exceeds Five Million Dollars (\$5,000,000.00), then
2645 the rebate is authorized only for the first Five Million Dollars
2646 (\$5,000,000.00) of such payroll and fringes.

2647 (d) In addition to the rebates authorized in paragraphs
2648 (a), (b) and (c) of this subsection, a motion picture production
2649 company may receive an additional rebate equal to five percent
2650 (5%) of the payroll and fringes paid for any employee who is an
2651 honorably discharged veteran of the United States Armed Forces and
2652 whose wages are subject to the Mississippi Income Tax Withholding
2653 Law of 1968.

2654 (e) If a motion picture has physical production
2655 activities and/or post-production activities both inside and
2656 outside the state, then the motion picture production company



2657 shall be required to provide an itemized accounting for each
2658 employee regarding such activities inside and outside the state
2659 for the purposes of proration of eligible payroll based on the
2660 percentage of activities performed in the state.

2661 (f) The total amount of rebates authorized for a motion
2662 picture project shall not exceed Ten Million Dollars
2663 (\$10,000,000.00) in the aggregate.

2664 (g) The total amount of rebates authorized in any
2665 fiscal year shall not exceed Twenty Million Dollars
2666 (\$20,000,000.00) in the aggregate.

2667 (2) A motion picture production company desiring a rebate
2668 under this section must submit a rebate request to the Department
2669 of Revenue upon completion of the project. The request must
2670 include a detailed accounting of the base investment made by the
2671 motion picture production company and any other information
2672 required by the Department of Revenue. Rebates made by the
2673 Department of Revenue under this section shall be made from
2674 current income tax collections. The Department of Revenue shall
2675 not approve any application for a rebate under subsection (1)(b)
2676 of this section after July 1, 2017.

2677 (3) The Department of Revenue shall have all powers
2678 necessary to implement and administer the provisions of this
2679 section, and the Department of Revenue shall promulgate rules and
2680 regulations, in accordance with the Mississippi Administrative
2681 Procedures Law, necessary for the implementation of this section.



2682 (4) The State Auditor may conduct performance and compliance
2683 audits under this chapter according to Section 7-7-211(o) and may
2684 bill the oversight agency.

2685 **SECTION 16.** Section 27-55-11, Mississippi Code of 1972, is
2686 brought forward as follows:

2687 27-55-11. Any person in business as a distributor of
2688 gasoline or who acts as a distributor of gasoline, as defined in
2689 this article, shall pay for the privilege of engaging in such
2690 business or acting as such distributor an excise tax equal to
2691 Eighteen Cents (18¢) per gallon until the date specified in
2692 Section 65-39-35, and Fourteen and Four-tenths Cents (14.4¢) per
2693 gallon thereafter, on all gasoline and blend stock stored, sold,
2694 distributed, manufactured, refined, distilled, blended or
2695 compounded in this state or received in this state for sale, use
2696 on the highways, storage, distribution, or for any purpose.

2697 Any person in business as a distributor of aviation gasoline,
2698 or who acts as a distributor of aviation gasoline, shall pay for
2699 the privilege of engaging in such business or acting as such
2700 distributor an excise tax equal to Six and Four-tenths Cents
2701 (6.4¢) per gallon on all aviation gasoline stored, sold,
2702 distributed, manufactured, refined, distilled, blended or
2703 compounded in this state or received in this state for sale,
2704 storage, distribution or for any purpose.

2705 The excise taxes collected under this section shall be paid
2706 and distributed in accordance with Section 27-5-101.



2707 The tax herein imposed and assessed shall be collected and
2708 paid to the State of Mississippi but once in respect to any
2709 gasoline. The basis for determining the tax liability shall be
2710 the correct invoiced gallons, adjusted to sixty (60) degrees
2711 Fahrenheit at the refinery or point of origin of shipment when
2712 such shipment is made by tank car or by motor carrier. The point
2713 of origin of shipment of gasoline transported into this state by
2714 pipelines shall be deemed to be that point in this state where
2715 such gasoline is withdrawn from the pipeline for storage or
2716 distribution, and adjustment to sixty (60) degrees Fahrenheit
2717 shall there be made. The basis for determining the tax liability
2718 on gasoline shipped into this state in barge cargoes and by
2719 pipeline shall be the actual number of gallons adjusted to sixty
2720 (60) degrees Fahrenheit unloaded into storage tanks or other
2721 containers in this state, such gallonage to be determined by
2722 measurement and/or gauge of storage tank or tanks or by any other
2723 method authorized by the commission. The tank or tanks into which
2724 barge cargoes of gasoline are discharged, or into which gasoline
2725 transported by pipeline is discharged, shall have correct gauge
2726 tables listing capacity, such gauge tables to be prepared by some
2727 recognized calibrating agency and to be approved by the
2728 commission.

2729 The tax levied herein shall accrue at the time gasoline is
2730 withdrawn from a refinery in this state except when withdrawal is
2731 by pipeline, barge, ship or vessel. The refiner shall pay to the



2732 commission the tax levied herein when gasoline is sold or
2733 delivered to persons who do not hold gasoline distributor permits.
2734 The refiner shall report to the commission all sales and
2735 deliveries of gasoline to bonded distributors of gasoline. The
2736 bonded distributor of gasoline who purchases, receives or acquires
2737 gasoline from a refinery in this state shall report such gasoline
2738 and pay the tax levied herein.

2739 Gasoline imported by common carrier shall be deemed to be
2740 received by the distributor of gasoline, and the tax levied herein
2741 shall accrue, when the car or tank truck containing such gasoline
2742 is unloaded by the carrier.

2743 With respect to distributors or other persons who bring,
2744 ship, have transported, or have brought into this state gasoline
2745 by means other than through a common carrier, the tax accrues and
2746 the tax liability attaches on the distributor or other person for
2747 each gallon of gasoline brought into the state at the time when
2748 and at the point where such gasoline is brought into the state.

2749 The tax levied herein shall accrue on blend stock at the time
2750 it is blended with gasoline. The blender shall pay to the
2751 commission the tax levied herein when blend stock is sold or
2752 delivered to persons who do not hold gasoline distributor permits.
2753 The blender shall report to the commission all sales and
2754 deliveries of blend stock to bonded distributors of gasoline. The
2755 bonded distributor of gasoline who purchases, receives or acquires



2756 blend stock from a blender in this state shall report blend stock
2757 and pay the tax levied herein.

2758 **SECTION 17.** Section 27-55-12, Mississippi Code of 1972, is
2759 brought forward as follows:

2760 27-55-12. (1) The United States government, the State of
2761 Mississippi, counties, municipalities, school districts and all
2762 other political subdivisions of the state, and volunteer fire
2763 departments chartered under the laws of the State of Mississippi
2764 as nonprofit corporations shall be exempt from excise taxes on
2765 gasoline, special fuel and compressed gas as follows:

2766 (a) From the excise tax rate in excess of Nine Cents
2767 (9¢) per gallon of gasoline and from the excise tax rate in excess
2768 of One Cent (1¢) per gallon of aviation gasoline levied under
2769 Section 27-55-11, Mississippi Code of 1972, Five and Four-tenths
2770 Cents (5.4¢) thereof shall be exempt as provided in Section
2771 27-55-19, Mississippi Code of 1972.

2772 (b) From the excise tax rate in excess of Ten Cents
2773 (10¢) per gallon of special fuel levied at Eighteen Cents (18¢)
2774 per gallon under Sections 27-55-519 and 27-55-521, Four and
2775 Three-fourths Cents (4.75¢) thereof shall be exempt.

2776 (c) From the excise tax rate in excess of One Cent (1¢)
2777 per gallon of special fuel taxed at Five and Three-fourths Cents
2778 (5.75¢) per gallon and from the excise tax rate in excess of
2779 One-half Cent (1/2¢) per gallon of special fuel used in aircraft



2780 levied under Section 27-55-519, Four and Three-fourths Cents
2781 (4.75¢) thereof shall be exempt.

2782 (d) From the portion of the excise tax rate on
2783 compressed gas used as a motor fuel that exceeds the rate of tax
2784 in effect on June 30, 1987, Three Cents (3¢) thereof shall be
2785 exempt.

2786 (2) The exemption provided in subsection (1) of this section
2787 for sales of gasoline, special fuel and compressed gas to
2788 volunteer fire departments shall apply only to sales of gasoline,
2789 special fuel and compressed gas for use in a vehicle owned by a
2790 volunteer fire department and used for department purposes.

2791 (3) The exemption provided in subsection (1) of this section
2792 for sales of gasoline, special fuel and compressed gas also shall
2793 apply to sales of gasoline, special fuel and compressed gas to an
2794 entity described in Section 27-51-41(2)(u) for use in buses and
2795 other motor vehicles that are exempt from ad valorem taxation
2796 under Section 27-51-41(2)(u).

2797 (4) Any person other than a bonded distributor of gasoline,
2798 bonded distributor of special fuel or bonded distributor of
2799 compressed gas who sells or delivers any gasoline, special fuel or
2800 compressed gas, subject to the exemption set forth in this
2801 section, is required to obtain credit for such exemption from a
2802 bonded distributor of gasoline, special fuel or compressed gas.

2803 **SECTION 18.** Section 27-55-519, Mississippi Code of 1972, is
2804 brought forward as follows:



2805 27-55-519. (1) Any person engaged in business as a
2806 distributor of special fuel or who acts as a distributor of
2807 special fuel, as defined in this article, shall pay for the
2808 privilege of engaging in such business or acting as such
2809 distributor an excise tax on all special fuel stored, used, sold,
2810 distributed, manufactured, refined, distilled, blended or
2811 compounded in this state or received in this state for sale,
2812 storage, distribution or for any purpose, adjusted to sixty (60)
2813 degrees Fahrenheit.

2814 The excise tax shall become due and payable when:

2815 (a) Special fuel is withdrawn from storage at a
2816 refinery, marine or pipeline terminal, except when withdrawal is
2817 by barge or pipeline.

2818 (b) Special fuel imported by a common carrier is
2819 unloaded by that carrier unless the special fuel is unloaded
2820 directly into the storage tanks of a refinery, marine or pipeline
2821 terminal.

2822 (c) Special fuel imported by any person other than a
2823 common carrier enters the State of Mississippi unless the special
2824 fuel is unloaded directly into the storage tanks of a refinery,
2825 marine or pipeline terminal.

2826 (d) Special fuel is blended in this state unless such
2827 blending occurs in a refinery, marine or pipeline terminal.

2828 (e) Special fuel is acquired tax free.

2829 (2) The special fuel excise tax shall be as follows:



2830 (a) Eighteen Cents (18¢) per gallon on undyed diesel
2831 fuel until the date specified in Section 65-39-35 and Fourteen and
2832 Three-fourths Cents (14.75¢) per gallon thereafter;

2833 (b) Five and Three-fourths Cents (5.75¢) per gallon on
2834 all special fuel except undyed diesel fuel and special fuel used
2835 as fuels in aircraft; and

2836 (c) Five and One-fourth Cents (5.25¢) per gallon on
2837 special fuel used as fuel in aircraft.

2838 **SECTION 19.** Section 27-55-521, Mississippi Code of 1972, is
2839 brought forward as follows:

2840 27-55-521. (1) An excise tax at the rate of Eighteen Cents
2841 (18¢) per gallon until the date specified in Section 65-39-35,
2842 Mississippi Code of 1972, and Fourteen and Three-fourths Cents
2843 (14.75¢) per gallon thereafter is levied on any person engaged in
2844 business as a distributor of special fuel or who acts as such who
2845 sells:

2846 (a) Special fuel for use in performing contracts for
2847 construction, reconstruction, maintenance or repairs, where such
2848 contracts are entered into with the State of Mississippi, any
2849 political subdivision of the State of Mississippi, or any
2850 department, agency, institution of the State of Mississippi or any
2851 political subdivision thereof.

2852 (b) Dyed diesel fuel or kerosene to a state or local
2853 governmental entity for use on the highways in a motor vehicle.

2854 (c) Special fuel for use on the highway.



2855 (2) An excise tax at the rate of Eighteen Cents (18¢) per
2856 gallon until the date specified in Section 65-39-35, Mississippi
2857 Code of 1972, and Fourteen and Three-fourths Cents (14.75¢) per
2858 gallon thereafter is levied on any person who:

2859 (a) Uses dyed diesel fuel or kerosene in a motor
2860 vehicle on the highways of this state in violation of Section
2861 27-55-539.

2862 (b) Purchases or acquires undyed diesel fuel or
2863 kerosene for nonhighway use and subsequently uses such diesel fuel
2864 or kerosene in a motor vehicle on the highways of this state.

2865 (c) Purchases or acquires special fuel for use in
2866 performing contracts as specified in this section.

2867 **SECTION 20.** Section 27-5-101, Mississippi Code of 1972, is
2868 brought forward as follows:

2869 **[With regard to any county which is exempt from the**
2870 **provisions of Section 19-2-3, this section shall read as follows:]**

2871 27-5-101. Unless otherwise provided in this section, on or
2872 before the fifteenth day of each month, all gasoline, diesel fuel
2873 or kerosene taxes which are levied under the laws of this state
2874 and collected during the previous month shall be paid and
2875 apportioned by the State Tax Commission as follows:

2876 (a) (i) Except as otherwise provided in Section
2877 31-17-127, from the gross amount of gasoline, diesel fuel or
2878 kerosene taxes produced by the state, there shall be deducted an
2879 amount equal to one-sixth (1/6) of principal and interest



2880 certified by the State Treasurer to the State Tax Commission to be
2881 due on the next semiannual bond and interest payment date, as
2882 required under the provisions of Chapter 130, Laws of 1938, and
2883 subsequent acts authorizing the issuance of bonds payable from
2884 gasoline, diesel fuel or kerosene tax revenue on a parity with the
2885 bonds issued under authority of said Chapter 130. The State
2886 Treasurer shall certify to the State Tax Commission on or before
2887 the fifteenth day of each month the amount to be paid to the
2888 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
2889 of 1938, and subsequent acts authorizing the issuance of bonds
2890 payable from gasoline, diesel fuel or kerosene tax revenue, on a
2891 parity with the bonds issued under authority of said Chapter 130;
2892 and the State Tax Commission shall, on or before the twenty-fifth
2893 day of each month, pay into the State Treasury for credit to the
2894 "Highway Bonds Sinking Fund" the amount so certified to him by the
2895 State Treasurer due to be paid into such fund each month. The
2896 payments to the "Highway Bonds Sinking Fund" shall be made out of
2897 gross gasoline, diesel fuel or kerosene tax collections before
2898 deductions of any nature are considered; however, such payments
2899 shall be deducted from the allocation to the Mississippi
2900 Department of Transportation under paragraph (c) of this section.

2901 (ii) From collections derived from the portion of
2902 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
2903 from the portion of the tax on aviation gas under Section 27-55-11
2904 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the



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

2917 1. An amount as provided in Section
2918 27-65-75(4) to the credit of a special fund designated as the
2919 "Office of State Aid Road Construction."

2920 2. An amount equal to the tax collections
2921 derived from Two Cents (2¢) per gallon of the gasoline excise tax
2922 for distribution to the State Highway Fund to be used exclusively
2923 for the construction, reconstruction and maintenance of highways
2924 of the State of Mississippi or the payment of interest and
2925 principal on bonds when specifically authorized by the Legislature
2926 for that purpose.

2927 3. The balance shall be deposited in the
2928 State Treasury to the credit of the State Highway Fund.



2929 (b) Subject to the provisions that said basis of
2930 distribution shall in nowise affect adversely the amount
2931 specifically pledged in paragraph (a) of this section to be paid
2932 into the "Highway Bonds Sinking Fund," the following shall be
2933 deducted from the amount produced by the state tax on gasoline,
2934 diesel fuel or kerosene tax collections, excluding collections
2935 derived from the portion of the gasoline excise tax that exceeds
2936 Seven Cents (7¢) per gallon, from the portion of the tax on
2937 aviation gas under Section 27-55-11 that exceeds Six and
2938 Four-tenths Cents (6.4¢) per gallon, from the portion of the
2939 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
2940 Eighteen Cents (18¢) per gallon that exceeds Ten Cents (10¢) per
2941 gallon, from the portion of the taxes levied under Section
2942 27-55-519, at Five and Three-fourths Cents (5.75¢) per gallon that
2943 exceeds One Cent (1¢) per gallon on special fuel and Five and
2944 One-fourth Cents (5.25¢) per gallon on special fuel used as
2945 aircraft fuel, from the portion of the excise tax on compressed
2946 gas used as a motor fuel that exceeds the rate of tax in effect on
2947 June 30, 1987, and from the portion of the gasoline excise tax in
2948 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
2949 excess of Ten Cents (10¢) per gallon under Section 27-61-5:

2950 (i) Twenty percent (20%) of such amount which
2951 shall be earmarked and set aside for the construction,
2952 reconstruction and maintenance of the highways and roads of the
2953 state, provided that if such twenty percent (20%) should reduce



2954 any county to a lesser amount than that received in the fiscal
2955 year ending June 30, 1966, then such twenty percent (20%) shall be
2956 reduced to a percentage to provide that no county shall receive
2957 less than its portion for the fiscal year ending June 30, 1966;

2958 (ii) The amount allowed as refund on gasoline or
2959 as tax credit on diesel fuel or kerosene used for agricultural,
2960 maritime, industrial, domestic, and nonhighway purposes;

2961 (iii) Five percent (5%) of such amount shall be
2962 paid to the State Highway Fund;

2963 (iv) The amount or portion thereof authorized by
2964 legislative appropriation to the Fisheries and Wildlife Fund
2965 created under Section 59-21-25;

2966 (v) The amount for deposit into the special
2967 aviation fund under paragraph (d) of this section; and

2968 (vi) The remainder shall be divided on a basis of
2969 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
2970 same basis as Four and One-half Cents (4-1/2¢) and Two and
2971 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
2972 six and forty-three one-hundredths (6.43) and three and
2973 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
2974 fuel or kerosene). The amount produced by the nine-fourteenths
2975 (9/14) division shall be allocated to the Transportation
2976 Department and paid into the State Treasury as provided in this
2977 section and in Section 27-5-103 and the five-fourteenths (5/14)



2978 division shall be returned to the counties of the state on the
2979 following basis:

2980 1. In each fiscal year, each county shall be
2981 paid each month the same percentage of the monthly total to be
2982 distributed as was paid to that county during the same month in
2983 the fiscal year which ended April 9, 1960, until the county
2984 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
2985 fiscal year, at which time funds shall be distributed under the
2986 provisions of paragraph (b) (vi)4 of this section.

2987 2. If after payments in 1 above, any county
2988 has not received a total of One Hundred Ninety Thousand Dollars
2989 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
2990 and each fiscal year thereafter, then any available funds not
2991 distributed under 1 above shall be used to bring such county or
2992 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
2993 or such funds shall be divided equally among such counties not
2994 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
2995 there is not sufficient money to bring all the counties to said
2996 One Hundred Ninety Thousand Dollars (\$190,000.00).

2997 3. When a county has been paid an amount
2998 equal to the total which was paid to the same county during the
2999 fiscal year ended April 9, 1960, such county shall receive no
3000 further payments during the then current fiscal year until the
3001 last month of such current fiscal year, at which time distribution
3002 will be made under 2 above, except as set out in 4 below.



3003 4. During the last month of the current
3004 fiscal year, should it be determined that there are funds
3005 available in excess of the amount distributed for the year under 1
3006 and 2 above, then such excess funds shall be distributed among the
3007 various counties as follows:

3008 One-third (1/3) of such excess to be
3009 divided equally among the counties;

3010 One-third (1/3) of such excess to be paid
3011 to the counties in the proportion which the population of each
3012 county bears to the total population of the state according to the
3013 last federal census;

3014 One-third (1/3) of such excess to be paid
3015 to the counties in the proportion which the number of square miles
3016 of each county bears to the total square miles in the state.

3017 5. It is the declared purpose and intent of
3018 the Legislature that no county shall be paid less than was paid
3019 during the year ended April 9, 1960, unless the amount to be
3020 distributed to all counties in any year is less than the amount
3021 distributed to all counties during the year ended April 9, 1960.

3022 The Municipal Aid Fund as established by Section 27-5-103
3023 shall not participate in any portion of any funds allocated to any
3024 county hereunder over and above One Hundred Ninety Thousand
3025 Dollars (\$190,000.00).

3026 In any county having countywide road or bridge bonds, or
3027 supervisors district or district road or bridge bonds outstanding,



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

3035 In any county having such countywide road or bridge bonds or
3036 district road or bridge bonds outstanding which exceed, in the
3037 aggregate, eight percent (8%) of the assessed valuation of the
3038 taxable property of the county, but which do not exceed, in the
3039 aggregate, twelve percent (12%) of the assessed valuation of the
3040 taxable property of the county, it shall be the duty of the board
3041 of supervisors to set aside not less than thirty-five percent
3042 (35%) of such county's share of the gasoline, diesel fuel or
3043 kerosene taxes to be used in paying the principal and interest of
3044 such road or bridge bonds as they mature.

3045 In any county having such countywide road or bridge bonds or
3046 district road or bridge bonds outstanding which exceed, in the
3047 aggregate, five percent (5%) of the assessed valuation of the
3048 taxable property of the county, but which do not exceed, in the
3049 aggregate, eight percent (8%) of the assessed valuation of the
3050 taxable property of the county, it shall be the duty of the board
3051 of supervisors to set aside not less than twenty percent (20%) of
3052 such county's share of the gasoline, diesel fuel or kerosene taxes



3053 to be used in paying the principal and interest of such road and
3054 bridge bonds as they mature.

3055 In any county having such countywide road or bridge bonds or
3056 district road or bridge bonds outstanding which do not exceed, in
3057 the aggregate, five percent (5%) of the assessed valuation of the
3058 taxable property of the county, it shall be the duty of the board
3059 of supervisors to set aside not less than ten percent (10%) of
3060 such county's share of the gasoline, diesel fuel or kerosene taxes
3061 to be used in paying the principal and interest on such road or
3062 bridge bonds as they mature.

3063 The portion of any such county's share of the gasoline,
3064 diesel fuel or kerosene taxes thus set aside for the payment of
3065 the principal and interest of road or bridge bonds, as provided
3066 for in this section, shall be used first in paying the currently
3067 maturing installments of the principal and interest of such
3068 countywide road or bridge bonds, if there be any such countywide
3069 road or bridge bonds outstanding, and secondly, in paying the
3070 currently maturing installments of principal and interest of
3071 district road or bridge bonds outstanding. It shall be the duty
3072 of the board of supervisors to pay bonds and interest maturing in
3073 each supervisors district out of the supervisors district's share
3074 of the gasoline, diesel fuel or kerosene taxes of such district.

3075 The remaining portion of such county's share of the gasoline,
3076 diesel fuel or kerosene taxes, after setting aside the portion
3077 above provided for the payment of the principal and interest of



3078 bonds, shall be used in the construction and maintenance of any
3079 public highways, bridges, or culverts of the county, including the
3080 roads in special or separate road districts, in the discretion of
3081 the board of supervisors, or in paying the interest and principal
3082 of county road and bridge bonds or district road and bridge bonds,
3083 in the discretion of the board of supervisors.

3084 In any county having no countywide road or bridge bonds or
3085 district road or bridge bonds outstanding, all such county's share
3086 of the gasoline, diesel fuel or kerosene taxes shall be used in
3087 the construction, reconstruction, and maintenance of the public
3088 highways, bridges, or culverts of the county as the board of
3089 supervisors may determine.

3090 In every county in which there are county road bonds or
3091 seawall or road protection bonds outstanding which were issued for
3092 the purpose of building bridges or constructing public roads or
3093 seawalls, such funds shall be used in the manner provided by law.

3094 (c) From the amount produced by the nine-fourteenths
3095 (9/14) division allocated to the Transportation Department, there
3096 shall be deducted:

3097 (i) The amount paid to the State Treasurer for the
3098 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

3099 (ii) Any amounts due counties in accordance with
3100 Section 65-33-45 which have outstanding bonds issued for seawall
3101 or road protection purposes, issued under provisions of Chapter
3102 319, Laws of 1924, and amendments thereto;



3103 (iii) Except as otherwise provided in Section
3104 31-17-127, the remainder shall be paid by the State Tax Commission
3105 to the State Treasurer on the fifteenth day of each month next
3106 succeeding the month in which the gasoline, diesel fuel or
3107 kerosene taxes were collected to the credit of the State Highway
3108 Fund.

3109 The funds allocated for the construction, reconstruction, and
3110 improvement of state highways, bridges, and culverts, or so much
3111 thereof as may be necessary, shall first be used in conjunction
3112 with funds supplied by the federal government for such purposes
3113 and allocated to the State Transportation Department to be
3114 expended on the state highway system. It is specifically provided
3115 hereby that the necessary portion of such funds hereinabove
3116 allocated to the State Transportation Department may be used for
3117 the prompt payment of principal and interest on highway bonds
3118 heretofore issued, including such bonds issued or to be issued
3119 under the provisions of Chapter 312, Laws of 1956, and amendments
3120 thereto.

3121 Nothing contained in this section shall be construed to
3122 reduce the amount of such gasoline, diesel fuel or kerosene excise
3123 taxes levied by the state, allotted under the provisions of Title
3124 65, Chapter 33, Mississippi Code of 1972, to counties in which
3125 there are outstanding bonds issued for seawall or road protection
3126 purposes issued under the provisions of Chapter 319, Laws of 1924,
3127 and amendments thereto; the amount of said gasoline, diesel fuel



3128 or kerosene excise taxes designated in this section for the
3129 payment of bonds and interest authorized and issued or to be
3130 issued under the provisions of Chapter 130, Laws of 1938, and
3131 subsequent acts authorizing the issuance of bonds payable from
3132 gasoline, diesel fuel or kerosene tax revenue, shall, in such
3133 counties, be considered as being paid "into the State Treasury to
3134 the credit of the State Highway Fund" within the meaning of
3135 Section 65-33-45 in computing the amount to be paid to such
3136 counties under the provisions of said section, and this section
3137 shall be administered in connection with Title 65, Chapter 33,
3138 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
3139 65-33-49 dealing with seawalls, as if made a part of this section.

3140 (d) The proceeds of the Five and One-fourth Cents
3141 (5.25¢) of the tax per gallon on oils used as a propellant for jet
3142 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
3143 per gallon on aviation gasoline and the tax of One Cent (1¢) per
3144 gallon for each gallon of gasoline for which a refund has been
3145 made pursuant to Section 27-55-23 because such gasoline was used
3146 for aviation purposes, shall be paid to the State Treasury into a
3147 special fund to be used exclusively, pursuant to legislative
3148 appropriation, for the support and development of aeronautics as
3149 defined in Section 61-1-3.

3150 (e) State highway funds in an amount equal to the
3151 difference between Forty-two Million Dollars (\$42,000,000.00) and
3152 the annual debt service payable on the state's highway revenue



3153 refunding bonds, Series 1985, shall be expended for the
3154 construction or reconstruction of highways designated under the
3155 highway program created under Section 65-3-97.

3156 (f) "Gasoline, diesel fuel or kerosene taxes" as used
3157 in this section shall be deemed to mean and include state
3158 gasoline, diesel fuel or kerosene taxes levied and imposed on
3159 distributors of gasoline, diesel fuel or kerosene, and all state
3160 excise taxes derived from any fuel used to propel vehicles upon
3161 the highways of this state, when levied by any statute.

3162 **[With regard to any county which is required to operate on a**
3163 **countywide system of road administration as described in Section**
3164 **19-2-3, this section shall read as follows:]**

3165 27-5-101. Unless otherwise provided in this section, on or
3166 before the fifteenth day of each month, all gasoline, diesel fuel
3167 or kerosene taxes which are levied under the laws of this state
3168 and collected during the previous month shall be paid and
3169 apportioned by the State Tax Commission as follows:

3170 (a) (i) Except as otherwise provided in Section
3171 31-17-127, from the gross amount of gasoline, diesel fuel or
3172 kerosene taxes produced by the state, there shall be deducted an
3173 amount equal to one-sixth (1/6) of principal and interest
3174 certified by the State Treasurer to the State Tax Commission to be
3175 due on the next semiannual bond and interest payment date, as
3176 required under the provisions of Chapter 130, Laws of 1938, and
3177 subsequent acts authorizing the issuance of bonds payable from



3178 gasoline, diesel fuel or kerosene tax revenue on a parity with the
3179 bonds issued under authority of said Chapter 130. The State
3180 Treasurer shall certify to the State Tax Commission on or before
3181 the fifteenth day of each month the amount to be paid to the
3182 "Highway Bonds Sinking Fund" as provided by said Chapter 130, Laws
3183 of 1938, and subsequent acts authorizing the issuance of bonds
3184 payable from gasoline, diesel fuel or kerosene tax revenue, on a
3185 parity with the bonds issued under authority of said Chapter 130;
3186 and the State Tax Commission shall, on or before the twenty-fifth
3187 day of each month, pay into the State Treasury for credit to the
3188 "Highway Bonds Sinking Fund" the amount so certified to him by the
3189 State Treasurer due to be paid into such fund each month. The
3190 payments to the "Highway Bonds Sinking Fund" shall be made out of
3191 gross gasoline, diesel fuel or kerosene tax collections before
3192 deductions of any nature are considered; however, such payments
3193 shall be deducted from the allocation to the Transportation
3194 Department under paragraph (c) of this section.

3195 (ii) From collections derived from the portion of
3196 the gasoline excise tax that exceeds Seven Cents (7¢) per gallon,
3197 from the portion of the tax on aviation gas under Section 27-55-11
3198 that exceeds Six and Four-tenths Cents (6.4¢) per gallon, from the
3199 portion of the special fuel tax levied under Sections 27-55-519
3200 and 27-55-521, at Eighteen Cents (18¢) per gallon that exceeds Ten
3201 Cents (10¢) per gallon, from the portion of the taxes levied under
3202 Section 27-55-519, at Five and Three-fourths Cents (5.75¢) per



3203 gallon that exceeds One Cent (1¢) per gallon on special fuel and
3204 Five and One-fourth Cents (5.25¢) per gallon on special fuel used
3205 as aircraft fuel, from the portion of the excise tax on compressed
3206 gas used as a motor fuel that exceeds the rate of tax in effect on
3207 June 30, 1987, and from the portion of the gasoline excise tax in
3208 excess of Seven Cents (7¢) per gallon and the diesel excise tax in
3209 excess of Ten Cents (10¢) per gallon under Section 27-61-5 there
3210 shall be deducted:

3211 1. An amount as provided in Section
3212 27-65-75(4) to the credit of a special fund designated as the
3213 "Office of State Aid Road Construction."

3214 2. An amount equal to the tax collections
3215 derived from Two Cents (2¢) per gallon of the gasoline excise tax
3216 for distribution to the State Highway Fund to be used exclusively
3217 for the construction, reconstruction and maintenance of highways
3218 of the State of Mississippi or the payment of interest and
3219 principal on bonds when specifically authorized by the Legislature
3220 for that purpose.

3221 3. The balance shall be deposited in the
3222 State Treasury to the credit of the State Highway Fund.

3223 (b) Subject to the provisions that said basis of
3224 distribution shall in nowise affect adversely the amount
3225 specifically pledged in paragraph (a) of this section to be paid
3226 into the "Highway Bonds Sinking Fund," the following shall be
3227 deducted from the amount produced by the state tax on gasoline,



3228 diesel fuel or kerosene tax collections, excluding collections
3229 derived from the portion of the gasoline excise tax that exceeds
3230 Seven Cents (7¢) per gallon, from the portion of the tax on
3231 aviation gas under Section 27-55-11 that exceeds Six and
3232 Four-tenths Cents (6.4¢) per gallon, from the portion of the
3233 special fuel tax levied under Sections 27-55-519 and 27-55-521, at
3234 Eighteen Cents (18¢) per gallon, that exceeds Ten Cents (10¢) per
3235 gallon, from the portion of the taxes levied under Section
3236 27-55-519, at Five and Three-fourths Cents (5.75¢) that exceeds
3237 One Cent (1¢) per gallon on special fuel and Five and One-fourth
3238 Cents (5.25¢) per gallon on special fuel used as aircraft fuel,
3239 from the portion of the excise tax on compressed gas used as a
3240 motor fuel that exceeds the rate of tax in effect on June 30,
3241 1987, and from the portion of the gasoline excise tax in excess of
3242 Seven Cents (7¢) per gallon and the diesel excise tax in excess of
3243 Ten Cents (10¢) per gallon under Section 27-61-5:

3244 (i) Twenty percent (20%) of such amount which
3245 shall be earmarked and set aside for the construction,
3246 reconstruction and maintenance of the highways and roads of the
3247 state, provided that if such twenty percent (20%) should reduce
3248 any county to a lesser amount than that received in the fiscal
3249 year ending June 30, 1966, then such twenty percent (20%) shall be
3250 reduced to a percentage to provide that no county shall receive
3251 less than its portion for the fiscal year ending June 30, 1966;



3252 (ii) The amount allowed as refund on gasoline or
3253 as tax credit on diesel fuel or kerosene used for agricultural,
3254 maritime, industrial, domestic and nonhighway purposes;

3255 (iii) Five percent (5%) of such amount shall be
3256 paid to the State Highway Fund;

3257 (iv) The amount or portion thereof authorized by
3258 legislative appropriation to the Fisheries and Wildlife Fund
3259 created under Section 59-21-25;

3260 (v) The amount for deposit into the special
3261 aviation fund under paragraph (d) of this section; and

3262 (vi) The remainder shall be divided on a basis of
3263 nine-fourteenths (9/14) and five-fourteenths (5/14) (being the
3264 same basis as Four and One-half Cents (4-1/2¢) and Two and
3265 One-half Cents (2-1/2¢) is to Seven Cents (7¢) on gasoline, and
3266 six and forty-three one-hundredths (6.43) and three and
3267 fifty-seven one-hundredths (3.57) is to Ten Cents (10¢) on diesel
3268 fuel or kerosene). The amount produced by the nine-fourteenths
3269 (9/14) division shall be allocated to the Transportation
3270 Department and paid into the State Treasury as provided in this
3271 section and in Section 27-5-103 and the five-fourteenths (5/14)
3272 division shall be returned to the counties of the state on the
3273 following basis:

3274 1. In each fiscal year, each county shall be
3275 paid each month the same percentage of the monthly total to be
3276 distributed as was paid to that county during the same month in



3277 the fiscal year which ended April 9, 1960, until the county
3278 receives One Hundred Ninety Thousand Dollars (\$190,000.00) in such
3279 fiscal year, at which time funds shall be distributed under the
3280 provisions of paragraph (b) (vi)4 of this section.

3281 2. If after payments in 1 above, any county
3282 has not received a total of One Hundred Ninety Thousand Dollars
3283 (\$190,000.00) at the end of the fiscal year ending June 30, 1961,
3284 and each fiscal year thereafter, then any available funds not
3285 distributed under 1 above shall be used to bring such county or
3286 counties up to One Hundred Ninety Thousand Dollars (\$190,000.00)
3287 or such funds shall be divided equally among such counties not
3288 reaching One Hundred Ninety Thousand Dollars (\$190,000.00) if
3289 there is not sufficient money to bring all the counties to said
3290 One Hundred Ninety Thousand Dollars (\$190,000.00).

3291 3. When a county has been paid an amount
3292 equal to the total which was paid to the same county during the
3293 fiscal year ended April 9, 1960, such county shall receive no
3294 further payments during the then current fiscal year until the
3295 last month of such current fiscal year, at which time distribution
3296 will be made under 2 above, except as set out in 4 below.

3297 4. During the last month of the current
3298 fiscal year, should it be determined that there are funds
3299 available in excess of the amount distributed for the year under 1
3300 and 2 above, then such excess funds shall be distributed among the
3301 various counties as follows:



3302 One-third (1/3) of such excess to be
3303 divided equally among the counties;

3304 One-third (1/3) of such excess to be paid
3305 to the counties in the proportion which the population of each
3306 county bears to the total population of the state according to the
3307 last federal census;

3308 One-third (1/3) of such excess to be paid
3309 to the counties in the proportion which the number of square miles
3310 of each county bears to the total square miles in the state.

3311 5. It is the declared purpose and intent of
3312 the Legislature that no county shall be paid less than was paid
3313 during the year ended April 9, 1960, unless the amount to be
3314 distributed to all counties in any year is less than the amount
3315 distributed to all counties during the year ended April 9, 1960.

3316 The Municipal Aid Fund as established by Section 27-5-103
3317 shall not participate in any portion of any funds allocated to any
3318 county hereunder over and above One Hundred Ninety Thousand
3319 Dollars (\$190,000.00).

3320 In any county having road or bridge bonds outstanding which
3321 exceed, in the aggregate, twelve percent (12%) of the assessed
3322 valuation of the taxable property of the county, it shall be the
3323 duty of the board of supervisors to set aside not less than sixty
3324 percent (60%) of such county's share of the gasoline, diesel fuel
3325 or kerosene taxes to be used in paying the principal and interest
3326 on such road or bridge bonds as they mature.



3327 In any county having such road or bridge bonds outstanding
3328 which exceed, in the aggregate, eight percent (8%) of the assessed
3329 valuation of the taxable property of the county, but which do not
3330 exceed, in the aggregate, twelve percent (12%) of the assessed
3331 valuation of the taxable property of the county, it shall be the
3332 duty of the board of supervisors to set aside not less than
3333 thirty-five percent (35%) of such county's share of the gasoline,
3334 diesel fuel or kerosene taxes to be used in paying the principal
3335 and interest of such road or bridge bonds as they mature.

3336 In any county having such road or bridge bonds outstanding
3337 which exceed, in the aggregate, five percent (5%) of the assessed
3338 valuation of the taxable property of the county, but which do not
3339 exceed, in the aggregate, eight percent (8%) of the assessed
3340 valuation of the taxable property of the county, it shall be the
3341 duty of the board of supervisors to set aside not less than twenty
3342 percent (20%) of such county's share of the gasoline, diesel fuel
3343 or kerosene taxes to be used in paying the principal and interest
3344 of such road and bridge bonds as they mature.

3345 In any county having such road or bridge bonds outstanding
3346 which do not exceed, in the aggregate, five percent (5%) of the
3347 assessed valuation of the taxable property of the county, it shall
3348 be the duty of the board of supervisors to set aside not less than
3349 ten percent (10%) of such county's share of the gasoline, diesel
3350 fuel or kerosene taxes to be used in paying the principal and
3351 interest on such road or bridge bonds as they mature.



3352 The portion of any such county's share of the gasoline,
3353 diesel fuel or kerosene taxes thus set aside for the payment of
3354 the principal and interest of road or bridge bonds, as provided
3355 for in this section, shall be used in paying the currently
3356 maturing installments of the principal and interest of such road
3357 or bridge bonds, if there be any such road or bridge bonds
3358 outstanding.

3359 The remaining portion of such county's share of the gasoline,
3360 diesel fuel or kerosene taxes, after setting aside the portion
3361 above provided for the payment of the principal and interest of
3362 bonds, shall be used in the construction and maintenance of any
3363 public highways, bridges or culverts of the county, in the
3364 discretion of the board of supervisors.

3365 In any county having no road or bridge bonds outstanding, all
3366 such county's share of the gasoline, diesel fuel or kerosene taxes
3367 shall be used in the construction, reconstruction and maintenance
3368 of the public highways, bridges or culverts of the county, as the
3369 board of supervisors may determine.

3370 In every county in which there are county road bonds or
3371 seawall or road protection bonds outstanding which were issued for
3372 the purpose of building bridges or constructing public roads or
3373 seawalls, such funds shall be used in the manner provided by law.

3374 (c) From the amount produced by the nine-fourteenths
3375 (9/14) division allocated to the Transportation Department, there
3376 shall be deducted:



3377 (i) The amount paid to the State Treasurer for the
3378 "Highway Bonds Sinking Fund" under paragraph (a) of this section;

3379 (ii) Any amounts due counties in accordance with
3380 Section 65-33-45 which have outstanding bonds issued for seawall
3381 or road protection purposes, issued under provisions of Chapter
3382 319, Laws of 1924, and amendments thereto; and

3383 (iii) Except as otherwise provided in Section
3384 31-17-127, the remainder shall be paid by the State Tax Commission
3385 to the State Treasurer on the fifteenth day of each month next
3386 succeeding the month in which the gasoline, diesel fuel or
3387 kerosene taxes were collected to the credit of the State Highway
3388 Fund.

3389 The funds allocated for the construction, reconstruction and
3390 improvement of state highways, bridges and culverts, or so much
3391 thereof as may be necessary, shall first be used in conjunction
3392 with funds supplied by the federal government for such purposes
3393 and allocated to the Transportation Department to be expended on
3394 the state highway system. It is specifically provided hereby that
3395 the necessary portion of such funds hereinabove allocated to the
3396 Transportation Department may be used for the prompt payment of
3397 principal and interest on highway bonds heretofore issued,
3398 including such bonds issued or to be issued under the provisions
3399 of Chapter 312, Laws of 1956, and amendments thereto.

3400 Nothing contained in this section shall be construed to
3401 reduce the amount of such gasoline, diesel fuel or kerosene excise



3402 taxes levied by the state, allotted under the provisions of Title
3403 65, Chapter 33, Mississippi Code of 1972, to counties in which
3404 there are outstanding bonds issued for seawall or road protection
3405 purposes issued under the provisions of Chapter 319, Laws of 1924,
3406 and amendments thereto; the amount of said gasoline, diesel fuel
3407 or kerosene excise taxes designated in this section for the
3408 payment of bonds and interest authorized and issued or to be
3409 issued under the provisions of Chapter 130, Laws of 1938, and
3410 subsequent acts authorizing the issuance of bonds payable from
3411 gasoline, diesel fuel or kerosene tax revenue, shall, in such
3412 counties, be considered as being paid "into the State Treasury to
3413 the credit of the State Highway Fund" within the meaning of
3414 Section 65-33-45 in computing the amount to be paid to such
3415 counties under the provisions of said section, and this section
3416 shall be administered in connection with Title 65, Chapter 33,
3417 Mississippi Code of 1972, and Sections 65-33-45, 65-33-47 and
3418 65-33-49 dealing with seawalls, as if made a part of this section.

3419 (d) The proceeds of the Five and One-fourth Cents
3420 (5.25¢) of the tax per gallon on oils used as a propellant for jet
3421 aircraft engines, and Six and Four-tenths Cents (6.4¢) of the tax
3422 per gallon on aviation gasoline and the tax of One Cent (1¢) per
3423 gallon for each gallon of gasoline for which a refund has been
3424 made pursuant to Section 27-55-23 because such gasoline was used
3425 for aviation purposes, shall be paid to the State Treasury into a
3426 special fund to be used exclusively, pursuant to legislative



3427 appropriation, for the support and development of aeronautics as
3428 defined in Section 61-1-3.

3429 (e) State highway funds in an amount equal to the
3430 difference between Forty-two Million Dollars (\$42,000,000.00) and
3431 the annual debt service payable on the state's highway revenue
3432 refunding bonds, Series 1985, shall be expended for the
3433 construction or reconstruction of highways designated under the
3434 highway program created under Section 65-3-97.

3435 (f) "Gasoline, diesel fuel or kerosene taxes" as used
3436 in this section shall be deemed to mean and include state
3437 gasoline, diesel fuel or kerosene taxes levied and imposed on
3438 distributors of gasoline, diesel fuel or kerosene, and all state
3439 excise taxes derived from any fuel used to propel vehicles upon
3440 the highways of this state, when levied by any statute.

3441 **SECTION 21.** Section 27-65-75, Mississippi Code of 1972, is
3442 brought forward as follows:

3443 27-65-75. On or before the fifteenth day of each month, the
3444 revenue collected under the provisions of this chapter during the
3445 preceding month shall be paid and distributed as follows:

3446 (1) (a) On or before August 15, 1992, and each succeeding
3447 month thereafter through July 15, 1993, eighteen percent (18%) of
3448 the total sales tax revenue collected during the preceding month
3449 under the provisions of this chapter, except that collected under
3450 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
3451 business activities within a municipal corporation shall be



3452 allocated for distribution to the municipality and paid to the
3453 municipal corporation. Except as otherwise provided in this
3454 paragraph (a), on or before August 15, 1993, and each succeeding
3455 month thereafter, eighteen and one-half percent (18-1/2%) of the
3456 total sales tax revenue collected during the preceding month under
3457 the provisions of this chapter, except that collected under the
3458 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
3459 27-65-24, on business activities within a municipal corporation
3460 shall be allocated for distribution to the municipality and paid
3461 to the municipal corporation. However, in the event the State
3462 Auditor issues a certificate of noncompliance pursuant to Section
3463 21-35-31, the Department of Revenue shall withhold ten percent
3464 (10%) of the allocations and payments to the municipality that
3465 would otherwise be payable to the municipality under this
3466 paragraph (a) until such time that the department receives written
3467 notice of the cancellation of a certificate of noncompliance from
3468 the State Auditor.

3469 A municipal corporation, for the purpose of distributing the
3470 tax under this subsection, shall mean and include all incorporated
3471 cities, towns and villages.

3472 Monies allocated for distribution and credited to a municipal
3473 corporation under this paragraph may be pledged as security for a
3474 loan if the distribution received by the municipal corporation is
3475 otherwise authorized or required by law to be pledged as security
3476 for such a loan.



3477 In any county having a county seat that is not an
3478 incorporated municipality, the distribution provided under this
3479 subsection shall be made as though the county seat was an
3480 incorporated municipality; however, the distribution to the
3481 municipality shall be paid to the county treasury in which the
3482 municipality is located, and those funds shall be used for road,
3483 bridge and street construction or maintenance in the county.

3484 (b) On or before August 15, 2006, and each succeeding
3485 month thereafter, eighteen and one-half percent (18-1/2%) of the
3486 total sales tax revenue collected during the preceding month under
3487 the provisions of this chapter, except that collected under the
3488 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
3489 business activities on the campus of a state institution of higher
3490 learning or community or junior college whose campus is not
3491 located within the corporate limits of a municipality, shall be
3492 allocated for distribution to the state institution of higher
3493 learning or community or junior college and paid to the state
3494 institution of higher learning or community or junior college.

3495 (2) On or before September 15, 1987, and each succeeding
3496 month thereafter, from the revenue collected under this chapter
3497 during the preceding month, One Million One Hundred Twenty-five
3498 Thousand Dollars (\$1,125,000.00) shall be allocated for
3499 distribution to municipal corporations as defined under subsection
3500 (1) of this section in the proportion that the number of gallons
3501 of gasoline and diesel fuel sold by distributors to consumers and



3502 retailers in each such municipality during the preceding fiscal
3503 year bears to the total gallons of gasoline and diesel fuel sold
3504 by distributors to consumers and retailers in municipalities
3505 statewide during the preceding fiscal year. The Department of
3506 Revenue shall require all distributors of gasoline and diesel fuel
3507 to report to the department monthly the total number of gallons of
3508 gasoline and diesel fuel sold by them to consumers and retailers
3509 in each municipality during the preceding month. The Department
3510 of Revenue shall have the authority to promulgate such rules and
3511 regulations as is necessary to determine the number of gallons of
3512 gasoline and diesel fuel sold by distributors to consumers and
3513 retailers in each municipality. In determining the percentage
3514 allocation of funds under this subsection for the fiscal year
3515 beginning July 1, 1987, and ending June 30, 1988, the Department
3516 of Revenue may consider gallons of gasoline and diesel fuel sold
3517 for a period of less than one (1) fiscal year. For the purposes
3518 of this subsection, the term "fiscal year" means the fiscal year
3519 beginning July 1 of a year.

3520 (3) On or before September 15, 1987, and on or before the
3521 fifteenth day of each succeeding month, until the date specified
3522 in Section 65-39-35, the proceeds derived from contractors' taxes
3523 levied under Section 27-65-21 on contracts for the construction or
3524 reconstruction of highways designated under the highway program
3525 created under Section 65-3-97 shall, except as otherwise provided
3526 in Section 31-17-127, be deposited into the State Treasury to the



3527 credit of the State Highway Fund to be used to fund that highway
3528 program. The Mississippi Department of Transportation shall
3529 provide to the Department of Revenue such information as is
3530 necessary to determine the amount of proceeds to be distributed
3531 under this subsection.

3532 (4) On or before August 15, 1994, and on or before the
3533 fifteenth day of each succeeding month through July 15, 1999, from
3534 the proceeds of gasoline, diesel fuel or kerosene taxes as
3535 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
3536 (\$4,000,000.00) shall be deposited in the State Treasury to the
3537 credit of a special fund designated as the "State Aid Road Fund,"
3538 created by Section 65-9-17. On or before August 15, 1999, and on
3539 or before the fifteenth day of each succeeding month, from the
3540 total amount of the proceeds of gasoline, diesel fuel or kerosene
3541 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
3542 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
3543 one-fourth percent (23-1/4%) of those funds, whichever is the
3544 greater amount, shall be deposited in the State Treasury to the
3545 credit of the "State Aid Road Fund," created by Section 65-9-17.
3546 Those funds shall be pledged to pay the principal of and interest
3547 on state aid road bonds heretofore issued under Sections 19-9-51
3548 through 19-9-77, in lieu of and in substitution for the funds
3549 previously allocated to counties under this section. Those funds
3550 may not be pledged for the payment of any state aid road bonds
3551 issued after April 1, 1981; however, this prohibition against the



3552 pledging of any such funds for the payment of bonds shall not
3553 apply to any bonds for which intent to issue those bonds has been
3554 published for the first time, as provided by law before March 29,
3555 1981. From the amount of taxes paid into the special fund under
3556 this subsection and subsection (9) of this section, there shall be
3557 first deducted and paid the amount necessary to pay the expenses
3558 of the Office of State Aid Road Construction, as authorized by the
3559 Legislature for all other general and special fund agencies. The
3560 remainder of the fund shall be allocated monthly to the several
3561 counties in accordance with the following formula:

3562 (a) One-third (1/3) shall be allocated to all counties
3563 in equal shares;

3564 (b) One-third (1/3) shall be allocated to counties
3565 based on the proportion that the total number of rural road miles
3566 in a county bears to the total number of rural road miles in all
3567 counties of the state; and

3568 (c) One-third (1/3) shall be allocated to counties
3569 based on the proportion that the rural population of the county
3570 bears to the total rural population in all counties of the state,
3571 according to the latest federal decennial census.

3572 For the purposes of this subsection, the term "gasoline,
3573 diesel fuel or kerosene taxes" means such taxes as defined in
3574 paragraph (f) of Section 27-5-101.



3575 The amount of funds allocated to any county under this
3576 subsection for any fiscal year after fiscal year 1994 shall not be
3577 less than the amount allocated to the county for fiscal year 1994.

3578 Any reference in the general laws of this state or the
3579 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
3580 construed to refer and apply to subsection (4) of Section
3581 27-65-75.

3582 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
3583 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
3584 the special fund known as the "State Public School Building Fund"
3585 created and existing under the provisions of Sections 37-47-1
3586 through 37-47-67. Those payments into that fund are to be made on
3587 the last day of each succeeding month hereafter.

3588 (6) An amount each month beginning August 15, 1983, through
3589 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
3590 of 1983, shall be paid into the special fund known as the
3591 Correctional Facilities Construction Fund created in Section 6 of
3592 Chapter 542, Laws of 1983.

3593 (7) On or before August 15, 1992, and each succeeding month
3594 thereafter through July 15, 2000, two and two hundred sixty-six
3595 one-thousandths percent (2.266%) of the total sales tax revenue
3596 collected during the preceding month under the provisions of this
3597 chapter, except that collected under the provisions of Section
3598 27-65-17(2), shall be deposited by the department into the School
3599 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On



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

3615 (8) On or before August 15, 1992, and each succeeding month
3616 thereafter, nine and seventy-three one-thousandths percent
3617 (9.073%) of the total sales tax revenue collected during the
3618 preceding month under the provisions of this chapter, except that
3619 collected under the provisions of Section 27-65-17(2), shall be
3620 deposited into the Education Enhancement Fund created under
3621 Section 37-61-33.

3622 (9) On or before August 15, 1994, and each succeeding month
3623 thereafter, from the revenue collected under this chapter during



3624 the preceding month, Two Hundred Fifty Thousand Dollars
3625 (\$250,000.00) shall be paid into the State Aid Road Fund.

3626 (10) On or before August 15, 1994, and each succeeding month
3627 thereafter through August 15, 1995, from the revenue collected
3628 under this chapter during the preceding month, Two Million Dollars
3629 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
3630 Valorem Tax Reduction Fund established in Section 27-51-105.

3631 (11) Notwithstanding any other provision of this section to
3632 the contrary, on or before February 15, 1995, and each succeeding
3633 month thereafter, the sales tax revenue collected during the
3634 preceding month under the provisions of Section 27-65-17(2) and
3635 the corresponding levy in Section 27-65-23 on the rental or lease
3636 of private carriers of passengers and light carriers of property
3637 as defined in Section 27-51-101 shall be deposited, without
3638 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
3639 established in Section 27-51-105.

3640 (12) Notwithstanding any other provision of this section to
3641 the contrary, on or before August 15, 1995, and each succeeding
3642 month thereafter, the sales tax revenue collected during the
3643 preceding month under the provisions of Section 27-65-17(1) on
3644 retail sales of private carriers of passengers and light carriers
3645 of property, as defined in Section 27-51-101 and the corresponding
3646 levy in Section 27-65-23 on the rental or lease of these vehicles,
3647 shall be deposited, after diversion, into the Motor Vehicle Ad
3648 Valorem Tax Reduction Fund established in Section 27-51-105.



3649 (13) On or before July 15, 1994, and on or before the
3650 fifteenth day of each succeeding month thereafter, that portion of
3651 the avails of the tax imposed in Section 27-65-22 that is derived
3652 from activities held on the Mississippi State Fairgrounds Complex
3653 shall be paid into a special fund that is created in the State
3654 Treasury and shall be expended upon legislative appropriation
3655 solely to defray the costs of repairs and renovation at the Trade
3656 Mart and Coliseum.

3657 (14) On or before August 15, 1998, and each succeeding month
3658 thereafter through July 15, 2005, that portion of the avails of
3659 the tax imposed in Section 27-65-23 that is derived from sales by
3660 cotton compresses or cotton warehouses and that would otherwise be
3661 paid into the General Fund shall be deposited in an amount not to
3662 exceed Two Million Dollars (\$2,000,000.00) into the special fund
3663 created under Section 69-37-39. On or before August 15, 2007, and
3664 each succeeding month thereafter through July 15, 2010, that
3665 portion of the avails of the tax imposed in Section 27-65-23 that
3666 is derived from sales by cotton compresses or cotton warehouses
3667 and that would otherwise be paid into the General Fund shall be
3668 deposited in an amount not to exceed Two Million Dollars
3669 (\$2,000,000.00) into the special fund created under Section
3670 69-37-39 until all debts or other obligations incurred by the
3671 Certified Cotton Growers Organization under the Mississippi Boll
3672 Weevil Management Act before January 1, 2007, are satisfied in
3673 full. On or before August 15, 2010, and each succeeding month



3674 thereafter through July 15, 2011, fifty percent (50%) of that
3675 portion of the avails of the tax imposed in Section 27-65-23 that
3676 is derived from sales by cotton compresses or cotton warehouses
3677 and that would otherwise be paid into the General Fund shall be
3678 deposited into the special fund created under Section 69-37-39
3679 until such time that the total amount deposited into the fund
3680 during a fiscal year equals One Million Dollars (\$1,000,000.00).
3681 On or before August 15, 2011, and each succeeding month
3682 thereafter, that portion of the avails of the tax imposed in
3683 Section 27-65-23 that is derived from sales by cotton compresses
3684 or cotton warehouses and that would otherwise be paid into the
3685 General Fund shall be deposited into the special fund created
3686 under Section 69-37-39 until such time that the total amount
3687 deposited into the fund during a fiscal year equals One Million
3688 Dollars (\$1,000,000.00).

3689 (15) Notwithstanding any other provision of this section to
3690 the contrary, on or before September 15, 2000, and each succeeding
3691 month thereafter, the sales tax revenue collected during the
3692 preceding month under the provisions of Section
3693 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
3694 without diversion, into the Telecommunications Ad Valorem Tax
3695 Reduction Fund established in Section 27-38-7.

3696 (16) (a) On or before August 15, 2000, and each succeeding
3697 month thereafter, the sales tax revenue collected during the
3698 preceding month under the provisions of this chapter on the gross



3699 proceeds of sales of a project as defined in Section 57-30-1 shall
3700 be deposited, after all diversions except the diversion provided
3701 for in subsection (1) of this section, into the Sales Tax
3702 Incentive Fund created in Section 57-30-3.

3703 (b) On or before August 15, 2007, and each succeeding
3704 month thereafter, eighty percent (80%) of the sales tax revenue
3705 collected during the preceding month under the provisions of this
3706 chapter from the operation of a tourism project under the
3707 provisions of Sections 57-26-1 through 57-26-5, shall be
3708 deposited, after the diversions required in subsections (7) and
3709 (8) of this section, into the Tourism Project Sales Tax Incentive
3710 Fund created in Section 57-26-3.

3711 (17) Notwithstanding any other provision of this section to
3712 the contrary, on or before April 15, 2002, and each succeeding
3713 month thereafter, the sales tax revenue collected during the
3714 preceding month under Section 27-65-23 on sales of parking
3715 services of parking garages and lots at airports shall be
3716 deposited, without diversion, into the special fund created under
3717 Section 27-5-101(d).

3718 (18) [Repealed]

3719 (19) (a) On or before August 15, 2005, and each succeeding
3720 month thereafter, the sales tax revenue collected during the
3721 preceding month under the provisions of this chapter on the gross
3722 proceeds of sales of a business enterprise located within a
3723 redevelopment project area under the provisions of Sections



3724 57-91-1 through 57-91-11, and the revenue collected on the gross
3725 proceeds of sales from sales made to a business enterprise located
3726 in a redevelopment project area under the provisions of Sections
3727 57-91-1 through 57-91-11 (provided that such sales made to a
3728 business enterprise are made on the premises of the business
3729 enterprise), shall, except as otherwise provided in this
3730 subsection (19), be deposited, after all diversions, into the
3731 Redevelopment Project Incentive Fund as created in Section
3732 57-91-9.

3733 (b) For a municipality participating in the Economic
3734 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
3735 the diversion provided for in subsection (1) of this section
3736 attributable to the gross proceeds of sales of a business
3737 enterprise located within a redevelopment project area under the
3738 provisions of Sections 57-91-1 through 57-91-11, and attributable
3739 to the gross proceeds of sales from sales made to a business
3740 enterprise located in a redevelopment project area under the
3741 provisions of Sections 57-91-1 through 57-91-11 (provided that
3742 such sales made to a business enterprise are made on the premises
3743 of the business enterprise), shall be deposited into the
3744 Redevelopment Project Incentive Fund as created in Section
3745 57-91-9, as follows:

3746 (i) For the first six (6) years in which payments
3747 are made to a developer from the Redevelopment Project Incentive



3748 Fund, one hundred percent (100%) of the diversion shall be
3749 deposited into the fund;

3750 (ii) For the seventh year in which such payments
3751 are made to a developer from the Redevelopment Project Incentive
3752 Fund, eighty percent (80%) of the diversion shall be deposited
3753 into the fund;

3754 (iii) For the eighth year in which such payments
3755 are made to a developer from the Redevelopment Project Incentive
3756 Fund, seventy percent (70%) of the diversion shall be deposited
3757 into the fund;

3758 (iv) For the ninth year in which such payments are
3759 made to a developer from the Redevelopment Project Incentive Fund,
3760 sixty percent (60%) of the diversion shall be deposited into the
3761 fund; and

3762 (v) For the tenth year in which such payments are
3763 made to a developer from the Redevelopment Project Incentive Fund,
3764 fifty percent (50%) of the funds shall be deposited into the fund.

3765 (20) On or before January 15, 2007, and each succeeding
3766 month thereafter, eighty percent (80%) of the sales tax revenue
3767 collected during the preceding month under the provisions of this
3768 chapter from the operation of a tourism project under the
3769 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
3770 after the diversions required in subsections (7) and (8) of this
3771 section, into the Tourism Sales Tax Incentive Fund created in
3772 Section 57-28-3.



3773 (21) (a) On or before April 15, 2007, and each succeeding
3774 month thereafter through June 15, 2013, One Hundred Fifty Thousand
3775 Dollars (\$150,000.00) of the sales tax revenue collected during
3776 the preceding month under the provisions of this chapter shall be
3777 deposited into the MMEIA Tax Incentive Fund created in Section
3778 57-101-3.

3779 (b) On or before July 15, 2013, and each succeeding
3780 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
3781 of the sales tax revenue collected during the preceding month
3782 under the provisions of this chapter shall be deposited into the
3783 Mississippi Development Authority Job Training Grant Fund created
3784 in Section 57-1-451.

3785 (22) Notwithstanding any other provision of this section to
3786 the contrary, on or before August 15, 2009, and each succeeding
3787 month thereafter, the sales tax revenue collected during the
3788 preceding month under the provisions of Section 27-65-201 shall be
3789 deposited, without diversion, into the Motor Vehicle Ad Valorem
3790 Tax Reduction Fund established in Section 27-51-105.

3791 (23) The remainder of the amounts collected under the
3792 provisions of this chapter shall be paid into the State Treasury
3793 to the credit of the General Fund.

3794 (24) (a) It shall be the duty of the municipal officials of
3795 any municipality that expands its limits, or of any community that
3796 incorporates as a municipality, to notify the commissioner of that
3797 action thirty (30) days before the effective date. Failure to so



3798 notify the commissioner shall cause the municipality to forfeit
3799 the revenue that it would have been entitled to receive during
3800 this period of time when the commissioner had no knowledge of the
3801 action.

3802 (b) (i) Except as otherwise provided in subparagraph
3803 (ii) of this paragraph, if any funds have been erroneously
3804 disbursed to any municipality or any overpayment of tax is
3805 recovered by the taxpayer, the commissioner may make correction
3806 and adjust the error or overpayment with the municipality by
3807 withholding the necessary funds from any later payment to be made
3808 to the municipality.

3809 (ii) Subject to the provisions of Sections
3810 27-65-51 and 27-65-53, if any funds have been erroneously
3811 disbursed to a municipality under subsection (1) of this section
3812 for a period of three (3) years or more, the maximum amount that
3813 may be recovered or withheld from the municipality is the total
3814 amount of funds erroneously disbursed for a period of three (3)
3815 years beginning with the date of the first erroneous disbursement.
3816 However, if during such period, a municipality provides written
3817 notice to the Department of Revenue indicating the erroneous
3818 disbursement of funds, then the maximum amount that may be
3819 recovered or withheld from the municipality is the total amount of
3820 funds erroneously disbursed for a period of one (1) year beginning
3821 with the date of the first erroneous disbursement.



3822 **SECTION 22.** Section 65-39-35, Mississippi Code of 1972, is
3823 brought forward as follows:

3824 65-39-35. The date upon which the taxes and fees levied and
3825 charged under the provisions of Sections 27-55-11, 27-57-37,
3826 27-59-11, 27-19-43, 27-19-309, 27-65-75, and Sections 27-55-519
3827 and 27-55-521 are reduced under such sections shall be the first
3828 day of the month immediately following the date upon which:

3829 (a) The Mississippi Transportation Commission certifies
3830 to the State Tax Commission that:

3831 (i) The highway program created under Section
3832 65-3-97 and the Gaming Counties Infrastructure Program created
3833 under Section 65-39-3, are completed and no funds are any longer
3834 necessary to pay the costs of such programs; and

3835 (ii) The Mississippi Transportation Commission
3836 will not declare the necessity for additional borrowings under
3837 Section 65-9-27, or for additional bonds under Sections 65-39-5
3838 through 65-39-33; and

3839 (b) The State Treasurer certifies:

3840 (i) That the amount on deposit in the Gaming
3841 Counties Bond Sinking Fund, together with earnings on investments
3842 to accrue to such fund, is equal to or greater than the aggregate
3843 of the entire principal, redemption premium (if any), and interest
3844 due and to become due (until the final maturity date or earlier
3845 scheduled redemption date) on all general obligation bonds issued
3846 under Sections 65-39-5 through 65-39-33; and



3847 (ii) That all principal, interest, cost and other
3848 expenses for all bonds, notes or other borrowings under Section
3849 65-9-27 and Section 31-17-127 (including redemption notes, if any)
3850 have been paid and are completely satisfied.

3851 **SECTION 23.** This act shall take effect and be in force from
3852 and after July 1, 2017.

