

## REPORT OF CONFERENCE COMMITTEE

### MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S.B. No. 3214: Bonds; issue to provide loans to counties and municipalities in which master planned communities are located.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.

2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

17 SECTION 1. As used in Sections 1 through 17 of this act, the  
18 words and phrases used herein shall have meanings as follows,  
19 unless the context clearly indicates a different meaning:

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

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

28 (c) "Project" means a master planned community  
29 consisting of an integrated commercial, industrial, recreational,  
30 educational, health care and residential development and  
31 improvements located on a project site of which not less than  
32 fifty percent (50%) of the housing units within such residential  
33 development is set aside for and devoted to retirees and which  
34 development is the product of a long-range, multi-phase  
35 development plan combining a complementary mix of land uses  
36 representing unifying characteristics and design elements and  
37 providing comprehensive planning and logical and staged  
38 implementation and development.

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

40 SECTION 2. A special fund, to be designated the "Mississippi  
41 67 Construction Fund," is created within the State Treasury. The  
42 fund shall be maintained by the State Treasurer as a separate and  
43 special fund, separate and apart from the General Fund of the  
44 state, and investment earnings on amounts in the fund shall be  
45 deposited into such fund. The expenditure of monies deposited  
46 into the fund shall be under the direction of the Department of  
47 Transportation, and such funds shall be paid by the State  
48 Treasurer upon warrants issued by the Department of  
49 Transportation. Monies deposited into such fund shall be  
50 utilized, in combination with funds from other sources, by the  
51 Department of Transportation for improvements to  
52 relocated/reconstructed Mississippi 67 between U.S. 49 and I-110,  
53 including, but not limited to, any necessary redesigning and the  
54 construction of interchanges with roads compatible to the design  
55 of the project.

56 SECTION 3. (1) Upon receipt of binding commitments in the  
57 form of a letter of intent to locate the project that indicates to  
58 the satisfaction of the Department of Transportation that a  
59 project will be located in close proximity to Mississippi 67 in  
60 Harrison County between U.S. 49 and I-110, the Transportation  
61 Commission, at one time or from time to time, may declare by  
62 resolution the necessity for issuance of general obligation bonds  
63 of the State of Mississippi to provide funds for all costs  
64 incurred or to be incurred for the purposes described in Section 2  
65 of this act. Upon the adoption of a resolution by the  
66 Transportation Commission declaring the necessity for the issuance  
67 of any part or all of the general obligation bonds authorized by  
68 this section, the Transportation Commission shall deliver a  
69 certified copy of its resolution or resolutions to the commission.  
70 Upon receipt of such resolution the commission, in its  
71 discretion, may act as the issuing agent, prescribe the form of  
72 the bonds, advertise for and accept bids, issue and sell the bonds  
73 so authorized to be sold, and do any and all other things  
74 necessary and advisable in connection with the issuance and sale

75 of such bonds. The amount of bonds issued under this act shall  
76 not exceed Twenty Million Dollars (\$20,000,000.00).

77 (2) Any investment earnings on amounts deposited into the  
78 special fund created in Section 2 of this act shall be used to pay  
79 debt service on bonds issued under this act, in accordance with  
80 the proceedings authorizing issuance of such bonds.

81 (3) Upon the completion or abandonment of the project  
82 described in Section 2 of this act, as evidenced by a resolution  
83 adopted by the Transportation Commission certifying that all such  
84 projects have been completed or abandoned, the balance, if any,  
85 remaining in the Mississippi 67 Construction Fund shall be  
86 promptly applied to pay debt service on bonds issued under  
87 Sections 1 through 17 of this act, in accordance with the  
88 proceedings authorizing the issuance of such bonds.

89 SECTION 4. The principal of and interest on the bonds  
90 authorized under Sections 1 through 17 of this act shall be  
91 payable in the manner provided in this section. Such bonds shall  
92 bear such date or dates, be in such denomination or denominations,  
93 bear interest at such rate or rates (not to exceed the limits set  
94 forth in Section 75-17-101), be payable at such place or places  
95 within or without the State of Mississippi, shall mature  
96 absolutely at such time or times not to exceed twenty-five (25)  
97 years from date of issue, be redeemable before maturity at such  
98 time or times and upon such terms, with or without premium, shall  
99 bear such registration privileges, and shall be substantially in  
100 such form, all as shall be determined by resolution of the  
101 commission.

102 SECTION 5. The bonds authorized by Sections 1 through 17 of  
103 this act shall be signed by the chairman of the commission, or by  
104 his facsimile signature, and the official seal of the commission  
105 shall be affixed thereto, attested by the secretary of the  
106 commission. The interest coupons, if any, to be attached to such  
107 bonds may be executed by the facsimile signatures of such  
108 officers. Whenever any such bonds shall have been signed by the  
109 officials designated to sign the bonds who were in office at the

110 time of such signing but who may have ceased to be such officers  
111 before the sale and delivery of such bonds, or who may not have  
112 been in office on the date such bonds may bear, the signatures of  
113 such officers upon such bonds and coupons shall nevertheless be  
114 valid and sufficient for all purposes and have the same effect as  
115 if the person so officially signing such bonds had remained in  
116 office until their delivery to the purchaser, or had been in  
117 office on the date such bonds may bear. However, notwithstanding  
118 anything herein to the contrary, such bonds may be issued as  
119 provided in the Registered Bond Act of the State of Mississippi.

120 SECTION 6. All bonds and interest coupons issued under the  
121 provisions of Sections 1 through 17 of this act have all the  
122 qualities and incidents of negotiable instruments under the  
123 provisions of the Uniform Commercial Code, and in exercising the  
124 powers granted by Sections 1 through 17 of this act, the  
125 commission shall not be required to and need not comply with the  
126 provisions of the Uniform Commercial Code.

127 SECTION 7. The commission shall act as the issuing agent for  
128 the bonds authorized under Sections 1 through 17 of this act,  
129 prescribe the form of the bonds, advertise for and accept bids,  
130 issue and sell the bonds so authorized to be sold, pay all fees  
131 and costs incurred in such issuance and sale, and do any and all  
132 other things necessary and advisable in connection with the  
133 issuance and sale of such bonds. The commission is authorized and  
134 empowered to pay the costs that are incident to the sale, issuance  
135 and delivery of the bonds authorized under Sections 1 through 17  
136 of this act from the proceeds derived from the sale of such bonds.  
137 The commission shall sell such bonds on sealed bids at public  
138 sale, and for such price as it may determine to be for the best  
139 interest of the State of Mississippi, but no such sale shall be  
140 made at a price less than par plus accrued interest to the date of  
141 delivery of the bonds to the purchaser. All interest accruing on  
142 such bonds so issued shall be payable semiannually or annually;  
143 however, the first interest payment may be for any period of not  
144 more than one (1) year.

145 Notice of the sale of any such bonds shall be published at  
146 least one (1) time, not less than ten (10) days before the date of  
147 sale, and shall be so published in one or more newspapers  
148 published or having a general circulation in the City of Jackson,  
149 Mississippi, and in one or more other newspapers or financial  
150 journals with a national circulation, to be selected by the  
151 commission.

152 The commission, when issuing any bonds under the authority of  
153 Sections 1 through 17 of this act, may provide that bonds, at the  
154 option of the State of Mississippi, may be called in for payment  
155 and redemption at the call price named therein and accrued  
156 interest on such date or dates named therein.

157 SECTION 8. The bonds issued under the provisions of Sections  
158 1 through 17 of this act are general obligations of the State of  
159 Mississippi, and for the payment thereof the full faith and credit  
160 of the State of Mississippi is irrevocably pledged. If the funds  
161 appropriated by the Legislature are insufficient to pay the  
162 principal of and the interest on such bonds as they become due,  
163 then the deficiency shall be paid by the State Treasurer from any  
164 funds in the State Treasury not otherwise appropriated. All such  
165 bonds shall contain recitals on their faces substantially covering  
166 the provisions of this section.

167 SECTION 9. Upon the issuance and sale of bonds under the  
168 provisions of Sections 1 through 17 of this act, the commission  
169 shall transfer the proceeds of any such sale or sales to the  
170 special fund created in Section 2 of this act. The proceeds of  
171 such bonds shall be disbursed solely upon the order of the  
172 Department of Finance and Administration under such restrictions,  
173 if any, as may be contained in the resolution providing for the  
174 issuance of the bonds.

175 SECTION 10. The bonds authorized under Sections 1 through 17  
176 of this act may be issued without any other proceedings or the  
177 happening of any other conditions or things other than those  
178 proceedings, conditions and things which are specified or required  
179 by Sections 1 through 17 of this act. Any resolution providing

180 for the issuance of bonds under the provisions of Sections 1  
181 through 17 of this act shall become effective immediately upon its  
182 adoption by the commission, and any such resolution may be adopted  
183 at any regular or special meeting of the commission by a majority  
184 of its members.

185 SECTION 11. The bonds authorized under the authority of  
186 Sections 1 through 17 of this act may be validated in the Chancery  
187 Court of the First Judicial District of Hinds County, Mississippi,  
188 in the manner and with the force and effect provided by Chapter  
189 13, Title 31, Mississippi Code of 1972, for the validation of  
190 county, municipal, school district and other bonds. The notice to  
191 taxpayers required by such statutes shall be published in a  
192 newspaper published or having a general circulation in the City of  
193 Jackson, Mississippi.

194 SECTION 12. Any holder of bonds issued under the provisions  
195 of Sections 1 through 17 of this act or of any of the interest  
196 coupons pertaining thereto may, either at law or in equity, by  
197 suit, action, mandamus or other proceeding, protect and enforce  
198 any and all rights granted under Sections 1 through 17 of this  
199 act, or under such resolution, and may enforce and compel  
200 performance of all duties required by Sections 1 through 17 of  
201 this act to be performed, in order to provide for the payment of  
202 bonds and interest thereon.

203 SECTION 13. All bonds issued under the provisions of  
204 Sections 1 through 17 of this act shall be legal investments for  
205 trustees and other fiduciaries, and for savings banks, trust  
206 companies and insurance companies organized under the laws of the  
207 State of Mississippi, and such bonds shall be legal securities  
208 which may be deposited with and shall be received by all public  
209 officers and bodies of this state and all municipalities and  
210 political subdivisions for the purpose of securing the deposit of  
211 public funds.

212 SECTION 14. Bonds issued under the provisions of Sections 1  
213 through 17 of this act and income therefrom shall be exempt from  
214 all taxation in the State of Mississippi.

215 SECTION 15. The proceeds of the bonds issued under Sections  
216 1 through 17 of this act shall be used solely for the purposes  
217 herein provided, including the costs incident to the issuance and  
218 sale of such bonds.

219 SECTION 16. The State Treasurer is authorized, without  
220 further process of law, to certify to the Department of Finance  
221 and Administration the necessity for warrants, and the Department  
222 of Finance and Administration is authorized and directed to issue  
223 such warrants, in such amounts as may be necessary to pay when due  
224 the principal of, premium, if any, and interest on, or the  
225 accreted value of, all bonds issued under Sections 1 through 17 of  
226 this act; and the State Treasurer shall forward the necessary  
227 amount to the designated place or places of payment of such bonds  
228 in ample time to discharge such bonds, or the interest thereon, on  
229 the due dates thereof.

230 SECTION 17. Sections 1 through 17 of this act shall be  
231 deemed to be full and complete authority for the exercise of the  
232 powers therein granted, but Sections 1 through 17 of this act  
233 shall not be deemed to repeal or to be in derogation of any  
234 existing law of this state.

235 SECTION 18. Section 65-4-3, Mississippi Code of 1972, is  
236 amended as follows:

237 65-4-3. It is the purpose of this chapter to promote,  
238 attract and secure industrial and other significant development in  
239 the state through the construction and improvement of highways in  
240 areas of the state which demonstrate actual and immediate  
241 potential for the creation or expansion of major industry or other  
242 significant development which is heavily dependent upon the use of  
243 and direct access to primary highways.

244 SECTION 19. Section 65-4-5, Mississippi Code of 1972, is  
245 amended as follows:

246 65-4-5. (1) The following words when used in this chapter  
247 shall have the meanings herein ascribed unless the context  
248 otherwise clearly requires:

249 (a) "Board" means the Mississippi Department of

250 Economic and Community Development;

251 (b) "Department" means the Mississippi Department of  
252 Transportation;

253 (c) "High economic benefit project" means (i) any new  
254 investment by a private company with capital investments in land,  
255 buildings, depreciable fixed assets and improvements of at least  
256 Fifty Million Dollars (\$50,000,000.00); (ii) any new investment of  
257 at least Twenty Million Dollars (\$20,000,000.00) by a private  
258 company having capital investments in this state in land,  
259 buildings, depreciable fixed assets and improvements of at least  
260 One Billion Dollars (\$1,000,000,000.00) in the aggregate; (iii)  
261 public investment of at least One Hundred Million Dollars  
262 (\$100,000,000.00) to take place over a specified period of time  
263 and in accordance with a master plan duly adopted by the  
264 controlling political subdivision; (iv) any new investments in  
265 land, buildings, depreciable fixed assets and improvements by two  
266 (2) private companies upon land that is adjacent whenever the new  
267 investments of both companies is at least Sixty Million Dollars  
268 (\$60,000,000.00) in the aggregate, and such new investments by  
269 both private companies provide for the employment of at least five  
270 hundred (500) employees in the aggregate; \* \* \* (v) any project  
271 which would benefit from the construction of any highway bypass  
272 which would aid in economic development and would provide an  
273 alternate route to avoid an existing route which underpasses a  
274 railroad and which would aid in existing or proposed industry; or  
275 (vi) any master planned community consisting of an integrated  
276 commercial, industrial, recreational, educational, health care and  
277 residential development and improvements located on a project site  
278 of which not less than fifty percent (50%) of the housing units  
279 within such residential development is set aside for and devoted  
280 to retirees and which development is the product of a long-range,  
281 multi-phase development plan combining a complementary mix of land  
282 uses representing unifying characteristics and design elements and  
283 providing comprehensive planning and logical and staged  
284 implementation and development;



285 (d) "Political subdivision" means one or more counties  
286 or incorporated municipalities in the state, or a state-owned port  
287 located in a county bordering on the Gulf of Mexico;

288 (e) "Private company" means (i) any agricultural,  
289 aquacultural, maricultural, processing, distribution, warehousing,  
290 manufacturing or research and development enterprise; (ii) any air  
291 transportation and maintenance facility, regional shopping mall,  
292 hospital, large hotel, resort or movie industry studio; (iii) the  
293 federal government with respect to any specific project which  
294 meets the criteria established in paragraph (c)(i) of this  
295 subsection; \* \* \* (iv) any existing or proposed industry in regard  
296 to a project described in paragraph (c)(v) of this subsection; or  
297 (v) a developer with respect to any specific project which meets  
298 the criteria established in paragraph (c)(vi) of this subsection.

299 (2) The Mississippi Department of Transportation is hereby  
300 authorized to purchase rights-of-way and construct and maintain  
301 roads and highways authorized to be constructed pursuant to this  
302 chapter.

303 SECTION 20. Section 65-4-25, Mississippi Code of 1972, as  
304 amended by Section 1 of Senate Bill No. 3100, 1999 Regular  
305 Session, is amended as follows:

306 65-4-25. The Mississippi Department of Economic and  
307 Community Development, acting through its executive director, is  
308 authorized, at one time or from time to time, to declare by  
309 resolution the necessity for issuance of negotiable general  
310 obligation bonds of the State of Mississippi to provide funds for  
311 the Economic Development Highway Fund established in Section  
312 65-4-15, Mississippi Code of 1972. Upon the adoption of a  
313 resolution by the Executive Director of the Mississippi Department  
314 of Economic and Community Development, declaring the necessity for  
315 the issuance of any part or all of the general obligation bonds  
316 authorized by Sections 65-4-25 through 65-4-45, Mississippi Code  
317 of 1972, the executive director shall deliver a certified copy of  
318 his resolution or resolutions to the State Bond Commission. Upon  
319 receipt of same, the State Bond Commission, in its discretion,

320 shall act as the issuing agent, prescribe the form of the bonds,  
321 advertise for and accept bids, issue and sell the bonds so  
322 authorized to be sold, and do any and all other things necessary  
323 and advisable in connection with the issuance and sale of such  
324 bonds. The principal amount of bonds issued under Sections  
325 65-4-25 through 65-4-45, Mississippi Code of 1972, shall not  
326 exceed One Hundred Thirty-five Million Dollars (\$135,000,000.00)  
327 in the aggregate. However, an additional amount of bonds may be  
328 issued under Sections 65-4-25 through 65-4-45, Mississippi Code of  
329 1972, in an amount not to exceed Seven Million Dollars  
330 (\$7,000,000.00), and the proceeds of any such additional bonds  
331 issued shall be used to provide funding for a high economic  
332 benefit project as defined in Section 65-4-5(1)(c)(vi),  
333 Mississippi Code of 1972.

334 SECTION 21. This act shall take effect and be in force from  
335 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO PROVIDE FOR THE ISSUANCE OF \$20,000,000.00 IN STATE  
2 GENERAL OBLIGATION BONDS TO ASSIST IN FUNDING IMPROVEMENTS TO  
3 RELOCATED/RECONSTRUCTED MISSISSIPPI 67 BETWEEN U.S. 49 AND I-110  
4 AND TO PROVIDE THAT SUCH BONDS MAY BE ISSUED ONLY IF A MASTER  
5 PLANNED COMMUNITY INTENDS TO LOCATE IN CLOSE PROXIMITY TO SUCH  
6 HIGHWAY; TO AMEND SECTIONS 65-4-3 AND 65-4-5, MISSISSIPPI CODE OF  
7 1972, TO AMEND THE ECONOMIC DEVELOPMENT HIGHWAY ACT TO REVISE THE  
8 DEFINITION OF THE TERM "HIGH ECONOMIC BENEFIT PROJECT" TO INCLUDE  
9 CERTAIN PLANNED COMMUNITIES; TO REVISE THE TERM "PRIVATE COMPANY"  
10 TO INCLUDE HOSPITAL DEVELOPERS OF CERTAIN PLANNED COMMUNITIES; TO  
11 AMEND SECTION 65-4-25, MISSISSIPPI CODE OF 1972, AS AMENDED BY  
12 SECTION 1 OF SENATE BILL NO. 3100, 1999 REGULAR SESSION, TO  
13 PROVIDE THAT OF THE BONDS ISSUED UNDER THE ECONOMIC DEVELOPMENT  
14 HIGHWAY ACT, \$7,000,000.00 SHALL BE UTILIZED FOR CERTAIN HIGH  
15 ECONOMIC BENEFIT PROJECTS; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

X \_\_\_\_\_  
Hob Bryan

X \_\_\_\_\_  
Charlie Williams

X \_\_\_\_\_  
Travis L. Little

X \_\_\_\_\_  
Daniel D. Guice, Jr.

X \_\_\_\_\_  
Billy Hewes III

X \_\_\_\_\_  
Bobby Moak