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 Morris, Peranich, Pierce, Read, Rushing,
 Smith (39th), Taylor, Warren, Watson, Wells-Smith, Zuber

To: Ways and Means

HOUSE BILL NO. 1630
 (As Sent to Governor)

1 AN ACT TO AUTHORIZE THE ISSUANCE OF \$20,000,000.00 IN STATE
 2 GENERAL OBLIGATION BONDS TO PROVIDE FUNDS NECESSARY FOR THE
 3 MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT TO ACQUIRE THE RAIL
 4 LINE EXTENDING FROM THE STATE PORT AT GULFPORT, MISSISSIPPI, TO
 5 THE CITY OF HATTIESBURG, MISSISSIPPI; TO PROVIDE THAT ACTIONS
 6 TAKEN BY THE MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT UNDER
 7 THIS ACT SHALL BE SUBJECT TO APPROVAL BY THE MISSISSIPPI
 8 DEVELOPMENT AUTHORITY; TO PROVIDE THAT IF THE MISSISSIPPI STATE
 9 PORT AUTHORITY AT GULFPORT ACQUIRES THE RAIL LINE, IT MAY ENTER
 10 INTO ANY AGREEMENT WITH A RAILROAD OR OTHER ENTITY PROVIDING THAT
 11 THE RAILROAD OR OTHER ENTITY WILL LEASE THE RAIL LINE FROM THE
 12 STATE FOR COMMERCIAL PURPOSES; TO AUTHORIZE THE MISSISSIPPI STATE
 13 PORT AUTHORITY AT GULFPORT TO ENTER INTO CONTRACTS OR OTHER
 14 AGREEMENTS WITH ANY PERSON, CORPORATION, ASSOCIATION, PARTNERSHIP,
 15 GOVERNMENTAL UNIT OR OTHER ENTITY NECESSARY TO PERFORM REPAIRS AND
 16 UPGRADES TO THE RAIL LINE; TO AUTHORIZE THE ISSUANCE OF
 17 \$20,000,000.00 IN STATE REVENUE BONDS TO PROVIDE FUNDS FOR REPAIRS
 18 AND UPGRADES TO SUCH RAIL LINE NECESSARY TO PROVIDE INTERMODAL
 19 ACCESS TO AND FROM THE STATE PORT AT GULFPORT, MISSISSIPPI; TO
 20 PROVIDE THAT THE REVENUE BONDS MAY NOT BE ISSUED UNLESS THE
 21 MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT HAS ENTERED INTO AN
 22 AGREEMENT WITH A RAILROAD OR OTHER ENTITY PROVIDING THAT THE
 23 RAILROAD OR OTHER ENTITY WILL LEASE THE RAIL LINE FROM THE
 24 MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT FOR COMMERCIAL
 25 PURPOSES; TO PROVIDE THAT THE PAYMENTS RECEIVED FROM ANY SUCH
 26 LEASE SHALL BE DEPOSITED INTO A SPECIAL BOND SINKING FUND CREATED
 27 FOR THE PURPOSE OF RETIRING BONDS ISSUED UNDER THIS ACT OR OTHER
 28 INDEBTEDNESS INCURRED UNDER THIS ACT, OR BOTH; TO PROVIDE THAT
 29 MONIES IN SUCH SINKING FUND SHALL BE USED FIRST TO RETIRE REVENUE
 30 BONDS ISSUED UNDER THIS ACT OR OTHER INDEBTEDNESS INCURRED UNDER
 31 THIS ACT, OR BOTH; TO PROVIDE THAT WHEN THE BALANCE IN THE SPECIAL
 32 BOND SINKING FUND IS EQUAL TO THE NEXT TWO DEBT SERVICE
 33 REQUIREMENTS OF THE REVENUE BONDS ISSUED UNDER THIS ACT OR OTHER
 34 INDEBTEDNESS INCURRED UNDER THIS ACT, OR BOTH, THE EXCESS MONIES
 35 IN THE FUND SHALL BE USED TO PAY THE DEBT SERVICE REQUIREMENTS OF
 36 GENERAL OBLIGATION BONDS ISSUED UNDER THIS ACT PROVIDED THAT THE
 37 BALANCE IN THE SPECIAL BOND SINKING FUND SHALL NOT FALL BELOW THE
 38 AMOUNT EQUAL TO THE NEXT TWO DEBT SERVICE REQUIREMENTS OF THE
 39 REVENUE BONDS OR OTHER INDEBTEDNESS; TO AUTHORIZE THE MISSISSIPPI
 40 STATE PORT AUTHORITY AT GULFPORT TO BORROW FUNDS FROM THE
 41 MISSISSIPPI DEVELOPMENT BANK FOR THE PURPOSE OF ACQUIRING,
 42 REPAIRING AND UPGRADING THE RAIL LINE; TO PROVIDE THAT THE
 43 MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT MUST SATISFY CERTAIN
 44 CONDITIONS BEFORE TAKING ANY ACTIONS TO ACQUIRE, REPAIR OR UPGRADE

45 THE RAIL LINE AND BEFORE ANY BONDS MAY BE ISSUED OR OTHER DEBT MAY
46 BE INCURRED UNDER THIS ACT; AND FOR RELATED PURPOSES.

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

48 SECTION 1. As used in this act, the following words shall
49 have the meanings ascribed herein unless the context clearly
50 requires otherwise:

51 (a) "Accreted value" of any bond means, as of any date
52 of computation, an amount equal to the sum of (i) the stated
53 initial value of such bond, plus (ii) the interest accrued thereon
54 from the issue date to the date of computation at the rate,
55 compounded semiannually, that is necessary to produce the
56 approximate yield to maturity shown for bonds of the same
57 maturity.

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

59 (c) "Rail line" means the rail line extending from the
60 State Port at Gulfport to the City of Hattiesburg, Mississippi.

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

62 (e) "Mississippi State Port Authority at Gulfport"
63 means the Mississippi State Port Authority at Gulfport,
64 Mississippi, acting subject to the approval of the Mississippi
65 Development Authority.

66 SECTION 2. The Mississippi State Port Authority at Gulfport
67 may use the proceeds from general obligation bonds issued under
68 Sections 4 through 18 of this act to acquire the rail line for the
69 purpose of performing repairs and upgrades necessary to provide
70 intermodal access to and from the State Port at Gulfport,
71 Mississippi.

72 SECTION 3. For the purpose of providing for the payment of
73 the principal of and interest upon bonds issued under this act or
74 indebtedness incurred by the Mississippi State Port Authority at
75 Gulfport under Section 35 of this act, or both, there is created a
76 special bond sinking fund in the State Treasury. The special bond
77 sinking fund shall consist of the monies required to be deposited
78 into the fund under Section 19 of this act and such other amounts

79 as may be paid into such fund by appropriation or other
80 authorization by the Legislature. Except as otherwise provided in
81 this section, monies in the special bond sinking fund shall be
82 used first to pay the debt service requirements of the revenue
83 bonds issued under Sections 20 through 34 of this act or the debt
84 service requirements of the indebtedness incurred by the
85 Mississippi State Port Authority at Gulfport under Section 35 of
86 this act, or both. Whenever the balance in the special bond
87 sinking fund is equal to the next two (2) debt service
88 requirements of the revenue bonds issued under Sections 20 through
89 34 of this act or the next two (2) debt service requirements of
90 the indebtedness incurred by the Mississippi State Port Authority
91 at Gulfport under Section 35 of this act, or both, the excess
92 monies in such sinking fund shall be used to pay the debt service
93 requirements of the general obligation bonds issued under Sections
94 4 through 18 of this act; provided, however, that the balance in
95 the special bond sinking fund shall not fall below the amount
96 equal to the next two (2) debt service requirements of the revenue
97 bonds issued under Sections 20 through 34 of this act or the next
98 two (2) debt service requirements of the indebtedness incurred by
99 the Mississippi State Port Authority at Gulfport under Section 35
100 of this act, or both. Funds required in excess of the amount
101 available in the special bond sinking fund to pay the principal of
102 and interest upon the general obligation bonds issued under
103 Sections 4 through 18 of this act shall be appropriated from the
104 State General Fund. Unexpended amounts remaining in the special
105 bond sinking fund at the end of a fiscal year shall not lapse into
106 the State General Fund, and any interest earned or investment
107 earnings on amounts in the special bond sinking fund shall be
108 deposited into such sinking fund.

109 SECTION 4. (1) (a) A special fund, to be designated as the
110 "South Mississippi Rail Line Acquisition Fund" is created within
111 the State Treasury. The fund shall be maintained by the State

112 Treasurer as a separate and special fund, separate and apart from
113 the General Fund of the state. Unexpended amounts remaining in
114 the fund at the end of a fiscal year shall not lapse into the
115 State General Fund, and any interest earned or investment earnings
116 on amounts in the fund shall be deposited into such fund.

117 (b) Monies deposited into the fund shall be disbursed,
118 in the discretion of the Mississippi State Port Authority at
119 Gulfport, to pay the costs incurred by the Mississippi State Port
120 Authority at Gulfport in acquisition of the rail line.

121 (2) Amounts deposited into such special fund shall be
122 disbursed to pay the costs of the project described in subsection
123 (1) of this section. If any monies in the special fund are not
124 used within four (4) years after the date the proceeds of the
125 bonds authorized under Sections 4 through 18 of this act are
126 deposited into such fund, then the Mississippi State Port
127 Authority at Gulfport shall provide an accounting of such unused
128 monies to the commission. Promptly after the commission has
129 certified, by resolution duly adopted, that the project described
130 in subsection (1) shall have been completed, abandoned, or cannot
131 be completed in a timely fashion, any amounts remaining in such
132 special fund shall be applied to pay debt service on the bonds
133 issued under Sections 4 through 18 of this act, in accordance with
134 the proceedings authorizing the issuance of such bonds and as
135 directed by the commission.

136 SECTION 5. (1) The commission, at one time, or from time to
137 time, may declare by resolution the necessity for issuance of
138 general obligation bonds of the State of Mississippi to provide
139 funds for all costs incurred or to be incurred for the purposes
140 described in Section 4 of this act. Upon the adoption of a
141 resolution by the Mississippi State Port Authority at Gulfport,
142 declaring the necessity for the issuance of any part or all of the
143 general obligation bonds authorized by this section, the
144 Mississippi State Port Authority at Gulfport shall deliver a

145 certified copy of its resolution or resolutions to the commission.
146 Upon receipt of such resolution, the commission, in its
147 discretion, may act as the issuing agent, prescribe the form of
148 the bonds, advertise for and accept bids, issue and sell the bonds
149 so authorized to be sold and do any and all other things necessary
150 and advisable in connection with the issuance and sale of such
151 bonds. The total amount of bonds issued under Sections 4 through
152 18 of this act shall not exceed Twenty Million Dollars
153 (\$20,000,000.00). No bonds shall be issued under Sections 4
154 through 18 of this act after July 1, 2004.

155 (2) Any investment earnings on amounts deposited into the
156 special fund created in Section 4 of this act shall be used to pay
157 debt service on bonds issued under Sections 4 through 18 of this
158 act, in accordance with the proceedings authorizing issuance of
159 such bonds.

160 SECTION 6. The principal of and interest on the bonds
161 authorized under Sections 4 through 18 of this act shall be
162 payable in the manner provided in this section. Such bonds shall
163 bear such date or dates, be in such denomination or denominations,
164 bear interest at such rate or rates (not to exceed the limits set
165 forth in Section 75-17-101, Mississippi Code of 1972), be payable
166 at such place or places within or without the State of
167 Mississippi, shall mature absolutely at such time or times not to
168 exceed twenty (20) years from date of issue, be redeemable before
169 maturity at such time or times and upon such terms, with or
170 without premium, shall bear such registration privileges, and
171 shall be substantially in such form, all as shall be determined by
172 resolution of the commission.

173 SECTION 7. The bonds authorized by Sections 4 through 18 of
174 this act shall be signed by the chairman of the commission, or by
175 his facsimile signature, and the official seal of the commission
176 shall be affixed thereto, attested by the secretary of the
177 commission. The interest coupons, if any, to be attached to such

178 bonds may be executed by the facsimile signatures of such
179 officers. Whenever any such bonds shall have been signed by the
180 officials designated to sign the bonds who were in office at the
181 time of such signing but who may have ceased to be such officers
182 before the sale and delivery of such bonds, or who may not have
183 been in office on the date such bonds may bear, the signatures of
184 such officers upon such bonds and coupons shall nevertheless be
185 valid and sufficient for all purposes and have the same effect as
186 if the person so officially signing such bonds had remained in
187 office until their delivery to the purchaser, or had been in
188 office on the date such bonds may bear. However, notwithstanding
189 anything herein to the contrary, such bonds may be issued as
190 provided in the Registered Bond Act of the State of Mississippi.

191 SECTION 8. All bonds and interest coupons issued under the
192 provisions of Sections 4 through 18 of this act have all the
193 qualities and incidents of negotiable instruments under the
194 provisions of the Mississippi Uniform Commercial Code, and in
195 exercising the powers granted by Sections 4 through 18 of this
196 act, the commission shall not be required to and need not comply
197 with the provisions of the Mississippi Uniform Commercial Code.

198 SECTION 9. The commission shall act as the issuing agent for
199 the bonds authorized under Sections 4 through 18 of this act,
200 prescribe the form of the bonds, advertise for and accept bids,
201 issue and sell the bonds so authorized to be sold, pay all fees
202 and costs incurred in such issuance and sale, and do any and all
203 other things necessary and advisable in connection with the
204 issuance and sale of such bonds. The commission is authorized and
205 empowered to pay the costs that are incident to the sale, issuance
206 and delivery of the bonds authorized under Sections 4 through 18
207 of this act from the proceeds derived from the sale of such bonds.
208 The commission shall sell such bonds on sealed bids at public
209 sale, and for such price as it may determine to be for the best
210 interest of the State of Mississippi, but no such sale shall be

211 made at a price less than par plus accrued interest to the date of
212 delivery of the bonds to the purchaser. All interest accruing on
213 such bonds so issued shall be payable semiannually or annually;
214 however, the first interest payment may be for any period of not
215 more than one (1) year.

216 Notice of the sale of any such bonds shall be published at
217 least one time, not less than ten (10) days before the date of
218 sale, and shall be so published in one or more newspapers
219 published or having a general circulation in the City of Jackson,
220 Mississippi, and in one or more other newspapers or financial
221 journals with a national circulation, to be selected by the
222 commission.

223 The commission, when issuing any bonds under the authority of
224 Sections 4 through 18 of this act, may provide that bonds, at the
225 option of the State of Mississippi, may be called in for payment
226 and redemption at the call price named therein and accrued
227 interest on such date or dates named therein.

228 SECTION 10. The bonds issued under the provisions of
229 Sections 4 through 18 of this act are general obligations of the
230 State of Mississippi, and for the payment thereof the full faith
231 and credit of the State of Mississippi is irrevocably pledged.
232 Such bonds shall be payable from the special bond sinking fund
233 created in Section 3 of this act in the manner provided in such
234 section. If the funds available in such special bond sinking fund
235 for payment of the bonds and any funds appropriated by the
236 Legislature for such purposes are insufficient to pay the
237 principal of and the interest on such bonds as they become due,
238 then the deficiency shall be paid by the State Treasurer from any
239 funds in the State Treasury not otherwise appropriated. All such
240 bonds shall contain recitals on their faces substantially covering
241 the provisions of this section.

242 SECTION 11. Upon the issuance and sale of bonds under the
243 provisions of Sections 4 through 18 of this act, the commission

244 shall transfer the proceeds of any such sale or sales to the
245 special fund created in Section 4 of this act. The proceeds of
246 such bonds shall be disbursed solely upon the order of the
247 Mississippi State Port Authority at Gulfport under such
248 restrictions, if any, as may be contained in the resolution
249 providing for the issuance of the bonds.

250 SECTION 12. The bonds authorized under Sections 4 through 18
251 of this act may be issued without any other proceedings or the
252 happening of any other conditions or things other than those
253 proceedings, conditions and things which are specified or required
254 by Sections 4 through 18 of this act. Any resolution providing
255 for the issuance of bonds under the provisions of Sections 4
256 through 18 of this act shall become effective immediately upon its
257 adoption by the commission, and any such resolution may be adopted
258 at any regular or special meeting of the commission by a majority
259 of its members.

260 SECTION 13. The bonds authorized under the authority of
261 Sections 4 through 18 of this act may be validated in the Chancery
262 Court of the First Judicial District of Hinds County, Mississippi,
263 in the manner and with the force and effect provided by Chapter
264 13, Title 31, Mississippi Code of 1972, for the validation of
265 county, municipal, school district and other bonds. The notice to
266 taxpayers required by such statutes shall be published in a
267 newspaper published or having a general circulation in the City of
268 Jackson, Mississippi.

269 SECTION 14. Any holder of bonds issued under the provisions
270 of Sections 4 through 18 of this act or of any of the interest
271 coupons pertaining thereto may, either at law or in equity, by
272 suit, action, mandamus or other proceeding, protect and enforce
273 any and all rights granted under Sections 4 through 18 of this
274 act, or under such resolution, and may enforce and compel
275 performance of all duties required by Sections 4 through 18 of

276 this act to be performed, in order to provide for the payment of
277 bonds and interest thereon.

278 SECTION 15. All bonds issued under the provisions of
279 Sections 4 through 18 of this act shall be legal investments for
280 trustees and other fiduciaries, and for savings banks, trust
281 companies and insurance companies organized under the laws of the
282 State of Mississippi, and such bonds shall be legal securities
283 which may be deposited with and shall be received by all public
284 officers and bodies of this state and all municipalities and
285 political subdivisions for the purpose of securing the deposit of
286 public funds.

287 SECTION 16. Bonds issued under the provisions of Sections 4
288 through 18 of this act and income therefrom shall be exempt from
289 all taxation in the State of Mississippi.

290 SECTION 17. The proceeds of the bonds issued under Sections
291 4 through 18 of this act shall be used solely for the purposes
292 provided in Sections 4 through 18 of this act, including the costs
293 incident to the issuance and sale of such bonds.

294 SECTION 18. The State Treasurer is authorized, without
295 further process of law, to certify to the Department of Finance
296 and Administration the necessity for warrants, and the Department
297 of Finance and Administration is authorized and directed to issue
298 such warrants, in such amounts as may be necessary to pay when due
299 the principal of, premium, if any, and interest on, or the
300 accreted value of, all bonds issued under Sections 4 through 18 of
301 this act; and the State Treasurer shall forward the necessary
302 amount to the designated place or places of payment of such bonds
303 in ample time to discharge such bonds, or the interest thereon, on
304 the due dates thereof.

305 SECTION 19. (1) If the Mississippi State Port Authority at
306 Gulfport acquires the rail line, it may enter into any binding
307 agreement with a railroad or other entity providing that the
308 railroad or other entity shall lease the rail line from the

309 Mississippi State Port Authority at Gulfport for commercial
310 purposes. The Mississippi State Port Authority at Gulfport may
311 enter into any lease of the rail line to a railroad or other
312 entity for commercial purposes, and the payments from any such
313 lease shall be deposited into the special bond sinking fund
314 created in Section 3 of this act. Any lease entered into with a
315 railroad or other entity under this subsection (1) shall terminate
316 no earlier than the date of the maturity of the revenue bonds
317 issued under Sections 20 through 34 of this act or the date of the
318 maturity of the indebtedness incurred by the Mississippi State
319 Port Authority at Gulfport under Section 35 of this act, or both,
320 whichever is the later. The lease payments paid by the railroad
321 or other entity over a lease term shall be in an amount at least
322 sufficient to retire the revenue bonds issued under Sections 20
323 through 34 of this act at the date of maturity of the bonds or the
324 indebtedness incurred by the Mississippi State Port Authority at
325 Gulfport under Section 35 of this act at the date of maturity of
326 such indebtedness, or both, and the amount of the lease payments
327 may not be reduced until such bonds or indebtedness, or both, are
328 retired.

329 (2) If the Mississippi State Port Authority at Gulfport
330 acquires the rail line, it may enter into any contracts or other
331 agreements with any person, corporation, association, partnership,
332 governmental unit or other entity necessary to perform repairs and
333 upgrades to the rail line for the purpose of providing intermodal
334 access to and from the State Port at Gulfport, Mississippi. The
335 Mississippi State Port Authority at Gulfport may enter into any
336 contracts or other agreements with a railroad or other entity for
337 the operation, management and maintenance of the rail line.

338 (3) If the Mississippi State Port Authority at Gulfport
339 acquires the rail line, the Mississippi State Port Authority at
340 Gulfport shall have, as far as is practicable, all powers
341 authorized for railroad authorities under Section 19-29-1 et seq.,

342 Mississippi Code of 1972, and such additional powers as may be
343 determined necessary to carry out the provisions of this act.

344 SECTION 20. (1) (a) A special fund, to be designated as
345 the "South Mississippi Rail Line Upgrade and Repair Fund" is
346 created within the State Treasury. The fund shall be maintained
347 by the State Treasurer as a separate and special fund, separate
348 and apart from the General Fund of the state. Unexpended amounts
349 remaining in the fund at the end of a fiscal year shall not lapse
350 into the State General Fund, and any interest earned or investment
351 earnings on amounts in the fund shall be deposited into such fund.

352 (b) Monies deposited into the fund shall be disbursed,
353 in the discretion of the Mississippi State Port Authority at
354 Gulfport, to pay the costs incurred in performing repairs and
355 upgrades to the rail line for the purpose of providing intermodal
356 access to and from the State Port at Gulfport, Mississippi.

357 (2) Amounts deposited into such special fund shall be
358 disbursed to pay the costs of the projects described in subsection
359 (1) of this section. If any monies in the special fund are not
360 used within four (4) years after the date the proceeds of the
361 bonds authorized under Sections 20 through 34 of this act are
362 deposited into such fund, then the Mississippi State Port
363 Authority at Gulfport shall provide an accounting of such unused
364 monies to the commission. Promptly after the commission has
365 certified, by resolution duly adopted, that the projects described
366 in subsection (1) shall have been completed, abandoned, or cannot
367 be completed in a timely fashion, any amounts remaining in such
368 special fund shall be applied to pay debt service on the bonds
369 issued under Sections 20 through 34 of this act, in accordance
370 with the proceedings authorizing the issuance of such bonds and as
371 directed by the commission.

372 SECTION 21. (1) The commission, at one time or from time to
373 time, may declare by resolution the necessity for issuance of
374 revenue bonds of the State of Mississippi to provide funds for all

375 costs incurred or to be incurred for the purposes described in
376 Section 20 of this act. However, the commission may not issue
377 revenue bonds under Sections 20 through 34 of this act unless the
378 Mississippi State Port Authority at Gulfport first has entered
379 into an agreement with a railroad or other entity which satisfies
380 the lease requirements of Section 19 of this act. Upon the
381 adoption of a resolution by the Mississippi State Port Authority
382 of Gulfport, declaring the necessity for the issuance of any part
383 or all of the revenue bonds authorized by this section and that
384 the requirements of Section 19 of this act have been satisfied,
385 the Mississippi State Port Authority at Gulfport shall deliver a
386 certified copy of its resolution or resolutions to the commission.
387 Upon receipt of such resolution, the commission, in its
388 discretion, may act as the issuing agent, prescribe the form of
389 the bonds, advertise for and accept bids, issue and sell the bonds
390 so authorized to be sold and do any and all other things necessary
391 and advisable in connection with the issuance and sale of such
392 bonds. The total amount of bonds issued under Sections 20 through
393 34 of this act shall not exceed Twenty Million Dollars
394 (\$20,000,000.00). No bonds shall be issued under Sections 20
395 through 34 of this act after July 1, 2008.

396 (2) Any investment earnings on amounts deposited into the
397 special fund created in Section 20 of this act shall be used to
398 pay debt service on bonds issued under Sections 20 through 34 of
399 this act, in accordance with the proceedings authorizing issuance
400 of such bonds.

401 SECTION 22. The principal of and interest on the bonds
402 authorized under Sections 20 through 34 of this act shall be
403 payable in the manner provided in this section. Such bonds shall
404 bear such date or dates, be in such denomination or denominations,
405 bear interest at such rate or rates (not to exceed the limits set
406 forth in Section 75-17-103, Mississippi Code of 1972), be payable
407 at such place or places within or without the State of

408 Mississippi, shall mature absolutely at such time or times not to
409 exceed twenty (20) years from date of issue, be redeemable before
410 maturity at such time or times and upon such terms, with or
411 without premium, shall bear such registration privileges, and
412 shall be substantially in such form, all as shall be determined by
413 resolution of the commission.

414 SECTION 23. The bonds authorized by Sections 20 through 34
415 of this act shall be signed by the chairman of the commission, or
416 by his facsimile signature, and the official seal of the
417 commission shall be affixed thereto, attested by the secretary of
418 the commission. The interest coupons, if any, to be attached to
419 such bonds may be executed by the facsimile signatures of such
420 officers. Whenever any such bonds shall have been signed by the
421 officials designated to sign the bonds who were in office at the
422 time of such signing but who may have ceased to be such officers
423 before the sale and delivery of such bonds, or who may not have
424 been in office on the date such bonds may bear, the signatures of
425 such officers upon such bonds and coupons shall nevertheless be
426 valid and sufficient for all purposes and have the same effect as
427 if the person so officially signing such bonds had remained in
428 office until their delivery to the purchaser, or had been in
429 office on the date such bonds may bear. However, notwithstanding
430 anything herein to the contrary, such bonds may be issued as
431 provided in the Registered Bond Act of the State of Mississippi.

432 SECTION 24. All bonds and interest coupons issued under the
433 provisions of Sections 20 through 34 of this act have all the
434 qualities and incidents of negotiable instruments under the
435 provisions of the Uniform Commercial Code, and in exercising the
436 powers granted by Sections 20 through 34 of this act, the
437 commission shall not be required to and need not comply with the
438 provisions of the Uniform Commercial Code.

439 SECTION 25. The commission shall act as the issuing agent
440 for the bonds authorized under Sections 20 through 34 of this act,

441 prescribe the form of the bonds, advertise for and accept bids,
442 issue and sell the bonds so authorized to be sold, pay all fees
443 and costs incurred in such issuance and sale, and do any and all
444 other things necessary and advisable in connection with the
445 issuance and sale of such bonds. The commission is authorized and
446 empowered to pay the costs that are incident to the sale, issuance
447 and delivery of the bonds authorized under Sections 20 through 34
448 of this act from the proceeds derived from the sale of such bonds.
449 The commission shall sell such bonds on sealed bids at public
450 sale, and for such price as it may determine to be for the best
451 interest of the State of Mississippi, but no such sale shall be
452 made at a price less than par plus accrued interest to the date of
453 delivery of the bonds to the purchaser. All interest accruing on
454 such bonds so issued shall be payable semiannually or annually;
455 however, the first interest payment may be for any period of not
456 more than one (1) year.

457 Notice of the sale of any such bonds shall be published at
458 least one time, not less than ten (10) days before the date of
459 sale, and shall be so published in one or more newspapers
460 published or having a general circulation in the City of Jackson,
461 Mississippi, and in one or more other newspapers or financial
462 journals with a national circulation, to be selected by the
463 commission.

464 The commission, when issuing any bonds under the authority of
465 Sections 20 through 34 of this act, may provide that bonds, at the
466 option of the State of Mississippi, may be called in for payment
467 and redemption at the call price named therein and accrued
468 interest on such date or dates named therein.

469 SECTION 26. Bonds issued under authority of Sections 20
470 through 34 of this act shall be revenue bonds of the state, the
471 principal of and interest on which shall be payable solely from
472 and shall be secured by the special bond sinking fund created in
473 Section 3 of this act. The bonds shall never constitute an

474 indebtedness of the state within the meaning of any state
475 constitutional provision or statutory limitation, and shall never
476 constitute or give rise to a pecuniary liability of the state, or
477 a charge against its general credit or taxing powers, and such
478 fact shall be plainly stated on the face of each such bond. The
479 bonds shall not be considered when computing any limitation of
480 indebtedness of the state. All bonds issued under the authority
481 of Sections 20 through 34 of this act and all interest coupons
482 applicable thereto shall be construed to be negotiable
483 instruments, despite the fact that they are payable solely from a
484 specified source.

485 SECTION 27. Upon the issuance and sale of bonds under the
486 provisions of Sections 20 through 34 of this act, the commission
487 shall transfer the proceeds of any such sale or sales to the
488 special fund created in Section 20 of this act. The proceeds of
489 such bonds shall be disbursed solely upon the order of the
490 Mississippi State Port Authority at Gulfport under such
491 restrictions, if any, as may be contained in the resolution
492 providing for the issuance of the bonds.

493 SECTION 28. The bonds authorized under Sections 20 through
494 34 of this act may be issued without any other proceedings or the
495 happening of any other conditions or things other than those
496 proceedings, conditions and things which are specified or required
497 by Sections 20 through 34 of this act. Any resolution providing
498 for the issuance of bonds under the provisions of Sections 20
499 through 34 of this act shall become effective immediately upon its
500 adoption by the commission, and any such resolution may be adopted
501 at any regular or special meeting of the commission by a majority
502 of its members.

503 SECTION 29. The bonds authorized under the authority of
504 Sections 20 through 34 of this act may be validated in the
505 Chancery Court of the First Judicial District of Hinds County,
506 Mississippi, in the manner and with the force and effect provided

507 by Chapter 13, Title 31, Mississippi Code of 1972, for the
508 validation of county, municipal, school district and other bonds.
509 The notice to taxpayers required by such statutes shall be
510 published in a newspaper published or having a general circulation
511 in the City of Jackson, Mississippi.

512 SECTION 30. Any holder of bonds issued under the provisions
513 of Sections 20 through 34 of this act or of any of the interest
514 coupons pertaining thereto may, either at law or in equity, by
515 suit, action, mandamus or other proceeding, protect and enforce
516 any and all rights granted under Sections 20 through 34 of this
517 act, or under such resolution, and may enforce and compel
518 performance of all duties required by Sections 20 through 34 of
519 this act to be performed, in order to provide for the payment of
520 bonds and interest thereon.

521 SECTION 31. All bonds issued under the provisions of
522 Sections 20 through 34 of this act shall be legal investments for
523 trustees and other fiduciaries, and for savings banks, trust
524 companies and insurance companies organized under the laws of the
525 State of Mississippi, and such bonds shall be legal securities
526 which may be deposited with and shall be received by all public
527 officers and bodies of this state and all municipalities and
528 political subdivisions for the purpose of securing the deposit of
529 public funds.

530 SECTION 32. Bonds issued under the provisions of Sections 20
531 through 34 of this act and income therefrom shall be exempt from
532 all taxation in the State of Mississippi.

533 SECTION 33. The proceeds of the bonds issued under Sections
534 20 through 34 of this act; shall be used solely for the purposes
535 provided in Sections 20 through 34 of this act, including the
536 costs incident to the issuance and sale of such bonds.

537 SECTION 34. The State Treasurer is authorized, without
538 further process of law, to certify to the Department of Finance
539 and Administration the necessity for warrants, and the Department

540 of Finance and Administration is authorized and directed to issue
541 such warrants, in such amounts as may be necessary to pay when due
542 the principal of, premium, if any, and interest on, or the
543 accreted value of, all bonds issued under Sections 20 through 34
544 of this act; and the State Treasurer shall forward the necessary
545 amount to the designated place or places of payment of such bonds
546 in ample time to discharge such bonds, or the interest thereon, on
547 the due dates thereof.

548 SECTION 35. In addition to, and not as a limitation of, the
549 availability of the use of proceeds from general obligation bonds
550 issued under Sections 4 through 18 of this act or the use of
551 proceeds from revenue bonds issued under Sections 20 through 34 of
552 this act, or both, the Mississippi State Port Authority at
553 Gulfport may borrow money from the Mississippi Development Bank
554 pursuant to Section 31-25-1 et seq., Mississippi Code of 1972, to
555 provide funds to acquire the rail line and/or to perform repairs
556 and upgrades necessary to provide intermodal access to and from
557 the State Port at Gulfport, Mississippi. Any loan made by the
558 Mississippi Development Bank to the Mississippi State Port
559 Authority at Gulfport for the purposes stated in this section may
560 be made upon such terms and conditions as prescribed by and
561 between the Mississippi Development Bank and the Mississippi State
562 Port Authority at Gulfport pursuant to Section 31-25-1 et seq.,
563 without regard to any other provision of this act. The
564 Mississippi State Port Authority at Gulfport may not borrow money
565 from the Mississippi Development Bank after July 1, 2004, to
566 provide funds to acquire the rail line and may not borrow money
567 from the Mississippi Development Bank after July 1, 2008, to
568 provide funds to perform repairs and upgrades necessary to provide
569 intermodal access to and from the State Port at Gulfport.

570 SECTION 36. (1) Notwithstanding any other provision of this
571 act to the contrary, before the Mississippi State Port Authority
572 at Gulfport may take any action under this act regarding the

573 acquisition, repair or upgrade of the rail line and before any
574 bonds may be issued or other debt may be incurred under this act,
575 it shall undertake, conduct and complete the following:

576 (a) A cost benefit analysis regarding the purchase of
577 the rail line;

578 (b) A study regarding the condition of the rail line
579 and any needed repairs or upgrades; and

580 (c) A study regarding the cost of purchasing the rail
581 line.

582 (2) The Mississippi State Port Authority at Gulfport is
583 authorized to employ or contract with all necessary and competent
584 professionals including, but not limited to, attorneys, engineers,
585 appraisers, consultants, certified public accountants and other
586 related professionals, to assist the Mississippi State Port
587 Authority at Gulfport in carrying out its duties and
588 responsibilities under this section.

589 (3) The Mississippi State Port Authority at Gulfport may use
590 any available funds in order to pay any costs incurred under this
591 section.

592 (4) If the Mississippi State Port Authority at Gulfport
593 acquires the rail line and enters into any agreement with a
594 railroad or other entity for the operation of the rail line, the
595 Mississippi State Port Authority at Gulfport shall encourage such
596 railroad or other entity to retain the current employees of the
597 rail line.

598 (5) The authority granted to the Mississippi State Port
599 Authority at Gulfport under this section is plenary and intended
600 to assist the Mississippi State Port Authority at Gulfport in
601 gauging and evaluating the feasibility and profitability of the
602 state acquiring and operating the rail line.

603 SECTION 37. This act shall be deemed to be full and complete
604 authority for the exercise of the powers herein granted, but this

605 act shall not be deemed to repeal or to be in derogation of any
606 existing law of this state.

607 SECTION 38. The powers and authority granted under this act
608 shall be additional and supplemental to any other powers and
609 authority granted by law and shall not amend, repeal or supersede
610 any other powers and authority granted by law.

611 SECTION 39. This act shall take effect and be in force from
612 and after its passage.