

By: Senator(s) Minor

To: Finance

SENATE BILL NO. 2322

1 AN ACT TO AMEND SECTION 29-1-1, MISSISSIPPI CODE OF 1972, TO  
 2 EXEMPT CERTAIN PURCHASES OF LAND UNDER THE MISSISSIPPI MAJOR  
 3 ECONOMIC IMPACT ACT FROM THE PROVISIONS THAT THE TITLE OF ALL LAND  
 4 HELD BY A STATE AGENCY SHALL APPEAR UNDER THE NAME OF THE STATE,  
 5 THAT GIVES THE SECRETARY OF STATE CERTAIN POWERS AND DUTIES WITH  
 6 REGARD TO THE SALE AND PURCHASE OF LAND BY A STATE AGENCY AND THAT  
 7 REQUIRE CERTAIN NOTICE TO BE GIVEN PRIOR TO THE PURCHASE OR SALE  
 8 OF LAND BY A STATE AGENCY; TO AMEND SECTION 57-75-9, MISSISSIPPI  
 9 CODE OF 1972, TO EXEMPT CONTRACTS ENTERED INTO UNDER THE  
 10 MISSISSIPPI MAJOR ECONOMIC IMPACT ACT FROM CERTAIN PROCUREMENT  
 11 LAWS IF CERTAIN CONDITIONS ARE MET; TO AMEND SECTIONS 29-5-2,  
 12 25-9-120, 25-53-5 AND 31-11-3, MISSISSIPPI CODE OF 1972, IN  
 13 CONFORMITY THERETO; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF  
 14 1972, TO PROVIDE THAT THE MATURITY DATE FOR BOND ANTICIPATORY  
 15 NOTES ISSUED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT MAY  
 16 NOT EXCEED THREE YEARS FOLLOWING THE DATE OF ITS ISSUANCE; AND FOR  
 17 RELATED PURPOSES.

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

19 **SECTION 1.** Section 29-1-1, Mississippi Code of 1972, is  
 20 amended as follows:

21 29-1-1. (1) Except as otherwise provided in subsections  
 22 (7), \* \* \* (8) and (9) of this section, the title to all lands  
 23 held by any agency of the State of Mississippi which were acquired  
 24 solely by the use of funds appropriated by the state shall appear  
 25 on all deeds and land records under the name of the "State of  
 26 Mississippi." For the purpose of this section, the term "agency"  
 27 shall be defined as set forth in Section 31-7-1(a). The  
 28 provisions of this section shall not affect the authority of any  
 29 agency to use any land held by the agency. No assets or property  
 30 of the Public Employees' Retirement System of Mississippi shall be  
 31 transferred in violation of Section 272A of the Mississippi  
 32 Constitution of 1890. Before September 1, 1993, each state agency  
 33 shall inventory any state-held lands which were acquired solely by  
 34 the use of funds appropriated by the state, and which are titled



35 in the name of the agency. The agency shall execute quitclaim  
36 deeds and any other necessary documents to transfer the name and  
37 title of the property to the State of Mississippi.

38 (2) The Secretary of State, under the general direction of  
39 the Governor and as authorized by law, shall sell and convey the  
40 public lands in the manner and on the terms provided herein for  
41 the several classes thereof; he shall perform all the  
42 administrative and executive duties appertaining to the selection,  
43 location, surveying, platting, listing, and registering these  
44 lands or otherwise concerning them; and he shall investigate the  
45 status of the various "percent" funds accrued and accruing to the  
46 state from the sale of lands by the United States, and shall  
47 collect and pay the funds into the treasury in the manner provided  
48 by law.

49 (3) In accordance with Sections 7-11-11 and 7-11-13, the  
50 Secretary of State shall be required to sign all conveyances of  
51 all state-held land. For purposes of this section, the term  
52 "conveyance" shall mean any sale or purchase of land by the State  
53 of Mississippi for use by any agency, board or commission thereof.  
54 Failure to obtain legislative approval pursuant to subsection (4)  
55 of this section and the signature of the Secretary of State on any  
56 conveyance regarding the sale or purchase of lands for the state  
57 including any agency, board or commission thereof, shall render  
58 the attempted sale or purchase of the lands void. Nothing in this  
59 section shall be construed to authorize any state agency, board,  
60 commission or public official to convey any state-held land unless  
61 this authority is otherwise granted by law. The Secretary of  
62 State shall not withhold arbitrarily his signature from any  
63 purchase or sale authorized by the Mississippi State Legislature.  
64 All sales of state-held lands, except those lands forfeited to the  
65 state for the nonpayment of taxes and those lands acquired by the  
66 Mississippi Transportation Commission under Section 65-1-123,  
67 shall be sold for not less than the fair market value as



68 determined by two (2) professional appraisers selected by the  
69 State Department of Finance and Administration, who are certified  
70 general appraisers of the State of Mississippi. The proceeds from  
71 any sale by an agency, board, commission or public official of  
72 state-held lands shall be deposited into the State General Fund  
73 unless otherwise provided by law.

74 (4) Before any state-held land is sold to any individual or  
75 private entity, thirty (30) days' advance notice of the intended  
76 sale shall be provided by the Secretary of State to the State  
77 Legislature, to all state agencies and to all governing  
78 authorities within the state for the purpose of ascertaining  
79 whether an agency or governing authority has a need for the land  
80 and for the purpose of ascertaining whether the sale of the land  
81 was authorized by law. If no agency or governing authority within  
82 the state expresses in writing to the Secretary of State by the  
83 end of the thirty-day period a desire to use the land, then the  
84 Secretary of State, with the prior approval of the Mississippi  
85 Legislature to sell the state-held land, may offer the land for  
86 sale to any individual or private entity.

87 (5) A cultural resources survey may be performed on any  
88 state-held land before the disposition of the land if the State  
89 Department of Archives and History deems this survey necessary.  
90 The cost of the survey and any archaeological studies deemed  
91 necessary by the State Department of Archives and History shall be  
92 paid by the selling agency and recouped from the proceeds of the  
93 sale.

94 (6) Before any land may be purchased by the state for the  
95 benefit of any state agency, the Secretary of State, or his  
96 designee, shall search and examine all state land records to  
97 determine whether the state owns any land that may fit the  
98 particular need of the agency. The Secretary of State, or his  
99 designee, shall notify the agency if it is determined that any  
100 state-held land is available for use by the agency. The agency



101 shall determine if such land accommodates its needs and shall  
102 determine whether to make an official request to the proper  
103 authorities to have the use of the land.

104 (7) Any lands purchased or acquired for construction and  
105 maintenance of highways or highway rights-of-way by the  
106 Mississippi Department of Transportation shall be excluded from  
107 the provisions of this section.

108 (8) This section shall not apply to any agency of the State  
109 of Mississippi that holds title to lands purchased solely by the  
110 use of federal funds or whose authority to transfer or dispose of  
111 these lands is governed by federal law or federal regulations.

112 (9) Any lands purchased by the Mississippi Major Economic  
113 Impact Authority for a "project" as defined in Section 57-75-5  
114 shall be excluded from the provisions of this section.

115 (10) The Secretary of State may recover from any agency,  
116 corporation, board, commission, entity or individual any cost that  
117 is incurred by his office for the record-keeping responsibilities  
118 regarding the sale or purchase of any state-held lands.

119 (11) Subsections (3), (4), (5) and (6) of this section shall  
120 not apply to sales or purchases of land when the Legislature  
121 expressly authorizes or directs a state agency to sell, purchase  
122 or lease-purchase a specifically described property. However,  
123 when the Legislature authorizes a state agency to sell or  
124 otherwise convey specifically described real property to another  
125 state agency or other entity such as a county, municipality,  
126 economic development district created under Section 19-5-99 or  
127 similar entity, without providing that the conveyance may not be  
128 made for less than the fair market value of the property, then the  
129 state agency authorized to convey such property must make the  
130 following determinations before conveying the property:

131 (a) That the state agency or other entity to which the  
132 proposed conveyance is to be made has an immediate need for the  
133 property;



134 (b) That there are quantifiable benefits that will  
135 inure to the state agency or other entity to which the proposed  
136 conveyance is to be made which outweigh any quantifiable costs to  
137 the state agency authorized to make the conveyance; and

138 (c) That the state agency or other entity to which the  
139 proposed conveyance is to be made lacks available funds to pay  
140 fair market value for the property. If the state agency  
141 authorized to convey such property fails to make such  
142 determinations, then it shall not convey the property for less  
143 than the fair market value of the property.

144 **SECTION 2.** Section 57-75-9, Mississippi Code of 1972, is  
145 amended as follows:

146 57-75-9. (1) The authority is hereby designated and  
147 empowered to act on behalf of the state in submitting a siting  
148 proposal for any project eligible for assistance under this act.  
149 The authority is empowered to take all steps appropriate or  
150 necessary to effect the siting, development, and operation of the  
151 project within the state, including the negotiation of a  
152 fee-in-lieu. If the state is selected as the preferred site for  
153 the project, the authority is hereby designated and empowered to  
154 act on behalf of the state and to represent the state in the  
155 planning, financing, development, construction and operation of  
156 the project or any facility related to the project, with the  
157 concurrence of the affected public agency. The authority may take  
158 affirmative steps to coordinate fully all aspects of the  
159 submission of a siting proposal for the project and, if the state  
160 is selected as the preferred site, to coordinate fully, with the  
161 concurrence of the affected public agency, the development of the  
162 project or any facility related to the project with private  
163 business, the United States government and other public agencies.  
164 All public agencies are encouraged to cooperate to the fullest  
165 extent possible to effectuate the duties of the authority;  
166 however, the development of the project or any facility related to



167 the project by the authority may be done only with the concurrence  
168 of the affected public agency.

169 (2) (a) Contracts, by the authority or a public agency,  
170 including, but not limited to, design and construction contracts,  
171 for the acquisition, purchase, construction or installation of a  
172 project \* \* \* or any facility related to the project shall be  
173 exempt from the provisions of Sections 25-9-120, 25-53-5, 29-5-2,  
174 31-7-13 and 31-11-3 if:

175 (i) The authority finds and records such finding  
176 on its minutes, that because of availability or the particular  
177 nature of a project, it would not be in the public interest or  
178 would less effectively achieve the purposes of this chapter to  
179 enter into such contracts on the basis of Section 31-7-13; and

180 (ii) The enterprise that is involved in the  
181 project concurs in such finding.

182 (b) When the requirements of paragraph (a) of this  
183 subsection are met:

184 (i) The requirements of Section 31-7-13 shall not  
185 apply to such contracts; and

186 (ii) The contracts may be entered into on the  
187 basis of negotiation.

188 (c) The enterprise involved with the project may, upon  
189 approval of the authority, negotiate such contracts in the name of  
190 the authority.

191 (d) The provisions of this subsection (2) shall not  
192 apply to contracts by the authority for excavation, fill dirt and  
193 compaction for the preparation of the site of a project as defined  
194 in Section 57-75-5(f)(iv)1 and such contracts may be entered into  
195 pursuant to subsection (3) of this section.

196 (3) Contracts by the authority for excavation, fill dirt and  
197 compaction for the preparation of the site of a project defined in  
198 Section 57-75-5(f)(iv)1 shall be exempt from the provisions of



199 Section 31-7-13 and the following procedure shall be followed in  
200 the award of such contracts:

201 (a) The authority shall advertise for a period of time  
202 to be set by the authority, but in no event less than one (1)  
203 business day, the date, time and place of a meeting with the  
204 authority to receive specifications on a request for proposals on  
205 excavation, fill dirt and compaction for the preparation of the  
206 site of the project defined in Section 57-75-5(f)(iv)1.

207 (b) The authority shall set the minimum qualifications  
208 necessary to be considered for award of the contract and the  
209 advertisement shall set forth such minimum qualifications.

210 (c) Following the meeting the authority shall, in its  
211 discretion, select one or more of the qualified contractors with  
212 whom to negotiate or award the contract. The decision of the  
213 authority concerning the selection of the contractor shall be  
214 final.

215 **SECTION 3.** Section 29-5-2, Mississippi Code of 1972, is  
216 amended as follows:

217 29-5-2. The duties of the Department of Finance and  
218 Administration shall be as follows:

219 (a) (i) To exercise general supervision and care over  
220 and keep in good condition the following state property located in  
221 the City of Jackson: the New State Capitol Building, the Woolfolk  
222 State Office Building, the Carroll Gartin Justice Building, the  
223 Walter Sillers Office Building, the War Veterans' Memorial  
224 Building, the Charlotte Capers Building, the William F. Winter  
225 Archives and History Building, the Ike Sanford Veterans Affairs  
226 Building, the Old State Capitol Building, the Governor's Mansion,  
227 the Heber Ladner Building, the Burroughs Building, the Robert E.  
228 Lee Office Building, the Robert E. Lee Parking Garage, the Manship  
229 House Restoration and Visitor Center, the State Records Center,  
230 the 301 Lamar Street Building, and all other properties acquired  
231 in the same transaction at the time of the purchase of the Robert



232 E. Lee Hotel property from the First Federal Savings and Loan  
233 Association of Jackson, Mississippi, which properties are more  
234 particularly described in a warranty deed heretofore executed and  
235 delivered on April 22, 1969, and filed for record in the office of  
236 the Chancery Clerk of the First Judicial District of Hinds County,  
237 Mississippi, located in Jackson, Mississippi, on April 25, 1969,  
238 at 9:00 a.m., and recorded in Deed Book No. 1822, page 136 et  
239 seq., and the Central High Building and 101 Capitol Centre.

240 (ii) To exercise general supervision and care over  
241 and keep in good condition the Dr. Eldon Langston Bolton Building  
242 located in Biloxi, Mississippi.

243 (iii) To exercise general supervision and care  
244 over and keep in good condition the State Service Center, located  
245 at the intersection of State Highway 49 and John Merl Tatum  
246 Industrial Drive in Hattiesburg, Mississippi.

247 (b) To assign suitable office space for the various  
248 state departments, officers and employees who are provided with an  
249 office in any of the buildings under the jurisdiction or control  
250 of the Department of Finance and Administration. However, the  
251 assignment of space in the New Capitol Building shall be  
252 designated by duly passed resolution of the combined Senate Rules  
253 Committee and the House Management Committee, meeting as a joint  
254 committee, approved by the Lieutenant Governor and Speaker of the  
255 House of Representatives. A majority vote of the members of the  
256 Senate Rules Committee and a majority vote of the members of the  
257 House Management Committee shall be required on all actions taken,  
258 resolutions or reports adopted, and all other matters considered  
259 by the full combined committee on occasions when the Senate Rules  
260 Committee and the House Management Committee shall meet as a full  
261 combined committee.

262 (c) To approve or disapprove with the concurrence of  
263 the Public Procurement Review Board, any lease or rental  
264 agreements by any state agency or department, including any state





265 agency financed entirely by federal and special funds, for space  
266 outside the buildings under the jurisdiction of the Department of  
267 Finance and Administration.

268 \* \* \* No \* \* \* employee, officer, department, federally  
269 funded agency or bureau of the state shall enter a lease or rental  
270 agreement without prior approval of the Department of Finance and  
271 Administration and the Public Procurement Review Board; however,  
272 this provision shall not apply to leases or rental agreements  
273 entered into pursuant to Section 57-75-9(2).

274 The Department of Finance and Administration is authorized to  
275 use architects, engineers, building inspectors and other personnel  
276 for the purpose of making inspections as may be deemed necessary  
277 in carrying out its duties and maintaining the facilities.

278 (d) To acquire by lease, lease-purchase agreement, or  
279 otherwise, as provided in Section 27-104-107, and to assign  
280 through the Office of General Services, by lease or sublease  
281 agreement from the office, and with the concurrence of the Public  
282 Procurement Review Board, to any state agency or department,  
283 including any state agency financed entirely by federal and  
284 special funds, appropriate office space in the buildings acquired.

285 **SECTION 4.** Section 25-9-120, Mississippi Code of 1972, is  
286 amended as follows:

287 25-9-120. (1) Contract personnel, whether classified as  
288 contract workers or independent contractors shall not be deemed  
289 state service or nonstate service employees of the State of  
290 Mississippi, and shall not be eligible to participate in the  
291 Public Employees' Retirement System, or the state employee health  
292 plan, nor be allowed credit for personal and sick leave and other  
293 leave benefits as employees of the State of Mississippi,  
294 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101  
295 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through  
296 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth  
297 herein. Contract workers, i.e., contract personnel who do not



298 meet the criteria of independent contractors, shall be subject to  
299 the provisions of Section 25-11-127.

300 (2) There is hereby created the Personal Service Contract  
301 Review Board, which shall be composed of the State Personnel  
302 Director, the Executive Director of the Department of Finance and  
303 Administration, or his designee, the Commissioner of Corrections,  
304 or his designee, the Executive Director of the Mississippi  
305 Department of Wildlife and Fisheries, or his designee, and the  
306 Executive Director of the Department of Environmental Quality, or  
307 his designee. The State Personnel Director shall be chairman and  
308 shall preside over the meetings of the board. The board shall  
309 annually elect a vice chairman, who shall serve in the absence of  
310 the chairman. No business shall be transacted, including adoption  
311 of rules of procedure, without the presence of a quorum of the  
312 board. Three (3) members shall be a quorum. No action shall be  
313 valid unless approved by the chairman and two (2) other of those  
314 members present and voting, entered upon the minutes of the board  
315 and signed by the chairman. Necessary clerical and administrative  
316 support for the board shall be provided by the State Personnel  
317 Board. Minutes shall be kept of the proceedings of each meeting,  
318 copies of which shall be filed on a monthly basis with the  
319 Legislative Budget Office.

320 (3) The Personal Service Contract Review Board shall have  
321 the following powers and responsibilities:

322 (a) Promulgate rules and regulations governing the  
323 solicitation and selection of contractual services personnel  
324 including personal and professional services contracts for any  
325 form of consulting, policy analysis, public relations, marketing,  
326 public affairs, legislative advocacy services or any other  
327 contract that the board deems appropriate for oversight, with the  
328 exception of any personal service contracts entered into for  
329 computer or information technology-related services governed by  
330 the Mississippi Department of Information Technology Services, any



331 personal service contracts entered into by the Mississippi  
332 Department of Transportation, and any contract for attorney,  
333 accountant, auditor, physician, dentist, architect, engineer,  
334 veterinarian and utility rate expert services. Any such rules and  
335 regulations shall provide for maintaining continuous internal  
336 audit covering the activities of such agency affecting its revenue  
337 and expenditures as required under Section 7-7-3(6)(d),  
338 Mississippi Code of 1972;

339 (b) Approve all personal and professional services  
340 contracts involving the expenditures of funds in excess of One  
341 Hundred Thousand Dollars (\$100,000.00);

342 (c) Develop standards with respect to contractual  
343 services personnel which require invitations for public bid,  
344 requests for proposals, record keeping and financial  
345 responsibility of contractors. The Personal Service Contract  
346 Review Board may, in its discretion, require the agency involved  
347 to advertise such contract for public bid, and may reserve the  
348 right to reject any or all bids;

349 (d) Prescribe certain circumstances whereby agency  
350 heads may enter into contracts for personal and professional  
351 services without receiving prior approval from the Personal  
352 Service Contract Review Board. The Personal Service Contract  
353 Review Board may establish a pre-approved list of providers of  
354 various personal and professional services for set prices with  
355 which state agencies may contract without bidding or prior  
356 approval from the board;

357 (e) To provide standards for the issuance of requests  
358 for proposals, the evaluation of proposals received, consideration  
359 of costs and quality of services proposed, contract negotiations,  
360 the administrative monitoring of contract performance by the  
361 agency and successful steps in terminating a contract;



362 (f) To present recommendations for governmental  
363 privatization and to evaluate privatization proposals submitted by  
364 any state agency;

365 (g) To authorize personal and professional service  
366 contracts to be effective for more than one (1) year provided a  
367 funding condition is included in any such multiple year contract,  
368 except the State Board of Education, which shall have the  
369 authority to enter into contractual agreements for student  
370 assessment for a period up to ten (10) years. The State Board of  
371 Education shall procure these services in accordance with the  
372 Personal Service Contract Review Board procurement regulations;

373 (h) To request the State Auditor to conduct a  
374 performance audit on any personal or professional service  
375 contract;

376 (i) Prepare an annual report to the Legislature  
377 concerning the issuance of personal service contracts during the  
378 previous year, collecting any necessary information from state  
379 agencies in making such report.

380 (4) No member of the Personal Service Contract Review Board  
381 shall use his official authority or influence to coerce, by threat  
382 of discharge from employment, or otherwise, the purchase of  
383 commodities or the contracting for personal or professional  
384 services under this section.

385 (5) The provisions of subsection (3) of this section shall  
386 not apply to contracts for personal and professional services  
387 entered into pursuant to Section 57-75-9(2).

388 **SECTION 5.** Section 25-53-5, Mississippi Code of 1972, is  
389 amended as follows:

390 25-53-5. (1) The authority shall have the following powers,  
391 duties, and responsibilities:

392 (a) The authority shall provide for the development of  
393 plans for the efficient acquisition and utilization of computer  
394 equipment and services by all agencies of state government, and



395 provide for their implementation. In so doing, the authority may  
396 use the MDITS staff, at the discretion of the executive director  
397 of the authority, or the authority may contract for the services  
398 of qualified consulting firms in the field of information  
399 technology and utilize the service of such consultants as may be  
400 necessary for such purposes.

401 (b) The authority shall immediately institute  
402 procedures for carrying out the purposes of this chapter and  
403 supervise the efficient execution of the powers and duties of the  
404 office of executive director of the authority. In the execution  
405 of its functions under this chapter, the authority shall maintain  
406 as a paramount consideration the successful internal organization  
407 and operation of the several agencies so that efficiency existing  
408 therein shall not be adversely affected or impaired. In executing  
409 its functions in relation to the institutions of higher learning  
410 and junior colleges in the state, the authority shall take into  
411 consideration the special needs of such institutions in relation  
412 to the fields of teaching and scientific research.

413 (c) Title of whatever nature of all computer equipment  
414 now vested in any agency of the State of Mississippi is hereby  
415 vested in the authority, and no such equipment shall be disposed  
416 of in any manner except in accordance with the direction of the  
417 authority or under the provisions of such rules and regulations as  
418 may hereafter be adopted by the authority in relation thereto.

419 (d) The authority shall adopt rules, regulations, and  
420 procedures governing the acquisition of computer and  
421 telecommunications equipment and services which shall, to the  
422 fullest extent practicable, insure the maximum of competition  
423 between all manufacturers of supplies or equipment or services.  
424 In the writing of specifications, in the making of contracts  
425 relating to the acquisition of such equipment and services, and in  
426 the performance of its other duties the authority shall provide  
427 for the maximum compatibility of all information systems hereafter



428 installed or utilized by all state agencies and may require the  
429 use of common computer languages where necessary to accomplish the  
430 purposes of this chapter. The authority may establish by  
431 regulation and charge reasonable fees on a nondiscriminatory basis  
432 for the furnishing to bidders of copies of bid specifications and  
433 other documents issued by the authority.

434 (e) The authority shall adopt rules and regulations  
435 governing the sharing with, or the sale or lease of information  
436 technology services to any nonstate agency or person. Such  
437 regulations shall provide that any such sharing, sale, or lease  
438 shall be restricted in that same shall be accomplished only where  
439 such services are not readily available otherwise within the  
440 state, and then only at a charge to the user not less than the  
441 prevailing rate of charge for similar services by private  
442 enterprise within this state.

443 (f) The authority may, in its discretion, establish a  
444 special technical advisory committee or committees to study and  
445 make recommendations on technology matters within the competence  
446 of the authority as the authority may see fit. Persons serving on  
447 the Information Resource Council, its task forces, or any such  
448 technical advisory committees shall be entitled to receive their  
449 actual and necessary expenses actually incurred in the performance  
450 of such duties, together with mileage as provided by law for state  
451 employees, provided the same has been authorized by a resolution  
452 duly adopted by the authority and entered on its minutes prior to  
453 the performance of such duties.

454 (g) The authority may provide for the development and  
455 require the adoption of standardized computer programs and may  
456 provide for the dissemination of information to and the  
457 establishment of training programs for the personnel of the  
458 various information technology centers of state agencies and  
459 personnel of the agencies utilizing the services thereof.



460           (h) The authority shall adopt reasonable rules and  
461 regulations requiring the reporting to the authority through the  
462 office of executive director of such information as may be  
463 required for carrying out the purposes of this chapter and may  
464 also establish such reasonable procedures to be followed in the  
465 presentation of bills for payment under the terms of all contracts  
466 for the acquisition of computer equipment and services now or  
467 hereafter in force as may be required by the authority or by the  
468 executive director in the execution of their powers and duties.

469           (i) The authority shall require such adequate  
470 documentation of information technology procedures utilized by the  
471 various state agencies and may require the establishment of such  
472 organizational structures within state agencies relating to  
473 information technology operations as may be necessary to  
474 effectuate the purposes of this chapter.

475           (j) The authority may adopt such further reasonable  
476 rules and regulations as may be necessary to fully implement the  
477 purposes of this chapter. All rules and regulations adopted by  
478 the authority shall be published and disseminated in readily  
479 accessible form to all affected state agencies, and to all current  
480 suppliers of computer equipment and services to the state, and to  
481 all prospective suppliers requesting the same. Such rules and  
482 regulations shall be kept current, be periodically revised, and  
483 copies thereof shall be available at all times for inspection by  
484 the public at reasonable hours in the offices of the authority.  
485 Whenever possible no rule, regulation or any proposed amendment to  
486 such rules and regulations shall be finally adopted or enforced  
487 until copies of said proposed rules and regulations have been  
488 furnished to all interested parties for their comment and  
489 suggestions.

490           (k) The authority shall establish rules and regulations  
491 which shall provide for the submission of all contracts proposed  
492 to be executed by the executive director for computer equipment or



493 services to the authority for approval before final execution, and  
494 the authority may provide that such contracts involving the  
495 expenditure of less than such specified amount as may be  
496 established by the authority may be finally executed by the  
497 executive director without first obtaining such approval by the  
498 authority.

499 (l) The authority is authorized to purchase, lease, or  
500 rent computer equipment or services and to operate said equipment  
501 and utilize said services in providing services to one or more  
502 state agencies when in its opinion such operation will provide  
503 maximum efficiency and economy in the functions of any such agency  
504 or agencies.

505 (m) The authority shall assist political subdivisions  
506 and instrumentalities in their development of plans for the  
507 efficient acquisition and utilization of computer equipment and  
508 services. An appropriate fee shall be charged the political  
509 subdivision by the authority for such assistance.

510 (n) The authority shall adopt rules and regulations  
511 governing the protest procedures to be followed by any actual or  
512 prospective bidder, offerer or contractor who is aggrieved in  
513 connection with the solicitation or award of a contract for the  
514 acquisition of computer equipment or services. Such rules and  
515 regulations shall prescribe the manner, time and procedure for  
516 making protests and may provide that a protest not timely filed  
517 shall be summarily denied. The authority may require the  
518 protesting party, at the time of filing the protest, to post a  
519 bond, payable to the state, in an amount that the authority  
520 determines sufficient to cover any expense or loss incurred by the  
521 state, the authority or any state agency as a result of the  
522 protest if the protest subsequently is determined by a court of  
523 competent jurisdiction to have been filed without any substantial  
524 basis or reasonable expectation to believe that the protest was  
525 meritorious; however, in no event may the amount of the bond





526 required exceed a reasonable estimate of the total project cost.  
527 The authority, in its discretion, also may prohibit any  
528 prospective bidder, offerer or contractor who is a party to any  
529 litigation involving any such contract with the state, the  
530 authority or any agency of the state to participate in any other  
531 such bid, offer or contract, or to be awarded any such contract,  
532 during the pendency of the litigation.

533 (o) The authority shall make a report in writing to the  
534 Legislature each year in the month of January. Such report shall  
535 contain a full and detailed account of the work of the authority  
536 for the preceding year as specified in Section 25-53-29(3).

537 All acquisitions of computer equipment and services involving  
538 the expenditure of funds in excess of the dollar amount  
539 established in Section 31-7-13(c), or rentals or leases in excess  
540 of the dollar amount established in Section 31-7-13(c) for the  
541 term of the contract, shall be based upon competitive and open  
542 specifications, and contracts therefor shall be entered into only  
543 after advertisements for bids are published in one or more daily  
544 newspapers having a general circulation in the state not less than  
545 fourteen (14) days prior to receiving sealed bids therefor. The  
546 authority may reserve the right to reject any or all bids, and if  
547 all bids are rejected, the authority may negotiate a contract  
548 within the limitations of the specifications so long as the terms  
549 of any such negotiated contract are equal to or better than the  
550 comparable terms submitted by the lowest and best bidder, and so  
551 long as the total cost to the State of Mississippi does not exceed  
552 the lowest bid. If the authority accepts one (1) of such bids, it  
553 shall be that which is the lowest and best.

554 (p) When applicable, the authority may procure  
555 equipment, systems and related services in accordance with the law  
556 or regulations, or both, which govern the Bureau of Purchasing of  
557 the Office of General Services or which govern the Mississippi



558 Department of Information Technology Services procurement of  
559 telecommunications equipment, software and services.

560 (q) The authority is authorized to purchase, lease, or  
561 rent information technology and services for the purpose of  
562 establishing pilot projects to investigate emerging technologies.  
563 These acquisitions shall be limited to new technologies and shall  
564 be limited to an amount set by annual appropriation of the  
565 Legislature. These acquisitions shall be exempt from the  
566 advertising and bidding requirement.

567 (r) All fees collected by the Mississippi Department of  
568 Information Technology Services shall be deposited into the  
569 Mississippi Department of Information Technology Services  
570 Revolving Fund unless otherwise specified by the Legislature.

571 (2) The provisions of this section shall not apply to  
572 contracts for purchases and acquisitions entered into pursuant to  
573 the provision of Section 57-75-9(2).

574 **SECTION 6.** Section 31-11-3, Mississippi Code of 1972, is  
575 amended as follows:

576 31-11-3. (1) The Department of Finance and Administration,  
577 for the purposes of carrying out the provisions of this chapter,  
578 in addition to all other rights and powers granted by law, shall  
579 have full power and authority to employ and compensate architects  
580 or other employees necessary for the purpose of making  
581 inspections, preparing plans and specifications, supervising the  
582 erection of any buildings, and making any repairs or additions as  
583 may be determined by the Department of Finance and Administration  
584 to be necessary, pursuant to the rules and regulations of the  
585 State Personnel Board. The department shall have entire control  
586 and supervision of, and determine what, if any, buildings,  
587 additions, repairs or improvements are to be made under the  
588 provisions of this chapter, subject to the approval of the Public  
589 Procurement Review Board.



590           (2) The department shall have full power to erect buildings,  
591 make repairs, additions or improvements, and buy materials,  
592 supplies and equipment for any of the institutions or departments  
593 of the state subject to the approval of the Public Procurement  
594 Review Board. In addition to other powers conferred, the  
595 department shall have full power and authority as directed by the  
596 Legislature, or when funds have been appropriated for its use for  
597 these purposes, to:

598           (a) Build a state office building;

599           (b) Build suitable plants or buildings for the use and  
600 housing of any state schools or institutions, including the  
601 building of plants or buildings for new state schools or  
602 institutions, as provided for by the Legislature;

603           (c) Provide state aid for the construction of school  
604 buildings;

605           (d) Promote and develop the training of returned  
606 veterans of the United States in all sorts of educational and  
607 vocational learning to be supplied by the proper educational  
608 institution of the State of Mississippi, and in so doing allocate  
609 monies appropriated to it for these purposes to the Governor for  
610 use by him in setting up, maintaining and operating an office and  
611 employing a state director of on-the-job training for veterans and  
612 the personnel necessary in carrying out Public Law No. 346 of the  
613 United States;

614           (e) Build and equip a hospital and administration  
615 building at the Mississippi State Penitentiary;

616           (f) Build and equip additional buildings and wards at  
617 the Boswell Retardation Center;

618           (g) Construct a sewage disposal and treatment plant at  
619 the state insane hospital, and in so doing acquire additional land  
620 as may be necessary, and to exercise the right of eminent domain  
621 in the acquisition of this land;



622           (h) Build and equip the Mississippi central market and  
623 purchase or acquire by eminent domain, if necessary, any lands  
624 needed for this purpose;

625           (i) Build and equip suitable facilities for a training  
626 and employing center for the blind;

627           (j) Build and equip a gymnasium at Columbia Training  
628 School;

629           (k) Approve or disapprove the expenditure of any money  
630 appropriated by the Legislature when authorized by the bill making  
631 the appropriation;

632           (l) Expend monies appropriated to it in paying the  
633 state's part of the cost of any street paving;

634           (m) Sell and convey state lands when authorized by the  
635 Legislature, cause said lands to be properly surveyed and platted,  
636 execute all deeds or other legal instruments, and do any and all  
637 other things required to effectively carry out the purpose and  
638 intent of the Legislature. Any transaction which involves state  
639 lands under the provisions of this paragraph shall be done in a  
640 manner consistent with the provisions of Section 29-1-1;

641           (n) Collect and receive from educational institutions  
642 of the State of Mississippi monies required to be paid by these  
643 institutions to the state in carrying out any veterans'  
644 educational programs; and

645           (o) Purchase lands for building sites, or as additions  
646 to building sites, for the erection of buildings and other  
647 facilities which the department is authorized to erect, and  
648 demolish and dispose of old buildings, when necessary for the  
649 proper construction of new buildings. Any transaction which  
650 involves state lands under the provisions of this paragraph shall  
651 be done in a manner consistent with the provisions of Section  
652 29-1-1.

653           (3) The department shall survey state-owned and  
654 state-utilized buildings to establish an estimate of the costs of



655 architectural alterations, pursuant to the Americans with  
656 Disabilities Act of 1990, 42 USCS Section 12111 et seq. The  
657 department shall establish priorities for making the identified  
658 architectural alterations and shall make known to the Legislative  
659 Budget Office and to the Legislature the required cost to  
660 effectuate such alterations. To meet the requirements of this  
661 section, the department shall use standards of accessibility that  
662 are at least as stringent as any applicable federal requirements  
663 and may consider:

664 (a) Federal minimum guidelines and requirements issued  
665 by the United States Architectural and Transportation Barriers  
666 Compliance Board and standards issued by other federal agencies;

667 (b) The criteria contained in the American Standard  
668 Specifications for Making Buildings Accessible and Usable by the  
669 Physically Handicapped and any amendments thereto as approved by  
670 the American Standards Association, Incorporated (ANSI Standards);

671 (c) Design manuals;

672 (d) Applicable federal guidelines;

673 (e) Current literature in the field;

674 (f) Applicable safety standards; and

675 (g) Any applicable environmental impact statements.

676 (4) The department shall observe the provisions of Section  
677 31-5-23, in letting contracts and shall use Mississippi products,  
678 including paint, varnish and lacquer which contain as vehicles  
679 tung oil and either ester gum or modified resin (with rosin as the  
680 principal base of constituents), and turpentine shall be used as a  
681 solvent or thinner, where these products are available at a cost  
682 not to exceed the cost of products grown, produced, prepared, made  
683 or manufactured outside of the State of Mississippi.

684 (5) The department shall have authority to accept grants,  
685 loans or donations from the United States government or from any  
686 other sources for the purpose of matching funds in carrying out  
687 the provisions of this chapter.



688 (6) The department shall build a wheelchair ramp at the War  
689 Memorial Building which complies with all applicable federal laws,  
690 regulations and specifications regarding wheelchair ramps.

691 (7) The department shall review and preapprove all  
692 architectural or engineering service contracts entered into by any  
693 state agency, institution, commission, board or authority  
694 regardless of the source of funding used to defray the costs of  
695 the construction or renovation project for which services are to  
696 be obtained. The provisions of this subsection (7) shall not  
697 apply to:

698 (a) Any architectural or engineering contract paid for  
699 by self-generated funds of any of the state institutions of higher  
700 learning \* \* \*;

701 (b) Community college projects that are funded from  
702 local funds or other nonstate sources which are outside the  
703 Department of Finance and Administration's appropriations or as  
704 directed by the Legislature \* \* \*;

705 (c) Any construction or design projects of the State  
706 Military Department that are funded from federal funds or other  
707 nonstate sources; or

708 (d) Any architectural or engineering contract entered  
709 into pursuant to Section 57-75-9(2).

710 (8) The department shall have the authority to obtain  
711 annually from the state institutions of higher learning  
712 information on all building, construction and renovation projects  
713 including duties, responsibilities and costs of any architect or  
714 engineer hired by any such institutions.

715 (9) Contracts let or approved by the State Prison Emergency  
716 Construction and Management Board when it exercises its emergency  
717 powers to remove two thousand (2,000) inmates from county jails  
718 are exempt from this section; however, this exemption does not  
719 apply to contracts for the construction of private correctional  
720 facilities and additional facilities at the South Mississippi



721 Correctional Institution and the Central Mississippi Correctional  
722 Facility. This subsection shall stand repealed from and after  
723 July 1, 1996.

724 **SECTION 7.** Section 57-75-15, Mississippi Code of 1972, is  
725 amended as follows:

726 57-75-15. (1) Upon notification to the authority by the  
727 enterprise that the state has been finally selected as the site  
728 for the project, the State Bond Commission shall have the power  
729 and is hereby authorized and directed, upon receipt of a  
730 declaration from the authority as hereinafter provided, to borrow  
731 money and issue general obligation bonds of the state in one or  
732 more series for the purposes herein set out. Upon such  
733 notification, the authority may thereafter, from time to time,  
734 declare the necessity for the issuance of general obligation bonds  
735 as authorized by this section and forward such declaration to the  
736 State Bond Commission, provided that before such notification, the  
737 authority may enter into agreements with the United States  
738 government, private companies and others that will commit the  
739 authority to direct the State Bond Commission to issue bonds for  
740 eligible undertakings set out in subsection (4) of this section,  
741 conditioned on the siting of the project in the state.

742 (2) Upon receipt of any such declaration from the authority,  
743 the State Bond Commission shall verify that the state has been  
744 selected as the site of the project and shall act as the issuing  
745 agent for the series of bonds directed to be issued in such  
746 declaration pursuant to authority granted in this section.

747 (3) (a) Bonds issued under the authority of this section  
748 for projects as defined in Section 57-75-5(f)(i) shall not exceed  
749 an aggregate principal amount in the sum of Sixty-seven Million  
750 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

751 (b) Bonds issued under the authority of this section  
752 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
753 Fifty Million Dollars (\$50,000,000.00), nor shall the bonds issued



754 for projects related to any single military installation exceed  
755 Sixteen Million Six Hundred Sixty-seven Thousand Dollars  
756 (\$16,667,000.00). If any proceeds of bonds issued for projects  
757 related to the Meridian Naval Auxiliary Air Station ("NAAS") are  
758 used for the development of a water and sewer service system by  
759 the City of Meridian, Mississippi, to serve the NAAS and if the  
760 City of Meridian annexes any of the territory served by the water  
761 and sewer service system, the city shall repay the State of  
762 Mississippi the amount of all bond proceeds expended on any  
763 portion of the water and sewer service system project; and if  
764 there are any monetary proceeds derived from the disposition of  
765 any improvements located on real property in Kemper County  
766 purchased pursuant to this act for projects related to the NAAS  
767 and if there are any monetary proceeds derived from the  
768 disposition of any timber located on real property in Kemper  
769 County purchased pursuant to this act for projects related to the  
770 NAAS, all of such proceeds (both from the disposition of  
771 improvements and the disposition of timber) commencing July 1,  
772 1996, through June 30, 2010, shall be paid to the Board of  
773 Education of Kemper County, Mississippi, for expenditure by such  
774 board of education to benefit the public schools of Kemper County.  
775 No bonds shall be issued under this paragraph (b) until the State  
776 Bond Commission by resolution adopts a finding that the issuance  
777 of such bonds will improve, expand or otherwise enhance the  
778 military installation, its support areas or military operations,  
779 or will provide employment opportunities to replace those lost by  
780 closure or reductions in operations at the military installation.  
781 From and after July 1, 1997, bonds shall not be issued for any  
782 projects, as defined in Section 57-75-5(f)(ii), which are not  
783 commenced before July 1, 1997. The proceeds of any bonds issued  
784 for projects commenced before July 1, 1997, shall be used for the  
785 purposes for which the bonds were issued until completion of the  
786 projects.





787 (c) Bonds issued under the authority of this section  
788 for projects as defined in Section 57-75-5(f)(iii) shall not  
789 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be  
790 issued under this paragraph after December 31, 1996.

791 (d) Bonds issued under the authority of this section  
792 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
793 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
794 additional amount of bonds in an amount not to exceed Twelve  
795 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
796 issued under the authority of this section for the purpose of  
797 defraying costs associated with the construction of surface water  
798 transmission lines for a project defined in Section 57-75-5(f)(iv)  
799 or for any facility related to the project. No bonds shall be  
800 issued under this paragraph after June 30, 2005.

801 (e) Bonds issued under the authority of this section  
802 for the project defined in Section 57-75-5(f)(v) shall not exceed  
803 Twenty Million Three Hundred Seventy Thousand Dollars  
804 (\$20,370,000.00). No bonds shall be issued under this paragraph  
805 (e) until the State Bond Commission by resolution adopts a finding  
806 that the project has secured wire harness contracts or contracts  
807 to manufacture thin film polymer lithium-ion rechargeable  
808 batteries, or any combination of such contracts, in the aggregate  
809 amount of Twenty Million Dollars (\$20,000,000.00), either from the  
810 United States government or the private sector. No bonds shall be  
811 issued under this paragraph after June 30, 2001.

812 (f) Bonds issued under the authority of this section  
813 for projects defined in Section 57-75-5(f)(vii) shall not exceed  
814 Twenty-six Million Dollars (\$26,000,000.00). No bonds shall be  
815 issued after June 30, 2001.

816 (g) Bonds issued under the authority of this section  
817 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
818 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
819 under this paragraph after June 30, 2006.



820           (h) Bonds issued under the authority of this section  
821 for projects defined in Section 57-75-5(f)(ix) shall not exceed  
822 Thirty-one Million Five Hundred Thousand Dollars (\$31,500,000.00).  
823 No bonds shall be issued under this paragraph after December 31,  
824 2005.

825           (4) (a) The proceeds from the sale of the bonds issued  
826 under this section may be applied for the purposes of: (i)  
827 defraying all or any designated portion of the costs incurred with  
828 respect to acquisition, planning, design, construction,  
829 installation, rehabilitation, improvement, relocation and with  
830 respect to state-owned property, operation and maintenance of the  
831 project and any facility related to the project located within the  
832 project area, including costs of design and engineering, all costs  
833 incurred to provide land, easements and rights-of-way, relocation  
834 costs with respect to the project and with respect to any facility  
835 related to the project located within the project area, and costs  
836 associated with mitigation of environmental impacts and  
837 environmental impact studies; (ii) defraying the cost of providing  
838 for the recruitment, screening, selection, training or retraining  
839 of employees, candidates for employment or replacement employees  
840 of the project and any related activity; (iii) reimbursing the  
841 Mississippi Development Authority for expenses it incurred in  
842 regard to projects defined in Section 57-75-5(f)(iv) prior to  
843 November 6, 2000. The Mississippi Development Authority shall  
844 submit an itemized list of expenses it incurred in regard to such  
845 projects to the Chairmen of the Finance and Appropriations  
846 Committees of the Senate and the Chairmen of the Ways and Means  
847 and Appropriations Committees of the House of Representatives;  
848 (iv) providing grants to enterprises operating projects defined in  
849 Section 57-75-5(f)(iv)1; (v) paying any warranty made by the  
850 authority regarding site work for a project defined in Section  
851 57-75-5(f)(iv)1; (vi) defraying the cost of marketing and  
852 promotion of a project as defined in Section 57-75-5(f)(iv)1. The



853 authority shall submit an itemized list of costs incurred for  
854 marketing and promotion of such project to the Chairmen of the  
855 Finance and Appropriations Committees of the Senate and the  
856 Chairmen of the Ways and Means and Appropriations Committees of  
857 the House of Representatives; (vii) providing for the payment of  
858 interest on the bonds; (viii) providing debt service reserves;  
859 (ix) paying underwriters' discount, original issue discount,  
860 accountants' fees, engineers' fees, attorneys' fees, rating agency  
861 fees and other fees and expenses in connection with the issuance  
862 of the bonds; and (x) for purposes authorized in paragraphs (b)  
863 and (c) of this subsection (4). Such bonds shall be issued from  
864 time to time and in such principal amounts as shall be designated  
865 by the authority, not to exceed in aggregate principal amounts the  
866 amount authorized in subsection (3) of this section. Proceeds  
867 from the sale of the bonds issued under this section may be  
868 invested, subject to federal limitations, pending their use, in  
869 such securities as may be specified in the resolution authorizing  
870 the issuance of the bonds or the trust indenture securing them,  
871 and the earning on such investment applied as provided in such  
872 resolution or trust indenture.

873 (b) The proceeds of bonds issued after June 21, 2002,  
874 under this section for projects described in Section  
875 57-75-5(f) (iv) may be used to reimburse reasonable, actual and  
876 necessary costs incurred by the Mississippi Development Authority  
877 in providing assistance related to a project for which funding is  
878 provided from the use of proceeds of such bonds. The Mississippi  
879 Development Authority shall maintain an accounting of actual costs  
880 incurred for each project for which reimbursements are sought.  
881 Reimbursements under this paragraph (b) shall not exceed Three  
882 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
883 Reimbursements under this paragraph (b) shall satisfy any  
884 applicable federal tax law requirements.



885           (c) The proceeds of bonds issued after June 21, 2002,  
886 under this section for projects described in Section  
887 57-75-5(f)(iv) may be used to reimburse reasonable, actual and  
888 necessary costs incurred by the Department of Audit in providing  
889 services related to a project for which funding is provided from  
890 the use of proceeds of such bonds. The Department of Audit shall  
891 maintain an accounting of actual costs incurred for each project  
892 for which reimbursements are sought. The Department of Audit may  
893 escalate its budget and expend such funds in accordance with rules  
894 and regulations of the Department of Finance and Administration in  
895 a manner consistent with the escalation of federal funds.  
896 Reimbursements under this paragraph (c) shall not exceed One  
897 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
898 Reimbursements under this paragraph (c) shall satisfy any  
899 applicable federal tax law requirements.

900           (5) The principal of and the interest on the bonds shall be  
901 payable in the manner hereinafter set forth. The bonds shall bear  
902 date or dates; be in such denomination or denominations; bear  
903 interest at such rate or rates; be payable at such place or places  
904 within or without the state; mature absolutely at such time or  
905 times; be redeemable before maturity at such time or times and  
906 upon such terms, with or without premium; bear such registration  
907 privileges; and be substantially in such form; all as shall be  
908 determined by resolution of the State Bond Commission except that  
909 such bonds shall mature or otherwise be retired in annual  
910 installments beginning not more than five (5) years from the date  
911 thereof and extending not more than twenty-five (25) years from  
912 the date thereof. The bonds shall be signed by the Chairman of  
913 the State Bond Commission, or by his facsimile signature, and the  
914 official seal of the State Bond Commission shall be imprinted on  
915 or affixed thereto, attested by the manual or facsimile signature  
916 of the Secretary of the State Bond Commission. Whenever any such  
917 bonds have been signed by the officials herein designated to sign



918 the bonds, who were in office at the time of such signing but who  
919 may have ceased to be such officers before the sale and delivery  
920 of such bonds, or who may not have been in office on the date such  
921 bonds may bear, the signatures of such officers upon such bonds  
922 shall nevertheless be valid and sufficient for all purposes and  
923 have the same effect as if the person so officially signing such  
924 bonds had remained in office until the delivery of the same to the  
925 purchaser, or had been in office on the date such bonds may bear.

926 (6) All bonds issued under the provisions of this section  
927 shall be and are hereby declared to have all the qualities and  
928 incidents of negotiable instruments under the provisions of the  
929 Uniform Commercial Code and in exercising the powers granted by  
930 this chapter, the State Bond Commission shall not be required to  
931 and need not comply with the provisions of the Uniform Commercial  
932 Code.

933 (7) The State Bond Commission shall sell the bonds on sealed  
934 bids at public sale, and for such price as it may determine to be  
935 for the best interest of the State of Mississippi, but no such  
936 sale shall be made at a price less than par plus accrued interest  
937 to date of delivery of the bonds to the purchaser. The bonds  
938 shall bear interest at such rate or rates not exceeding the limits  
939 set forth in Section 75-17-101 as shall be fixed by the State Bond  
940 Commission. All interest accruing on such bonds so issued shall  
941 be payable semiannually or annually; provided that the first  
942 interest payment may be for any period of not more than one (1)  
943 year.

944 Notice of the sale of any bonds shall be published at least  
945 one time, the first of which shall be made not less than ten (10)  
946 days prior to the date of sale, and shall be so published in one  
947 or more newspapers having a general circulation in the City of  
948 Jackson and in one or more other newspapers or financial journals  
949 with a large national circulation, to be selected by the State  
950 Bond Commission.



951           The State Bond Commission, when issuing any bonds under the  
952 authority of this section, may provide that the bonds, at the  
953 option of the state, may be called in for payment and redemption  
954 at the call price named therein and accrued interest on such date  
955 or dates named therein.

956           (8) State bonds issued under the provisions of this section  
957 shall be the general obligations of the state and backed by the  
958 full faith and credit of the state. The Legislature shall  
959 appropriate annually an amount sufficient to pay the principal of  
960 and the interest on such bonds as they become due. All bonds  
961 shall contain recitals on their faces substantially covering the  
962 foregoing provisions of this section.

963           (9) The State Treasurer is authorized to certify to the  
964 Department of Finance and Administration the necessity for  
965 warrants, and the Department of Finance and Administration is  
966 authorized and directed to issue such warrants payable out of any  
967 funds appropriated by the Legislature under this section for such  
968 purpose, in such amounts as may be necessary to pay when due the  
969 principal of and interest on all bonds issued under the provisions  
970 of this section. The State Treasurer shall forward the necessary  
971 amount to the designated place or places of payment of such bonds  
972 in ample time to discharge such bonds, or the interest thereon, on  
973 the due dates thereof.

974           (10) The bonds may be issued without any other proceedings  
975 or the happening of any other conditions or things other than  
976 those proceedings, conditions and things which are specified or  
977 required by this chapter. Any resolution providing for the  
978 issuance of general obligation bonds under the provisions of this  
979 section shall become effective immediately upon its adoption by  
980 the State Bond Commission, and any such resolution may be adopted  
981 at any regular or special meeting of the State Bond Commission by  
982 a majority of its members.



983           (11) In anticipation of the issuance of bonds hereunder, the  
984 State Bond Commission is authorized to negotiate and enter into  
985 any purchase, loan, credit or other agreement with any bank, trust  
986 company or other lending institution or to issue and sell interim  
987 notes for the purpose of making any payments authorized under this  
988 section. All borrowings made under this provision shall be  
989 evidenced by notes of the state which shall be issued from time to  
990 time, for such amounts not exceeding the amount of bonds  
991 authorized herein, in such form and in such denomination and  
992 subject to such terms and conditions of sale and issuance,  
993 prepayment or redemption and maturity, rate or rates of interest  
994 not to exceed the maximum rate authorized herein for bonds, and  
995 time of payment of interest as the State Bond Commission shall  
996 agree to in such agreement. Such notes shall constitute general  
997 obligations of the state and shall be backed by the full faith and  
998 credit of the state. Such notes may also be issued for the  
999 purpose of refunding previously issued notes. \* \* \* No note shall  
1000 mature more than three (3) years following the date of its  
1001 issuance \* \* \*. The State Bond Commission is authorized to  
1002 provide for the compensation of any purchaser of the notes by  
1003 payment of a fixed fee or commission and for all other costs and  
1004 expenses of issuance and service, including paying agent costs.  
1005 Such costs and expenses may be paid from the proceeds of the  
1006 notes.

1007           (12) The bonds and interim notes authorized under the  
1008 authority of this section may be validated in the First Judicial  
1009 District of the Chancery Court of Hinds County, Mississippi, in  
1010 the manner and with the force and effect provided now or hereafter  
1011 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
1012 validation of county, municipal, school district and other bonds.  
1013 The necessary papers for such validation proceedings shall be  
1014 transmitted to the State Bond Attorney, and the required notice



1015 shall be published in a newspaper published in the City of  
1016 Jackson, Mississippi.

1017 (13) Any bonds or interim notes issued under the provisions  
1018 of this chapter, a transaction relating to the sale or securing of  
1019 such bonds or interim notes, their transfer and the income  
1020 therefrom shall at all times be free from taxation by the state or  
1021 any local unit or political subdivision or other instrumentality  
1022 of the state, excepting inheritance and gift taxes.

1023 (14) All bonds issued under this chapter shall be legal  
1024 investments for trustees, other fiduciaries, savings banks, trust  
1025 companies and insurance companies organized under the laws of the  
1026 State of Mississippi; and such bonds shall be legal securities  
1027 which may be deposited with and shall be received by all public  
1028 officers and bodies of the state and all municipalities and other  
1029 political subdivisions thereof for the purpose of securing the  
1030 deposit of public funds.

1031 (15) The Attorney General of the State of Mississippi shall  
1032 represent the State Bond Commission in issuing, selling and  
1033 validating bonds herein provided for, and the Bond Commission is  
1034 hereby authorized and empowered to expend from the proceeds  
1035 derived from the sale of the bonds authorized hereunder all  
1036 necessary administrative, legal and other expenses incidental and  
1037 related to the issuance of bonds authorized under this chapter.

1038 (16) There is hereby created a special fund in the State  
1039 Treasury to be known as the Mississippi Major Economic Impact  
1040 Authority Fund wherein shall be deposited the proceeds of the  
1041 bonds issued under this chapter and all monies received by the  
1042 authority to carry out the purposes of this chapter. Expenditures  
1043 authorized herein shall be paid by the State Treasurer upon  
1044 warrants drawn from the fund, and the Department of Finance and  
1045 Administration shall issue warrants upon requisitions signed by  
1046 the director of the authority.





1047           (17) (a) There is hereby created the Mississippi Economic  
1048 Impact Authority Sinking Fund from which the principal of and  
1049 interest on such bonds shall be paid by appropriation. All monies  
1050 paid into the sinking fund not appropriated to pay accruing bonds  
1051 and interest shall be invested by the State Treasurer in such  
1052 securities as are provided by law for the investment of the  
1053 sinking funds of the state.

1054           (b) In the event that all or any part of the bonds and  
1055 notes are purchased, they shall be canceled and returned to the  
1056 loan and transfer agent as canceled and paid bonds and notes and  
1057 thereafter all payments of interest thereon shall cease and the  
1058 canceled bonds, notes and coupons, together with any other  
1059 canceled bonds, notes and coupons, shall be destroyed as promptly  
1060 as possible after cancellation but not later than two (2) years  
1061 after cancellation. A certificate evidencing the destruction of  
1062 the canceled bonds, notes and coupons shall be provided by the  
1063 loan and transfer agent to the seller.

1064           (c) The State Treasurer shall determine and report to  
1065 the Department of Finance and Administration and Legislative  
1066 Budget Office by September 1 of each year the amount of money  
1067 necessary for the payment of the principal of and interest on  
1068 outstanding obligations for the following fiscal year and the  
1069 times and amounts of the payments. It shall be the duty of the  
1070 Governor to include in every executive budget submitted to the  
1071 Legislature full information relating to the issuance of bonds and  
1072 notes under the provisions of this chapter and the status of the  
1073 sinking fund for the payment of the principal of and interest on  
1074 the bonds and notes.

1075           **SECTION 8.** This act shall take effect and be in force from  
1076 and after July 1, 2003.

