By: Representative Dedeaux

To: Ways and Means

## HOUSE BILL NO. 1

1 2 3 4	AN ACT TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT OF ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR CERTAIN PROJECTS UNDER THE MISSISSIPPI ECONOMIC IMPACT ACT; AND FOR RELATED PURPOSES.
5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
6	SECTION 1. Section 57-75-15, Mississippi Code of 1972, is
7	amended as follows:
8	57-75-15. (1) Upon notification to the authority by the
9	enterprise that the state has been finally selected as the site
10	for the project, the State Bond Commission shall have the power
11	and is hereby authorized and directed, upon receipt of a
12	declaration from the authority as hereinafter provided, to borrow
13	money and issue general obligation bonds of the state in one or
14	more series for the purposes herein set out. Upon such
15	notification, the authority may thereafter from time to time
16	declare the necessity for the issuance of general obligation bonds
17	as authorized by this section and forward such declaration to the
18	State Bond Commission, provided that before such notification, the
19	authority may enter into agreements with the United States
20	government, private companies and others that will commit the
21	authority to direct the State Bond Commission to issue bonds for
22	eligible undertakings set out in subsection (4) of this section,
23	conditioned on the siting of the project in the state.
24	(2) Upon receipt of any such declaration from the authority,
25	the State Bond Commission shall verify that the state has been

selected as the site of the project and shall act as the issuing

agent for the series of bonds directed to be issued in such

declaration pursuant to authority granted in this section.

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         (3) (a) Bonds issued under the authority of this section
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    for projects as defined in Section 57-75-5(f)(i) shall not exceed
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    an aggregate principal amount in the sum of Sixty-seven Million
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    Three Hundred Fifty Thousand Dollars ($67,350,000.00).
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                  Bonds issued under the authority of this section
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    for projects as defined in Section 57-75-5(f)(ii) shall not exceed
    Fifty Million Dollars ($50,000,000.00), nor shall the bonds issued
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    for projects related to any single military installation exceed
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    Sixteen Million Six Hundred Sixty-seven Thousand Dollars
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    ($16,667,000.00). If any proceeds of bonds issued for projects
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    related to the Meridian Naval Auxiliary Air Station ("NAAS") are
    used for the development of a water and sewer service system by
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    the City of Meridian, Mississippi, to serve the NAAS and if the
    City of Meridian annexes any of the territory served by the water
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    and sewer service system, the city shall repay the State of
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    Mississippi the amount of all bond proceeds expended on any
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    portion of the water and sewer service system project; and if
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    there are any monetary proceeds derived from the disposition of
    any improvements located on real property in Kemper County
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    purchased pursuant to this act for projects related to the NAAS
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    and if there are any monetary proceeds derived from the
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    disposition of any timber located on real property in Kemper
    County purchased pursuant to this act for projects related to the
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    NAAS, all of such proceeds (both from the disposition of
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    improvements and the disposition of timber) commencing July 1,
    1996, through June 30, 2010, shall be paid to the Board of
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    Education of Kemper County, Mississippi, for expenditure by such
    board of education to benefit the public schools of Kemper County.
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    No bonds shall be issued under this paragraph (b) until the State
    Bond Commission by resolution adopts a finding that the issuance
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    of such bonds will improve, expand or otherwise enhance the
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    military installation, its support areas or military operations,
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    or will provide employment opportunities to replace those lost by
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- 62 closure or reductions in operations at the military installation.
- 63 From and after July 1, 1997, bonds shall not be issued for any
- 64 projects, as defined in Section 57-75-5(f)(ii), which are not
- 65 commenced before July 1, 1997. The proceeds of any bonds issued
- 66 for projects commenced before July 1, 1997, shall be used for the
- 67 purposes for which the bonds were issued until completion of the
- 68 projects.
- 69 (c) Bonds issued under the authority of this section
- 70 for projects as defined in Section 57-75-5(f)(iii) shall not
- 71 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
- 72 issued under this paragraph after December 31, 1996.
- 73 (d) Bonds issued under the authority of this section
- 74 for projects defined in Section 57-75-5(f)(iv) shall not exceed
- 75 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
- 76 additional amount of bonds in an amount not to exceed Twelve
- 77 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
- 78 issued under the authority of this section for the purpose of
- 79 defraying costs associated with the construction of surface water
- 80 transmission lines for a project defined in Section 57-75-5(f)(iv)
- 81 or for any facility related to the project. No bonds shall be
- 82 issued under this paragraph after June 30, 2005.
- 83 (e) Bonds issued under the authority of this section
- 84 for projects defined in Section 57-75-5(f)(v) and for facilities
- 85 related to such projects shall not exceed Thirty-eight Million
- 86 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
- 87 issued under this paragraph after December 31, 2005.
- 88 (f) Bonds issued under the authority of this section
- 89 for projects defined in Section 57-75-5(f)(vii) shall not exceed
- 90 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
- 91 under this paragraph after June 30, 2006.
- 92 (g) Bonds issued under the authority of this section
- 93 for projects defined in Section 57-75-5(f)(viii) shall not exceed

- 94 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
- 95 bonds shall be issued under this paragraph after June 30, 2007.
- 96 (h) Bonds issued under the authority of this section
- 97 for projects defined in Section 57-75-5(f)(ix) shall not exceed
- 98 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
- 99 under this paragraph after June 30, 2007.
- 100 (i) Bonds issued under the authority of this section
- 101 for projects defined in Section 57-75-5(f)(x) shall not exceed
- 102 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
- 103 under this paragraph after June 30, 2007.
- 104 (j) Bonds issued under the authority of this section
- 105 for projects defined in Section 57-75-5(f)(xii) shall not exceed
- 106 Twenty-three Million Seven Hundred Thousand Dollars
- 107 (\$23,700,000.00). No bond shall be issued under this paragraph
- 108 until local governments in or near the county in which the project
- 109 is located have irrevocably committed funds to the project in an
- 110 amount of not less than Two Million Five Hundred Thousand Dollars
- 111 (\$2,500,000.00) in the aggregate. No bonds shall be issued under
- 112 this paragraph after June 30, 2008.
- 113 (4) (a) The proceeds from the sale of the bonds issued
- 114 under this section may be applied for the following purposes:
- (i) Defraying all or any designated portion of the
- 116 costs incurred with respect to acquisition, planning, design,
- 117 construction, installation, rehabilitation, improvement,
- 118 relocation and with respect to state-owned property, operation and
- 119 maintenance of the project and any facility related to the project
- 120 located within the project area, including costs of design and
- 121 engineering, all costs incurred to provide land, easements and
- 122 rights-of-way, relocation costs with respect to the project and
- 123 with respect to any facility related to the project located within
- 124 the project area, and costs associated with mitigation of
- 125 environmental impacts and environmental impact studies;

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(ii) Defraying the cost of providing for the
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     recruitment, screening, selection, training or retraining of
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     employees, candidates for employment or replacement employees of
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     the project and any related activity;
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                    (iii) Reimbursing the Mississippi Development
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     Authority for expenses it incurred in regard to projects defined
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     in Section 57-75-5(f)(iv) prior to November 6, 2000. The
     Mississippi Development Authority shall submit an itemized list of
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     expenses it incurred in regard to such projects to the Chairmen of
     the Finance and Appropriations Committees of the Senate and the
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     Chairmen of the Ways and Means and Appropriations Committees of
     the House of Representatives;
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                    (iv) Providing grants to enterprises operating
     projects defined in Section 57-75-5(f)(iv)1;
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                    (v) Paying any warranty made by the authority
     regarding site work for a project defined in Section
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     57-75-5(f)(iv)1;
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                    (vi) Defraying the cost of marketing and promotion
     of a project as defined in Section 57-75-5(f)(iv)1. The authority
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     shall submit an itemized list of costs incurred for marketing and
     promotion of such project to the Chairmen of the Finance and
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     Appropriations Committees of the Senate and the Chairmen of the
     Ways and Means and Appropriations Committees of the House of
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     Representatives;
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                    (vii) Providing for the payment of interest on the
     bonds;
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                    (viii)
                            Providing debt service reserves;
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                    (ix) Paying underwriters' discount, original issue
     discount, accountants' fees, engineers' fees, attorneys' fees,
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     rating agency fees and other fees and expenses in connection with
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     the issuance of the bonds;
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                    (x) For purposes authorized in paragraphs (b) and
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     (c) of this subsection (4); and
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043E/HR40/R5 PAGE 5 (GT\BD) 159 (xi) Providing grants to enterprises operating 160 projects defined in Section 57-75-5(f)(v), or, in connection with 161 a facility related to such a project, for any purposes deemed by 162 the authority in its sole discretion to be necessary and 163 appropriate. Such bonds shall be issued from time to time and in such 164 principal amounts as shall be designated by the authority, not to 165 exceed in aggregate principal amounts the amount authorized in 166 167 subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to 168 169 federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the 170 171 bonds or the trust indenture securing them, and the earning on 172 such investment applied as provided in such resolution or trust 173 indenture. (i) The proceeds of bonds issued after June 21, 174 (b) 175 2002, under this section for projects described in Section 176 57-75-5(f)(iv) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority 177 178 in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi 179 180 Development Authority shall maintain an accounting of actual costs 181 incurred for each project for which reimbursements are sought. 182 Reimbursements under this paragraph (b)(i) shall not exceed Three 183 Hundred Thousand Dollars (\$300,000.00) in the aggregate. Reimbursements under this paragraph (b)(i) shall satisfy any 184 185 applicable federal tax law requirements. 186 (ii) The proceeds of bonds issued after June 21, 187 2002, under this section for projects described in Section 188 57-75-5(f)(iv) may be used to reimburse reasonable actual and 189 necessary costs incurred by the Department of Audit in providing 190 services related to a project for which funding is provided from 191 the use of proceeds of such bonds. The Department of Audit shall

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maintain an accounting of actual costs incurred for each project 192 193 for which reimbursements are sought. The Department of Audit may 194 escalate its budget and expend such funds in accordance with rules 195 and regulations of the Department of Finance and Administration in 196 a manner consistent with the escalation of federal funds. 197 Reimbursements under this paragraph (b)(ii) shall not exceed One Hundred Thousand Dollars (\$100,000.00) in the aggregate. 198 Reimbursements under this paragraph (b)(ii) shall satisfy any 199 200 applicable federal tax law requirements. 201 (c) (i) The proceeds of bonds issued under this 202 section for projects described in Section 57-75-5(f)(ix) may be used to reimburse reasonable actual and necessary costs incurred 203 204 by the Mississippi Development Authority in providing assistance 205 related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority 206 207 shall maintain an accounting of actual costs incurred for each 208 project for which reimbursements are sought. Reimbursements under 209 this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. 210 211 (ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(ix) may be 212 213 used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a 214 215 project for which funding is provided from the use of proceeds of 216 such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements 217 218 are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the 219 Department of Finance and Administration in a manner consistent 220 with the escalation of federal funds. Reimbursements under this 221

paragraph shall not exceed Twenty-five Thousand Dollars

(\$25,000.00) in the aggregate. Reimbursements under this

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224 paragraph shall satisfy any applicable federal tax law 225 requirements.

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(d) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided for the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(x) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

(e) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority

shall maintain an accounting of actual costs incurred for each
project for which reimbursements are sought. Reimbursements under
this paragraph (e)(i) shall not exceed Twenty-five Thousand
Dollars (\$25,000.00) in the aggregate.

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(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xii) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of The Department of Audit shall maintain an accounting such bonds. of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph (e)(ii) shall satisfy any applicable federal tax law requirements.

payable in the manner hereinafter set forth. The bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the

official seal of the State Bond Commission shall be imprinted on 290 291 or affixed thereto, attested by the manual or facsimile signature 292 of the Secretary of the State Bond Commission. Whenever any such 293 bonds have been signed by the officials herein designated to sign 294 the bonds, who were in office at the time of such signing but who 295 may have ceased to be such officers before the sale and delivery 296 of such bonds, or who may not have been in office on the date such 297 bonds may bear, the signatures of such officers upon such bonds 298 shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such 299 300 bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear. 301

- (6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.
- 309 The State Bond Commission shall sell the bonds on sealed bids at public sale, and for such price as it may determine to be 310 311 for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest 312 to date of delivery of the bonds to the purchaser. 313 The bonds 314 shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond 315 316 Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually; provided that the first 317 interest payment may be for any period of not more than one (1) 318 319 year.
- Notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one H. B. No. 1 \*HR40/R5\*

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or more newspapers having a general circulation in the City of Jackson and in one or more other newspapers or financial journals

325 with a large national circulation, to be selected by the State

326 Bond Commission.

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

- (8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall appropriate annually an amount sufficient to pay the principal of and the interest on such bonds as they become due. All bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.
- Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.
- 350 (10) The bonds may be issued without any other proceedings
  351 or the happening of any other conditions or things other than
  352 those proceedings, conditions and things which are specified or
  353 required by this chapter. Any resolution providing for the
  354 issuance of general obligation bonds under the provisions of this
  355 section shall become effective immediately upon its adoption by
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the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

- 359 In anticipation of the issuance of bonds hereunder, the 360 State Bond Commission is authorized to negotiate and enter into 361 any purchase, loan, credit or other agreement with any bank, trust 362 company or other lending institution or to issue and sell interim 363 notes for the purpose of making any payments authorized under this 364 All borrowings made under this provision shall be section. evidenced by notes of the state which shall be issued from time to 365 366 time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and 367 368 subject to such terms and conditions of sale and issuance, 369 prepayment or redemption and maturity, rate or rates of interest 370 not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall 371 372 agree to in such agreement. Such notes shall constitute general 373 obligations of the state and shall be backed by the full faith and 374 credit of the state. Such notes may also be issued for the 375 purpose of refunding previously issued notes. No note shall 376 mature more than three (3) years following the date of its 377 issuance. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a 378 379 fixed fee or commission and for all other costs and expenses of 380 issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes. 381
- 382 (12) The bonds and interim notes authorized under the
  383 authority of this section may be validated in the First Judicial
  384 District of the Chancery Court of Hinds County, Mississippi, in
  385 the manner and with the force and effect provided now or hereafter
  386 by Chapter 13, Title 31, Mississippi Code of 1972, for the
  387 validation of county, municipal, school district and other bonds.
- 388 The necessary papers for such validation proceedings shall be H. B. No. 1  $^*HR40/R5^*$  043E/HR40/R5

- 389 transmitted to the State Bond Attorney, and the required notice 390 shall be published in a newspaper published in the City of
- 391 Jackson, Mississippi.
- 392 (13) Any bonds or interim notes issued under the provisions
- 393 of this chapter, a transaction relating to the sale or securing of
- 394 such bonds or interim notes, their transfer and the income
- 395 therefrom shall at all times be free from taxation by the state or
- any local unit or political subdivision or other instrumentality 396
- 397 of the state, excepting inheritance and gift taxes.
- 398 (14) All bonds issued under this chapter shall be legal
- 399 investments for trustees, other fiduciaries, savings banks, trust
- 400 companies and insurance companies organized under the laws of the
- 401 State of Mississippi; and such bonds shall be legal securities
- 402 which may be deposited with and shall be received by all public
- 403 officers and bodies of the state and all municipalities and other
- 404 political subdivisions thereof for the purpose of securing the
- 405 deposit of public funds.
- 406 The Attorney General of the State of Mississippi shall
- 407 represent the State Bond Commission in issuing, selling and
- 408 validating bonds herein provided for, and the Bond Commission is
- 409 hereby authorized and empowered to expend from the proceeds
- 410 derived from the sale of the bonds authorized hereunder all
- 411 necessary administrative, legal and other expenses incidental and
- related to the issuance of bonds authorized under this chapter. 412
- 413 There is hereby created a special fund in the State
- Treasury to be known as the Mississippi Major Economic Impact 414
- 415 Authority Fund wherein shall be deposited the proceeds of the
- bonds issued under this chapter and all monies received by the 416
- authority to carry out the purposes of this chapter. Expenditures 417
- 418 authorized herein shall be paid by the State Treasurer upon

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- warrants drawn from the fund, and the Department of Finance and 419
- 420 Administration shall issue warrants upon requisitions signed by
- 421 the director of the authority.

- (17) (a) There is hereby created the Mississippi Economic

  Impact Authority Sinking Fund from which the principal of and

  interest on such bonds shall be paid by appropriation. All monies

  paid into the sinking fund not appropriated to pay accruing bonds

  and interest shall be invested by the State Treasurer in such

  securities as are provided by law for the investment of the

  sinking funds of the state.
- 429 In the event that all or any part of the bonds and (b) 430 notes are purchased, they shall be canceled and returned to the 431 loan and transfer agent as canceled and paid bonds and notes and 432 thereafter all payments of interest thereon shall cease and the canceled bonds, notes and coupons, together with any other 433 434 canceled bonds, notes and coupons, shall be destroyed as promptly 435 as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of 436 the canceled bonds, notes and coupons shall be provided by the 437 438 loan and transfer agent to the seller.

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- the Department of Finance and Administration and Legislative
  Budget Office by September 1 of each year the amount of money
  necessary for the payment of the principal of and interest on
  outstanding obligations for the following fiscal year and the
  times and amounts of the payments. It shall be the duty of the
  Governor to include in every executive budget submitted to the
  Legislature full information relating to the issuance of bonds and
  notes under the provisions of this chapter and the status of the
  sinking fund for the payment of the principal of and interest on
  the bonds and notes.
- (18) (a) Upon receipt of a declaration by the authority
  that it has determined that the state is a potential site for a
  project, the State Bond Commission is authorized and directed to
  authorize the State Treasurer to borrow money from any special
  fund in the State Treasury not otherwise appropriated to be
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- utilized by the authority for the purposes provided for in this subsection.
- 457 (b) The proceeds of the money borrowed under this 458 subsection may be utilized by the authority for the purpose of 459 defraying all or a portion of the costs incurred by the authority 460 with respect to acquisition options and planning, design and 461 environmental impact studies with respect to a project defined in 462 Section 57-75-5(f)(xi). The authority may escalate its budget and 463 expend the proceeds of the money borrowed under this subsection in accordance with rules and regulations of the Department of Finance 464 465 and Administration in a manner consistent with the escalation of 466 federal funds.
- 467 (c) The authority shall request an appropriation or
  468 additional authority to issue general obligation bonds to repay
  469 the borrowed funds and establish a date for the repayment of the
  470 funds so borrowed.
- 471 (d) Borrowings made under the provisions of this 472 subsection shall not exceed Five Hundred Thousand Dollars 473 (\$500,000.00) at any one time.
- 474 **SECTION 2.** This act shall take effect and be in force from 475 and after its passage.