

By: Senator(s) Robertson

To: Finance

## SENATE BILL NO. 2010

1 AN ACT TO AUTHORIZE THE ISSUANCE OF \$96,000,000.00 IN STATE  
2 GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR CAPITAL IMPROVEMENTS  
3 AT THE STATE-OWNED SHIPYARD LOCATED IN JACKSON COUNTY,  
4 MISSISSIPPI; TO PROVIDE THAT THE ISSUANCE OF SUCH BONDS SHALL BE  
5 CONDITIONED ON THE LESSEE INCURRING A CERTAIN AMOUNT OF DEBT FOR  
6 CAPITAL IMPROVEMENTS, CAPITAL INVESTMENTS OR CAPITAL UPGRADES TO  
7 SHIPYARDS IN MISSISSIPPI OWNED OR LEASED BY SUCH LESSEE; TO  
8 PROVIDE THAT NOT MORE THAN \$40,000,000.00 OF SUCH BONDS MAY BE  
9 ISSUED IN FISCAL YEAR 2005 AND NOT MORE THAN \$40,000,000.00 OF  
10 SUCH BONDS MAY BE ISSUED IN 2006; TO AUTHORIZE THE ISSUANCE OF  
11 GENERAL OBLIGATION BONDS OF THE STATE OF MISSISSIPPI FOR THE  
12 PURPOSE OF PROVIDING FUNDS TO AID IN THE CONSTRUCTION, FURNISHING,  
13 EQUIPPING AND OPERATING OF THE UNIVERSITY MEDICAL CENTER CANCER  
14 INSTITUTE; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS  
15 OF THE STATE OF MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS TO  
16 PURCHASE EQUIPMENT FOR THE UNIVERSITY MEDICAL CENTER; TO AUTHORIZE  
17 THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE OF  
18 MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS FOR RENOVATION AND  
19 UPGRADES OF SYSTEMS AT THE LOCKHEED MARTIN LABORATORY AT THE  
20 STENNIS SPACE CENTER; TO AUTHORIZE THE ISSUANCE OF \$5,000,000.00  
21 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE  
22 MISSISSIPPI RURAL IMPACT FUND; TO AUTHORIZE THE ISSUANCE OF  
23 \$5,000,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS  
24 FOR THE SMALL MUNICIPALITIES AND LIMITED POPULATION COUNTIES FUND;  
25 TO AMEND SECTION 57-1-18, MISSISSIPPI CODE OF 1972, TO PROVIDE  
26 THAT A PORTION OF THE PROCEEDS OF CERTAIN BONDS MAY BE UTILIZED BY  
27 THE MISSISSIPPI DEVELOPMENT AUTHORITY TO REIMBURSE CERTAIN COSTS  
28 RELATED TO THE ADMINISTRATION OF THE FUND AND TO LIMIT THE AMOUNT  
29 OF GRANTS ISSUED TO A MUNICIPALITY OR COUNTY DURING ANY GRANT  
30 PERIOD TO \$250,000.00; TO AUTHORIZE THE ISSUANCE OF GENERAL  
31 OBLIGATION BONDS OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF  
32 \$3,000,000.00 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE  
33 MISSISSIPPI LAND, WATER AND TIMBER RESOURCES FUND; TO AMEND  
34 SECTION 69-46-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A CERTAIN  
35 AMOUNT OF MONEY IN THE FUND TO BE UTILIZED BY THE MISSISSIPPI  
36 DEVELOPMENT AUTHORITY, THE DEPARTMENT OF AGRICULTURE AND COMMERCE  
37 AND THE DEPARTMENT OF AUDIT TO DEFRAY COSTS INCURRED IN ASSISTING  
38 IN THE ADMINISTRATION OF THE MISSISSIPPI LAND, WATER AND TIMBER  
39 RESOURCES ACT; TO AMEND SECTION 57-61-25, MISSISSIPPI CODE OF  
40 1972, TO INCREASE FROM \$290,000,000.00 TO \$292,000,000.00 THE  
41 AMOUNT OF GENERAL OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE  
42 MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-61-36,  
43 MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$8,500,000.00 TO  
44 \$10,500,000.00 THE AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI  
45 DEVELOPMENT AUTHORITY MAY UTILIZE UNDER THE MISSISSIPPI BUSINESS  
46 INVESTMENT ACT TO MAKE GRANTS OR LOANS TO COUNTIES AND  
47 MUNICIPALITIES THROUGH AN EQUIPMENT AND PUBLIC FACILITIES GRANT  
48 AND LOAN FUND TO AID IN INFRASTRUCTURE-RELATED IMPROVEMENTS, THE  
49 PURCHASE OF EQUIPMENT AND IN THE PURCHASE, CONSTRUCTION OR REPAIR  
50 AND RENOVATION OF PUBLIC FACILITIES; TO AMEND SECTION 57-75-5,  
51 MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM  
52 "PROJECT" UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO

53 AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
54 MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY TO PROVIDE GRANT OR  
55 LOAN FUNDS TO PUBLIC AGENCIES OR ENTERPRISES OWNING OR OPERATING  
56 CERTAIN PROJECTS AND TO GIVE THE AUTHORITY CERTAIN POWERS WITH  
57 REGARD TO SUCH GRANTS OR LOANS; TO AMEND SECTION 57-75-15,  
58 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF ADDITIONAL  
59 STATE GENERAL OBLIGATION BONDS FOR CERTAIN PROJECTS UNDER THE  
60 MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-17,  
61 MISSISSIPPI CODE OF 1972, TO GRANT PUBLIC ENTITIES CERTAIN POWERS  
62 WITH REGARD TO BORROWING MONEY FROM THE AUTHORITY IN CONNECTION  
63 WITH CERTAIN PROJECTS; TO AMEND SECTION 69-2-13, MISSISSIPPI CODE  
64 OF 1972, TO INCREASE THE AMOUNT THAT MAY BE DRAWN FROM THE  
65 EMERGING CROPS FUND FOR FINANCING MINORITY ECONOMIC DEVELOPMENT  
66 FROM \$25,000,000.00 TO \$26,000,000.00; TO AMEND SECTION 69-2-19,  
67 MISSISSIPPI CODE OF 1972, TO INCREASE THE AGGREGATE AMOUNT OF  
68 STATE GENERAL OBLIGATION BONDS THAT MAY BE ISSUED FOR THE EMERGING  
69 CROPS FUND FROM \$104,000,000.00 TO \$105,000,000.00; AND FOR  
70 RELATED PURPOSES.

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

72 **SECTION 1.** As used in Sections 1 through 19 of this act, the  
73 following words shall have the meanings ascribed herein unless the  
74 context clearly requires otherwise:

75 (a) "Accreted value" of any bonds means, as of any date  
76 of computation, an amount equal to the sum of (i) the stated  
77 initial value of such bonds, plus (ii) the interest accrued  
78 thereon from the issue date to the date of computation at the  
79 rate, compounded semiannually, that is necessary to produce the  
80 approximate yield to maturity shown for bonds of the same  
81 maturity.

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

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

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

86 (e) "Authority" means the Mississippi Development  
87 Authority.

88 **SECTION 2.** (1) The authority may use the proceeds from  
89 general obligation bonds issued under Sections 1 through 19 of  
90 this act for the purpose of such capital improvements at the state  
91 shipyard as it considers necessary to modernize the facility and  
92 keep it competitive with other shipyards.

93 (2) The authority, in its discretion, may set aside for  
94 minority businesses not more than twenty percent (20%) of its

95 contracts for making such capital improvements at the state  
96 shipyard. For the purposes of this subsection (2), the term  
97 "minority business" means a business which is owned by a majority  
98 of persons who are United States citizens or permanent resident  
99 aliens (as defined by the Immigration and Naturalization Service)  
100 of the United States, and who are Asian, Black, Hispanic or Native  
101 American, according to the following definitions:

102 (a) "Asian" means persons having origins in any of the  
103 original people of the Far East, Southeast Asia, the Indian  
104 subcontinent, or the Pacific Islands.

105 (b) "Black" means persons having origins in any black  
106 racial group of Africa.

107 (c) "Hispanic" means persons of Spanish or Portuguese  
108 culture with origins in Mexico, South or Central America, or the  
109 Caribbean Islands, regardless of race.

110 (d) "Native American" means persons having origins in  
111 any of the original people of North America, including American  
112 Indians, Eskimos and Aleuts.

113 **SECTION 3.** (1) (a) A special fund, to be designated as the  
114 "2004 State Shipyard Improvement Fund," is created within the  
115 State Treasury. The fund shall be maintained by the State  
116 Treasurer as a separate and special fund, separate and apart from  
117 the General Fund of the state. Unexpended amounts remaining in  
118 the fund at the end of a fiscal year shall not lapse into the  
119 State General Fund, and any interest earned or investment earnings  
120 on amounts in the fund shall be deposited into such fund.

121 (b) Monies deposited into the fund shall be disbursed,  
122 in the discretion of the authority, to pay the costs incurred by  
123 the authority in making capital improvements to the state  
124 shipyard.

125 (c) Monies in the special fund may be used to reimburse  
126 reasonable, actual and necessary costs incurred by the authority  
127 in providing assistance related to a project for which funding is

128 provided under Sections 1 through 19 of this act. The authority  
129 shall maintain an accounting of actual costs incurred for each  
130 project for which reimbursements are sought. Reimbursements under  
131 this paragraph (c) shall not exceed Three Hundred Thousand Dollars  
132 (\$300,000.00) in the aggregate. Reimbursements under this  
133 paragraph (c) shall satisfy any applicable federal tax law  
134 requirements.

135 (d) Monies in the special fund may be used to reimburse  
136 reasonable, actual and necessary costs incurred by the Department  
137 of Audit in providing services related to a project for which  
138 funding is provided under Sections 1 through 19 of this act. The  
139 Department of Audit shall maintain an accounting of actual costs  
140 incurred for each project for which reimbursements are sought.  
141 The Department of Audit may escalate its budget and expend such  
142 funds in accordance with rules and regulations of the Department  
143 of Finance and Administration in a manner consistent with the  
144 escalation of federal funds. Reimbursements under this paragraph  
145 (d) shall not exceed One Hundred Thousand Dollars (\$100,000.00) in  
146 the aggregate. Reimbursements under this paragraph (d) shall  
147 satisfy any applicable federal tax law requirements.

148 (2) Amounts deposited into such special fund shall be  
149 disbursed to pay the costs of the projects described in subsection  
150 (1) of this section. If any monies in the special fund are not  
151 used within four (4) years after the date the proceeds of the  
152 bonds authorized under Sections 1 through 19 of this act are  
153 deposited into such fund, then the authority shall provide an  
154 accounting of such unused monies to the commission. Promptly  
155 after the commission has certified, by resolution duly adopted,  
156 that the projects described in subsection (1) of this section  
157 shall have been completed, abandoned, or cannot be completed in a  
158 timely fashion, any amounts remaining in such special fund shall  
159 be applied to pay debt service on the bonds issued under Sections  
160 1 through 19 of this act, in accordance with the proceedings

161 authorizing the issuance of such bonds and as directed by the  
162 commission. Before monies in the special fund may be used for the  
163 projects described in subsection (1) of this section, the  
164 authority shall require that the lessee of the shipyard enter into  
165 binding commitments regarding at least the following: (a) that  
166 such lessee shall create a certain minimum number of jobs over a  
167 certain period of time as determined by the authority (which jobs  
168 must be held by persons eligible for employment in the United  
169 States under applicable state and federal law) and (b) that if  
170 such lessee fails to satisfy any such commitments, the lessee must  
171 repay an amount equal to all or a portion of the funds provided by  
172 the state under Sections 1 through 19 of this act as determined by  
173 the authority.

174       **SECTION 4.** (1) The commission, at one time, or from time to  
175 time, may declare by resolution the necessity for issuance of  
176 general obligation bonds of the State of Mississippi to provide  
177 funds for all costs incurred or to be incurred for the purposes  
178 described in Section 3 of this act. No bonds shall be issued  
179 under Sections 1 through 19 of this act in any fiscal year until  
180 the authority is provided proof that the lessee of the shipyard  
181 has incurred debt or has otherwise irrevocably dedicated funds or  
182 a combination of debt and funds used by the lessee in calendar  
183 year 2003, or thereafter, for capital improvements, capital  
184 investments or capital upgrades at shipyards in Mississippi owned  
185 or leased by the lessee in an amount equal to twice the amount of  
186 the bonds to be issued during any fiscal year. The debt or  
187 dedication of funds or combination of debt and funds required of  
188 the lessee under this section shall be in addition to any debt or  
189 funds required of the lessee under Section 4 of Chapter 501, Laws  
190 of 2003. Upon the adoption of a resolution by the authority,  
191 declaring that the lessee has incurred the required amount of debt  
192 and/or irrevocable dedication of funds and declaring the necessity  
193 for the issuance of any part or all of the general obligation

194 bonds authorized by this section, the authority shall deliver a  
195 certified copy of its resolution or resolutions to the commission.  
196 Upon receipt of such resolution, the commission, in its  
197 discretion, may act as the issuing agent, prescribe the form of  
198 the bonds, advertise for and accept bids, issue and sell the bonds  
199 so authorized to be sold and do any and all other things necessary  
200 and advisable in connection with the issuance and sale of such  
201 bonds. The total amount of bonds issued under Sections 1 through  
202 19 of this act shall not exceed Ninety-six Million Dollars  
203 (\$96,000,000.00); however, not more than Forty Million Dollars  
204 (\$40,000,000.00) may be issued in fiscal year 2005, not more than  
205 Forty Million Dollars (\$40,000,000.00) may be issued in fiscal  
206 year 2006. No bonds shall be issued under Sections 1 through 19  
207 of this act after July 1, 2008.

208 (2) Any investment earnings on amounts deposited into the  
209 special fund created in Section 3 of this act shall be used to pay  
210 debt service on bonds issued under Sections 1 through 19 of this  
211 act, in accordance with the proceedings authorizing issuance of  
212 such bonds.

213 **SECTION 5.** The principal of and interest on the bonds  
214 authorized under Sections 1 through 19 of this act shall be  
215 payable in the manner provided in this section. Such bonds shall  
216 bear such date or dates, be in such denomination or denominations,  
217 bear interest at such rate or rates (not to exceed the limits set  
218 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
219 at such place or places within or without the State of  
220 Mississippi, shall mature absolutely at such time or times not to  
221 exceed twenty (20) years from date of issue, be redeemable before  
222 maturity at such time or times and upon such terms, with or  
223 without premium, shall bear such registration privileges, and  
224 shall be substantially in such form, all as shall be determined by  
225 resolution of the commission.

226           **SECTION 6.** The bonds authorized by Sections 1 through 19 of  
227 this act shall be signed by the chairman of the commission, or by  
228 his facsimile signature, and the official seal of the commission  
229 shall be affixed thereto, attested by the secretary of the  
230 commission. The interest coupons, if any, to be attached to such  
231 bonds may be executed by the facsimile signatures of such  
232 officers. Whenever any such bonds shall have been signed by the  
233 officials designated to sign the bonds who were in office at the  
234 time of such signing but who may have ceased to be such officers  
235 before the sale and delivery of such bonds, or who may not have  
236 been in office on the date such bonds may bear, the signatures of  
237 such officers upon such bonds and coupons shall nevertheless be  
238 valid and sufficient for all purposes and have the same effect as  
239 if the person so officially signing such bonds had remained in  
240 office until their delivery to the purchaser, or had been in  
241 office on the date such bonds may bear. However, notwithstanding  
242 anything herein to the contrary, such bonds may be issued as  
243 provided in the Registered Bond Act of the State of Mississippi.

244           **SECTION 7.** All bonds and interest coupons issued under the  
245 provisions of Sections 1 through 19 of this act shall have all the  
246 qualities and incidents of negotiable instruments under the  
247 provisions of the Uniform Commercial Code, and in exercising the  
248 powers granted by Sections 1 through 19 of this act, the  
249 commission shall not be required to and need not comply with the  
250 provisions of the Uniform Commercial Code.

251           **SECTION 8.** The commission shall act as the issuing agent for  
252 the bonds authorized under Sections 1 through 19 of this act,  
253 prescribe the form of the bonds, advertise for and accept bids,  
254 issue and sell the bonds so authorized to be sold, pay all fees  
255 and costs incurred in such issuance and sale, and do any and all  
256 other things necessary and advisable in connection with the  
257 issuance and sale of such bonds. The commission is authorized and  
258 empowered to pay the costs that are incident to the sale, issuance

259 and delivery of the bonds authorized under Sections 1 through 19  
260 of this act from the proceeds derived from the sale of such bonds.  
261 The commission shall sell such bonds on sealed bids at public  
262 sale, and for such price as it may determine to be for the best  
263 interest of the State of Mississippi, but no such sale shall be  
264 made at a price less than par plus accrued interest to the date of  
265 delivery of the bonds to the purchaser. All interest accruing on  
266 such bonds so issued shall be payable semiannually or annually;  
267 however, the first interest payment may be for any period of not  
268 more than one (1) year.

269 Notice of the sale of any such bonds shall be published at  
270 least one time, not less than ten (10) days before the date of  
271 sale, and shall be so published in one or more newspapers  
272 published or having a general circulation in the City of Jackson,  
273 Mississippi, and in one or more other newspapers or financial  
274 journals with a national circulation, to be selected by the  
275 commission.

276 The commission, when issuing any bonds under the authority of  
277 Sections 1 through 19 of this act, may provide that bonds, at the  
278 option of the State of Mississippi, may be called in for payment  
279 and redemption at the call price named therein and accrued  
280 interest on such date or dates named therein.

281 **SECTION 9.** The bonds issued under the provisions of Sections  
282 1 through 19 of this act are general obligations of the State of  
283 Mississippi, and for the payment thereof the full faith and credit  
284 of the State of Mississippi is irrevocably pledged. If the funds  
285 appropriated by the Legislature for such purposes are insufficient  
286 to pay the principal of and the interest on such bonds as they  
287 become due, then the deficiency shall be paid by the State  
288 Treasurer from any funds in the State Treasury not otherwise  
289 appropriated. All such bonds shall contain recitals on their  
290 faces substantially covering the provisions of this section.



291           **SECTION 10.** Upon the issuance and sale of bonds under the  
292 provisions of Sections 1 through 19 of this act, the commission  
293 shall transfer the proceeds of any such sale or sales to the  
294 special fund created in Section 3 of this act. The proceeds of  
295 such bonds shall be disbursed solely upon the order of the  
296 authority under such restrictions, if any, as may be contained in  
297 the resolution providing for the issuance of the bonds.

298           **SECTION 11.** The bonds authorized under Sections 1 through 19  
299 of this act may be issued without any other proceedings or the  
300 happening of any other conditions or things other than those  
301 proceedings, conditions and things which are specified or required  
302 by Sections 1 through 19 of this act. Any resolution providing  
303 for the issuance of bonds under the provisions of Sections 1  
304 through 19 of this act shall become effective immediately upon its  
305 adoption by the commission, and any such resolution may be adopted  
306 at any regular or special meeting of the commission by a majority  
307 of its members.

308           **SECTION 12.** The bonds authorized under the authority of  
309 Sections 1 through 19 of this act may be validated in the Chancery  
310 Court of the First Judicial District of Hinds County, Mississippi,  
311 in the manner and with the force and effect provided by Chapter  
312 13, Title 31, Mississippi Code of 1972, for the validation of  
313 county, municipal, school district and other bonds. The notice to  
314 taxpayers required by such statutes shall be published in a  
315 newspaper published or having a general circulation in the City of  
316 Jackson, Mississippi.

317           **SECTION 13.** Any holder of bonds issued under the provisions  
318 of Sections 1 through 19 of this act or of any of the interest  
319 coupons pertaining thereto may, either at law or in equity, by  
320 suit, action, mandamus or other proceeding, protect and enforce  
321 any and all rights granted under Sections 1 through 19 of this  
322 act, or under such resolution, and may enforce and compel  
323 performance of all duties required by Sections 1 through 19 of

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

326       **SECTION 14.** All bonds issued under the provisions of  
327 Sections 1 through 19 of this act shall be legal investments for  
328 trustees and other fiduciaries, and for savings banks, trust  
329 companies and insurance companies organized under the laws of the  
330 State of Mississippi, and such bonds shall be legal securities  
331 which may be deposited with and shall be received by all public  
332 officers and bodies of this state and all municipalities and  
333 political subdivisions for the purpose of securing the deposit of  
334 public funds.

335       **SECTION 15.** Bonds issued under the provisions of Sections 1  
336 through 19 of this act and income therefrom shall be exempt from  
337 all taxation in the State of Mississippi.

338       **SECTION 16.** The proceeds of the bonds issued under Sections  
339 1 through 19 of this act shall be used solely for the purposes  
340 provided in Sections 1 through 19 of this act, including the costs  
341 incident to the issuance and sale of such bonds.

342       **SECTION 17.** The State Treasurer is authorized, without  
343 further process of law, to certify to the Department of Finance  
344 and Administration the necessity for warrants, and the Department  
345 of Finance and Administration is authorized and directed to issue  
346 such warrants, in such amounts as may be necessary to pay when due  
347 the principal of, premium, if any, and interest on, or the  
348 accreted value of, all bonds issued under Sections 1 through 19 of  
349 this act; and the State Treasurer shall forward the necessary  
350 amount to the designated place or places of payment of such bonds  
351 in ample time to discharge such bonds, or the interest thereon, on  
352 the due dates thereof.

353       **SECTION 18.** All improvements made to the state shipyard with  
354 the proceeds of bonds issued pursuant to Sections 1 through 19 of  
355 this act shall, as state-owned property, be exempt from ad valorem  
356 taxation, except ad valorem taxation for school district purposes.

357           **SECTION 19.** Sections 1 through 19 of this act shall be  
358 deemed to be full and complete authority for the exercise of the  
359 powers herein granted, but Sections 1 through 19 of this act shall  
360 not be deemed to repeal or to be in derogation of any existing law  
361 of this state.

362           **SECTION 20.** As used in Sections 20 through 38 of this act,  
363 the following words shall have the meanings ascribed herein unless  
364 the context clearly requires otherwise:

365           (a) "Accreted value" of any bonds means, as of any date  
366 of computation, an amount equal to the sum of (i) the stated  
367 initial value of such bonds, plus (ii) the interest accrued  
368 thereon from the issue date to the date of computation at the  
369 rate, compounded semiannually, that is necessary to produce the  
370 approximate yield to maturity shown for bonds of the same  
371 maturity.

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

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

374           **SECTION 21.** (1) (a) A special fund, to be designated as  
375 the "University Medical Center Cancer Institute Fund," is created  
376 within the State Treasury. The fund shall be maintained by the  
377 State Treasurer as a separate and special fund, separate and apart  
378 from the General Fund of the state. Unexpended amounts remaining  
379 in the fund at the end of a fiscal year shall not lapse into the  
380 State General Fund, and any interest earned or investment earnings  
381 on amounts in the fund shall be deposited into such fund.

382           (b) Monies deposited into the fund shall be disbursed,  
383 in the discretion of the Department of Finance and Administration,  
384 to aid in the construction, furnishing, equipping and operating of  
385 the University Medical Center Cancer Institute as determined by  
386 the Vice Chancellor for Health Affairs for the University Medical  
387 Center to be in the best interest of the University Medical Center  
388 and approved by the Board of Trustees of State Institutions of  
389 Higher Learning.

390           (2) Amounts deposited into such special fund shall be  
391 disbursed to pay the costs of the projects described in subsection  
392 (1) of this section. Promptly after the commission has certified,  
393 by resolution duly adopted, that the project described in  
394 subsection (1) of this section shall have been completed,  
395 abandoned, or cannot be completed in a timely fashion, any amounts  
396 remaining in such special fund shall be applied to pay debt  
397 service on the bonds issued under Sections 20 through 38 of this  
398 act, in accordance with the proceedings authorizing the issuance  
399 of such bonds and as directed by the commission.

400           (3) The Department of Finance and Administration, acting  
401 through the Bureau of Building, Grounds and Real Property  
402 Management, is expressly authorized and empowered to receive and  
403 expend any local or other source funds in connection with the  
404 expenditure of funds provided for in this section. The  
405 expenditure of monies deposited into the special fund shall be  
406 under the direction of the Department of Finance and  
407 Administration, and such funds shall be paid by the State  
408 Treasurer upon warrants issued by such department, which warrants  
409 shall be issued upon requisitions signed by the Executive Director  
410 of the Department of Finance and Administration, or his designee.

411           **SECTION 22.** (1) (a) A special fund, to be designated as  
412 the "2005 University Medical Center Equipment Fund," is created  
413 within the State Treasury. The fund shall be maintained by the  
414 State Treasurer as a separate and special fund, separate and apart  
415 from the General Fund of the state. Unexpended amounts remaining  
416 in the fund at the end of a fiscal year shall not lapse into the  
417 State General Fund, and any interest earned or investment earnings  
418 on amounts in the fund shall be deposited into such fund.

419           (b) Monies deposited into the fund shall be disbursed,  
420 in the discretion of the Department of Finance and Administration,  
421 to purchase equipment for the University Medical Center as

422 determined by the Vice Chancellor for Health Affairs for the  
423 University Medical Center.

424 (2) Amounts deposited into such special fund shall be  
425 disbursed to pay the costs of the projects described in subsection  
426 (1) of this section. Promptly after the commission has certified,  
427 by resolution duly adopted, that the project described in  
428 subsection (1) of this section shall have been completed,  
429 abandoned, or cannot be completed in a timely fashion, any amounts  
430 remaining in such special fund shall be applied to pay debt  
431 service on the bonds issued under Sections 20 through 38 of this  
432 act, in accordance with the proceedings authorizing the issuance  
433 of such bonds and as directed by the commission.

434 (3) The Department of Finance and Administration, acting  
435 through the Bureau of Building, Grounds and Real Property  
436 Management, is expressly authorized and empowered to receive and  
437 expend any local or other source funds in connection with the  
438 expenditure of funds provided for in this section. The  
439 expenditure of monies deposited into the special fund shall be  
440 under the direction of the Department of Finance and  
441 Administration, and such funds shall be paid by the State  
442 Treasurer upon warrants issued by such department, which warrants  
443 shall be issued upon requisitions signed by the Executive Director  
444 of the Department of Finance and Administration, or his designee.

445 **SECTION 23.** (1) (a) A special fund, to be designated as  
446 the "2005 Stennis Space Center-Lockheed Martin Laboratory Fund,"  
447 is created within the State Treasury. The fund shall be  
448 maintained by the State Treasurer as a separate and special fund,  
449 separate and apart from the General Fund of the state. Unexpended  
450 amounts remaining in the fund at the end of a fiscal year shall  
451 not lapse into the State General Fund, and any interest earned or  
452 investment earnings on amounts in the fund shall be deposited into  
453 such fund.

454           (b) Monies deposited into the fund shall be disbursed,  
455 in the discretion of the Department of Finance and Administration,  
456 for renovation and upgrades of systems at the Lockheed Martin  
457 Laboratory at the Stennis Space Center to make the facility  
458 functional for its intended purpose and to make reimbursements to  
459 user of the facility for upgrades to the facility that were paid  
460 for by the user.

461           (2) Amounts deposited into such special fund shall be  
462 disbursed to pay the costs of the projects described in subsection  
463 (1) of this section. Promptly after the commission has certified,  
464 by resolution duly adopted, that the project described in  
465 subsection (1) of this section shall have been completed,  
466 abandoned, or cannot be completed in a timely fashion, any amounts  
467 remaining in such special fund shall be applied to pay debt  
468 service on the bonds issued under Sections 20 through 38 of this  
469 act, in accordance with the proceedings authorizing the issuance  
470 of such bonds and as directed by the commission.

471           (3) The Department of Finance and Administration, acting  
472 through the Bureau of Building, Grounds and Real Property  
473 Management, is expressly authorized and empowered to receive and  
474 expend any local or other source funds in connection with the  
475 expenditure of funds provided for in this section. The  
476 expenditure of monies deposited into the special fund shall be  
477 under the direction of the Department of Finance and  
478 Administration, and such funds shall be paid by the State  
479 Treasurer upon warrants issued by such department, which warrants  
480 shall be issued upon requisitions signed by the Executive Director  
481 of the Department of Finance and Administration, or his designee.

482           **SECTION 24.** (1) The commission, at one time, or from time  
483 to time, may declare by resolution the necessity for issuance of  
484 general obligation bonds of the State of Mississippi to provide  
485 funds for all costs incurred or to be incurred for the purposes  
486 described in Sections 21, 22 and 23 of this act. Upon the

487 adoption of a resolution by the Department of Finance and  
488 Administration, declaring the necessity for the issuance of any  
489 part or all of the general obligation bonds authorized by this  
490 section, the Department of Finance and Administration shall  
491 deliver a certified copy of its resolution or resolutions to the  
492 commission. Upon receipt of such resolution, the commission, in  
493 its discretion, may act as the issuing agent, prescribe the form  
494 of the bonds, advertise for and accept bids, issue and sell the  
495 bonds so authorized to be sold and do any and all other things  
496 necessary and advisable in connection with the issuance and sale  
497 of such bonds. The total amount of bonds issued under Sections 20  
498 through 38 of this act shall not exceed Thirteen Million Five  
499 Hundred Seventy Thousand Dollars (\$13,570,000.00). No bonds shall  
500 be issued under Sections 20 through 38 of this act after July 1,  
501 2008.

502 (2) The proceeds of the bonds issued pursuant to this act  
503 shall be deposited into the following special funds in not more  
504 than the following amounts:

505 (a) The University Medical Center Cancer Institute Fund  
506 created pursuant to Section 21 of this act..... \$ 5,000,000.00.

507 (b) The 2005 University Medical Center Equipment Fund  
508 created pursuant to Section 22 of this act..... \$ 6,000,000.00.

509 (c) The 2005 Stennis Space Center-Lockheed Martin  
510 Laboratory Fund created pursuant to Section 23 of this  
511 act..... \$ 2,570,000.00.

512 (3) Any investment earnings on amounts deposited into the  
513 special fund created in Sections 21, 22 and 23 of this act shall  
514 be used to pay debt service on bonds issued under Sections 20  
515 through 38 of this act, in accordance with the proceedings  
516 authorizing issuance of such bonds.

517 **SECTION 25.** The principal of and interest on the bonds  
518 authorized under Sections 20 through 38 of this act shall be  
519 payable in the manner provided in this section. Such bonds shall

520 bear such date or dates, be in such denomination or denominations,  
521 bear interest at such rate or rates (not to exceed the limits set  
522 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
523 at such place or places within or without the State of  
524 Mississippi, shall mature absolutely at such time or times not to  
525 exceed twenty-five (25) years from date of issue, be redeemable  
526 before maturity at such time or times and upon such terms, with or  
527 without premium, shall bear such registration privileges, and  
528 shall be substantially in such form, all as shall be determined by  
529 resolution of the commission.

530       **SECTION 26.** The bonds authorized by Sections 20 through 38  
531 of this act shall be signed by the chairman of the commission, or  
532 by his facsimile signature, and the official seal of the  
533 commission shall be affixed thereto, attested by the secretary of  
534 the commission. The interest coupons, if any, to be attached to  
535 such bonds may be executed by the facsimile signatures of such  
536 officers. Whenever any such bonds shall have been signed by the  
537 officials designated to sign the bonds who were in office at the  
538 time of such signing but who may have ceased to be such officers  
539 before the sale and delivery of such bonds, or who may not have  
540 been in office on the date such bonds may bear, the signatures of  
541 such officers upon such bonds and coupons shall nevertheless be  
542 valid and sufficient for all purposes and have the same effect as  
543 if the person so officially signing such bonds had remained in  
544 office until their delivery to the purchaser, or had been in  
545 office on the date such bonds may bear. However, notwithstanding  
546 anything herein to the contrary, such bonds may be issued as  
547 provided in the Registered Bond Act of the State of Mississippi.

548       **SECTION 27.** All bonds and interest coupons issued under the  
549 provisions of Sections 20 through 38 of this act have all the  
550 qualities and incidents of negotiable instruments under the  
551 provisions of the Uniform Commercial Code, and in exercising the  
552 powers granted by Sections 20 through 38 of this act, the



553 commission shall not be required to and need not comply with the  
554 provisions of the Uniform Commercial Code.

555         **SECTION 28.** The commission shall act as the issuing agent  
556 for the bonds authorized under Sections 20 through 38 of this act,  
557 prescribe the form of the bonds, advertise for and accept bids,  
558 issue and sell the bonds so authorized to be sold, pay all fees  
559 and costs incurred in such issuance and sale, and do any and all  
560 other things necessary and advisable in connection with the  
561 issuance and sale of such bonds. The commission is authorized and  
562 empowered to pay the costs that are incident to the sale, issuance  
563 and delivery of the bonds authorized under Sections 20 through 38  
564 of this act from the proceeds derived from the sale of such bonds.  
565 The commission shall sell such bonds on sealed bids at public  
566 sale, and for such price as it may determine to be for the best  
567 interest of the State of Mississippi, but no such sale shall be  
568 made at a price less than par plus accrued interest to the date of  
569 delivery of the bonds to the purchaser. All interest accruing on  
570 such bonds so issued shall be payable semiannually or annually;  
571 however, the first interest payment may be for any period of not  
572 more than one (1) year.

573         Notice of the sale of any such bonds shall be published at  
574 least one time, not less than ten (10) days before the date of  
575 sale, and shall be so published in one or more newspapers  
576 published or having a general circulation in the City of Jackson,  
577 Mississippi, and in one or more other newspapers or financial  
578 journals with a national circulation, to be selected by the  
579 commission.

580         The commission, when issuing any bonds under the authority of  
581 Sections 20 through 38 of this act, may provide that bonds, at the  
582 option of the State of Mississippi, may be called in for payment  
583 and redemption at the call price named therein and accrued  
584 interest on such date or dates named therein.

585           **SECTION 29.** The bonds issued under the provisions of  
586 Sections 20 through 38 of this act are general obligations of the  
587 State of Mississippi, and for the payment thereof the full faith  
588 and credit of the State of Mississippi is irrevocably pledged. If  
589 the funds appropriated by the Legislature are insufficient to pay  
590 the principal of and the interest on such bonds as they become  
591 due, then the deficiency shall be paid by the State Treasurer from  
592 any funds in the State Treasury not otherwise appropriated. All  
593 such bonds shall contain recitals on their faces substantially  
594 covering the provisions of this section.

595           **SECTION 30.** Upon the issuance and sale of bonds under the  
596 provisions of Sections 20 through 38 of this act, the commission  
597 shall transfer the proceeds of any such sale or sales to the  
598 special fund created in Sections 21, 22 and 23 of this act. The  
599 proceeds of such bonds shall be disbursed solely upon the order of  
600 the Department of Finance and Administration under such  
601 restrictions, if any, as may be contained in the resolution  
602 providing for the issuance of the bonds.

603           **SECTION 31.** The bonds authorized under Sections 20 through  
604 38 of this act may be issued without any other proceedings or the  
605 happening of any other conditions or things other than those  
606 proceedings, conditions and things which are specified or required  
607 by Sections 20 through 38 of this act. Any resolution providing  
608 for the issuance of bonds under the provisions of Sections 20  
609 through 38 of this act shall become effective immediately upon its  
610 adoption by the commission, and any such resolution may be adopted  
611 at any regular or special meeting of the commission by a majority  
612 of its members.

613           **SECTION 32.** The bonds authorized under the authority of  
614 Sections 20 through 38 of this act may be validated in the  
615 Chancery Court of the First Judicial District of Hinds County,  
616 Mississippi, in the manner and with the force and effect provided  
617 by Chapter 13, Title 31, Mississippi Code of 1972, for the

618 validation of county, municipal, school district and other bonds.  
619 The notice to taxpayers required by such statutes shall be  
620 published in a newspaper published or having a general circulation  
621 in the City of Jackson, Mississippi.

622       **SECTION 33.** Any holder of bonds issued under the provisions  
623 of Sections 20 through 38 of this act or of any of the interest  
624 coupons pertaining thereto may, either at law or in equity, by  
625 suit, action, mandamus or other proceeding, protect and enforce  
626 any and all rights granted under Sections 20 through 38 of this  
627 act, or under such resolution, and may enforce and compel  
628 performance of all duties required by Sections 20 through 38 of  
629 this act to be performed, in order to provide for the payment of  
630 bonds and interest thereon.

631       **SECTION 34.** All bonds issued under the provisions of  
632 Sections 20 through 38 of this act shall be legal investments for  
633 trustees and other fiduciaries, and for savings banks, trust  
634 companies and insurance companies organized under the laws of the  
635 State of Mississippi, and such bonds shall be legal securities  
636 which may be deposited with and shall be received by all public  
637 officers and bodies of this state and all municipalities and  
638 political subdivisions for the purpose of securing the deposit of  
639 public funds.

640       **SECTION 35.** Bonds issued under the provisions of Sections 20  
641 through 38 of this act and income therefrom shall be exempt from  
642 all taxation in the State of Mississippi.

643       **SECTION 36.** The proceeds of the bonds issued under Sections  
644 20 through 38 of this act shall be used solely for the purposes  
645 herein provided, including the costs incident to the issuance and  
646 sale of such bonds.

647       **SECTION 37.** The State Treasurer is authorized, without  
648 further process of law, to certify to the Department of Finance  
649 and Administration the necessity for warrants, and the Department  
650 of Finance and Administration is authorized and directed to issue

651 such warrants, in such amounts as may be necessary to pay when due  
652 the principal of, premium, if any, and interest on, or the  
653 accreted value of, all bonds issued under Sections 20 through 38  
654 of this act; and the State Treasurer shall forward the necessary  
655 amount to the designated place or places of payment of such bonds  
656 in ample time to discharge such bonds, or the interest thereon, on  
657 the due dates thereof.

658       **SECTION 38.** Sections 20 through 38 of this act shall be  
659 deemed to be full and complete authority for the exercise of the  
660 powers herein granted, but Sections 20 through 38 of this act  
661 shall not be deemed to repeal or to be in derogation of any  
662 existing law of this state.

663       **SECTION 39.** As used in Sections 39 through 54 of this act,  
664 the following words shall have the meanings ascribed herein unless  
665 the context clearly requires otherwise:

666           (a) "Accreted value" of any bonds means, as of any date  
667 of computation, an amount equal to the sum of (i) the stated  
668 initial value of such bonds, plus (ii) the interest accrued  
669 thereon from the issue date to the date of computation at the  
670 rate, compounded semiannually, that is necessary to produce the  
671 approximate yield to maturity shown for bonds of the same  
672 maturity.

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

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

675       **SECTION 40.** (1) The Mississippi Development Authority, at  
676 one time, or from time to time, may declare by resolution the  
677 necessity for issuance of general obligation bonds of the State of  
678 Mississippi to provide funds for the program authorized in Section  
679 57-85-5. Upon the adoption of a resolution by the Mississippi  
680 Development Authority, declaring the necessity for the issuance of  
681 any part or all of the general obligation bonds authorized by this  
682 section, the Mississippi Development Authority shall deliver a  
683 certified copy of its resolution or resolutions to the commission.

684 Upon receipt of such resolution, the commission, in its  
685 discretion, may act as the issuing agent, prescribe the form of  
686 the bonds, advertise for and accept bids, issue and sell the bonds  
687 so authorized to be sold and do any and all other things necessary  
688 and advisable in connection with the issuance and sale of such  
689 bonds. The total amount of bonds issued under Sections 39 through  
690 54 of this act shall not exceed Five Million Dollars  
691 (\$5,000,000.00). No bonds authorized under Sections 39 through 54  
692 of this act shall be issued after July 1, 2008.

693 (2) The proceeds of bonds issued pursuant to Sections 39  
694 through 54 of this act shall be deposited into the Mississippi  
695 Rural Impact Fund created pursuant to Section 57-85-5. Any  
696 investment earnings on bonds issued pursuant to Sections 39  
697 through 54 of this act shall be used to pay debt service on bonds  
698 issued under Sections 39 through 54 of this act, in accordance  
699 with the proceedings authorizing issuance of such bonds.

700 **SECTION 41.** The principal of and interest on the bonds  
701 authorized under Sections 39 through 54 of this act shall be  
702 payable in the manner provided in this section. Such bonds shall  
703 bear such date or dates, be in such denomination or denominations,  
704 bear interest at such rate or rates (not to exceed the limits set  
705 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
706 at such place or places within or without the State of  
707 Mississippi, shall mature absolutely at such time or times not to  
708 exceed twenty-five (25) years from date of issue, be redeemable  
709 before maturity at such time or times and upon such terms, with or  
710 without premium, shall bear such registration privileges, and  
711 shall be substantially in such form, all as shall be determined by  
712 resolution of the commission.

713 **SECTION 42.** The bonds authorized by Sections 39 through 54  
714 of this act shall be signed by the chairman of the commission, or  
715 by his facsimile signature, and the official seal of the  
716 commission shall be affixed thereto, attested by the secretary of

717 the commission. The interest coupons, if any, to be attached to  
718 such bonds may be executed by the facsimile signatures of such  
719 officers. Whenever any such bonds shall have been signed by the  
720 officials designated to sign the bonds who were in office at the  
721 time of such signing but who may have ceased to be such officers  
722 before the sale and delivery of such bonds, or who may not have  
723 been in office on the date such bonds may bear, the signatures of  
724 such officers upon such bonds and coupons shall nevertheless be  
725 valid and sufficient for all purposes and have the same effect as  
726 if the person so officially signing such bonds had remained in  
727 office until their delivery to the purchaser, or had been in  
728 office on the date such bonds may bear. However, notwithstanding  
729 anything herein to the contrary, such bonds may be issued as  
730 provided in the Registered Bond Act of the State of Mississippi.

731 **SECTION 43.** All bonds and interest coupons issued under the  
732 provisions of Sections 39 through 54 of this act have all the  
733 qualities and incidents of negotiable instruments under the  
734 provisions of the Uniform Commercial Code, and in exercising the  
735 powers granted by Sections 39 through 54 of this act, the  
736 commission shall not be required to and need not comply with the  
737 provisions of the Uniform Commercial Code.

738 **SECTION 44.** The commission shall act as the issuing agent  
739 for the bonds authorized under Sections 39 through 54 of this act,  
740 prescribe the form of the bonds, advertise for and accept bids,  
741 issue and sell the bonds so authorized to be sold, pay all fees  
742 and costs incurred in such issuance and sale, and do any and all  
743 other things necessary and advisable in connection with the  
744 issuance and sale of such bonds. The commission is authorized and  
745 empowered to pay the costs that are incident to the sale, issuance  
746 and delivery of the bonds authorized under Sections 39 through 54  
747 of this act from the proceeds derived from the sale of such bonds.  
748 The commission shall sell such bonds on sealed bids at public  
749 sale, and for such price as it may determine to be for the best

750 interest of the State of Mississippi, but no such sale shall be  
751 made at a price less than par plus accrued interest to the date of  
752 delivery of the bonds to the purchaser. All interest accruing on  
753 such bonds so issued shall be payable semiannually or annually;  
754 however, the first interest payment may be for any period of not  
755 more than one (1) year.

756 Notice of the sale of any such bonds shall be published at  
757 least one time, not less than ten (10) days before the date of  
758 sale, and shall be so published in one or more newspapers  
759 published or having a general circulation in the City of Jackson,  
760 Mississippi, and in one or more other newspapers or financial  
761 journals with a national circulation, to be selected by the  
762 commission.

763 The commission, when issuing any bonds under the authority of  
764 Sections 39 through 54 of this act, may provide that bonds, at the  
765 option of the State of Mississippi, may be called in for payment  
766 and redemption at the call price named therein and accrued  
767 interest on such date or dates named therein.

768 **SECTION 45.** The bonds issued under the provisions of  
769 Sections 39 through 54 of this act are general obligations of the  
770 State of Mississippi, and for the payment thereof the full faith  
771 and credit of the State of Mississippi is irrevocably pledged. If  
772 the funds appropriated by the Legislature are insufficient to pay  
773 the principal of and the interest on such bonds as they become  
774 due, then the deficiency shall be paid by the State Treasurer from  
775 any funds in the State Treasury not otherwise appropriated. All  
776 such bonds shall contain recitals on their faces substantially  
777 covering the provisions of this section.

778 **SECTION 46.** Upon the issuance and sale of bonds under the  
779 provisions of Sections 39 through 54 of this act, the commission  
780 shall transfer the proceeds of any such sale or sales to the  
781 Mississippi Rural Impact Fund created in Section 57-85-5. The  
782 proceeds of such bonds shall be disbursed solely upon the order of

783 the Mississippi Development Authority under such restrictions, if  
784 any, as may be contained in the resolution providing for the  
785 issuance of the bonds.

786         **SECTION 47.** The bonds authorized under Sections 39 through  
787 54 of this act may be issued without any other proceedings or the  
788 happening of any other conditions or things other than those  
789 proceedings, conditions and things which are specified or required  
790 by Sections 39 through 54 of this act. Any resolution providing  
791 for the issuance of bonds under the provisions of Sections 39  
792 through 54 of this act shall become effective immediately upon its  
793 adoption by the commission, and any such resolution may be adopted  
794 at any regular or special meeting of the commission by a majority  
795 of its members.

796         **SECTION 48.** The bonds authorized under the authority of  
797 Sections 39 through 54 of this act may be validated in the  
798 Chancery Court of the First Judicial District of Hinds County,  
799 Mississippi, in the manner and with the force and effect provided  
800 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
801 validation of county, municipal, school district and other bonds.  
802 The notice to taxpayers required by such statutes shall be  
803 published in a newspaper published or having a general circulation  
804 in the City of Jackson, Mississippi.

805         **SECTION 49.** Any holder of bonds issued under the provisions  
806 of Sections 39 through 54 of this act or of any of the interest  
807 coupons pertaining thereto may, either at law or in equity, by  
808 suit, action, mandamus or other proceeding, protect and enforce  
809 any and all rights granted under Sections 39 through 54 of this  
810 act, or under such resolution, and may enforce and compel  
811 performance of all duties required by Sections 39 through 54 of  
812 this act to be performed, in order to provide for the payment of  
813 bonds and interest thereon.

814         **SECTION 50.** All bonds issued under the provisions of  
815 Sections 39 through 54 of this act shall be legal investments for



816 trustees and other fiduciaries, and for savings banks, trust  
817 companies and insurance companies organized under the laws of the  
818 State of Mississippi, and such bonds shall be legal securities  
819 which may be deposited with and shall be received by all public  
820 officers and bodies of this state and all municipalities and  
821 political subdivisions for the purpose of securing the deposit of  
822 public funds.

823         **SECTION 51.** Bonds issued under the provisions of Sections 39  
824 through 54 of this act and income therefrom shall be exempt from  
825 all taxation in the State of Mississippi.

826         **SECTION 52.** The proceeds of the bonds issued under Sections  
827 39 through 54 of this act shall be used solely for the purposes  
828 therein provided, including the costs incident to the issuance and  
829 sale of such bonds.

830         **SECTION 53.** The State Treasurer is authorized, without  
831 further process of law, to certify to the Department of Finance  
832 and Administration the necessity for warrants, and the Department  
833 of Finance and Administration is authorized and directed to issue  
834 such warrants, in such amounts as may be necessary to pay when due  
835 the principal of, premium, if any, and interest on, or the  
836 accreted value of, all bonds issued under Sections 39 through 54  
837 of this act; and the State Treasurer shall forward the necessary  
838 amount to the designated place or places of payment of such bonds  
839 in ample time to discharge such bonds, or the interest thereon, on  
840 the due dates thereof.

841         **SECTION 54.** Sections 39 through 54 of this act shall be  
842 deemed to be full and complete authority for the exercise of the  
843 powers therein granted, but Sections 39 through 54 of this act  
844 shall not be deemed to repeal or to be in derogation of any  
845 existing law of this state.

846         **SECTION 55.** As used in Sections 55 through 70 of this act,  
847 the following words shall have the meanings ascribed herein unless  
848 the context clearly requires otherwise:

849           (a) "Accreted value" of any bonds means, as of any date  
850 of computation, an amount equal to the sum of (i) the stated  
851 initial value of such bonds, plus (ii) the interest accrued  
852 thereon from the issue date to the date of computation at the  
853 rate, compounded semiannually, that is necessary to produce the  
854 approximate yield to maturity shown for bonds of the same  
855 maturity.

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

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

858           **SECTION 56.** (1) The Mississippi Development Authority, at  
859 one time, or from time to time, may declare by resolution the  
860 necessity for issuance of general obligation bonds of the State of  
861 Mississippi to provide funds for the grant program authorized in  
862 Section 57-1-18. Upon the adoption of a resolution by the  
863 Mississippi Development Authority, declaring the necessity for the  
864 issuance of any part or all of the general obligation bonds  
865 authorized by this section, the Mississippi Development Authority  
866 shall deliver a certified copy of its resolution or resolutions to  
867 the commission. Upon receipt of such resolution, the commission,  
868 in its discretion, may act as the issuing agent, prescribe the  
869 form of the bonds, advertise for and accept bids, issue and sell  
870 the bonds so authorized to be sold and do any and all other things  
871 necessary and advisable in connection with the issuance and sale  
872 of such bonds. The total amount of bonds issued under Sections 55  
873 through 70 of this act shall not exceed Five Million Dollars  
874 (\$5,000,000.00). No bonds authorized under Sections 55 through 70  
875 of this act shall be issued after July 1, 2008.

876           (2) The proceeds of bonds issued pursuant to Sections 55  
877 through 70 of this act shall be deposited into the Small  
878 Municipalities and Limited Population Counties Fund created  
879 pursuant to Section 57-1-18. Any investment earnings on bonds  
880 issued pursuant to Sections 55 through 70 of this act shall be  
881 used to pay debt service on bonds issued under Sections 55 through

882 70 of this act, in accordance with the proceedings authorizing  
883 issuance of such bonds.

884         **SECTION 57.** The principal of and interest on the bonds  
885 authorized under Sections 55 through 70 of this act shall be  
886 payable in the manner provided in this section. Such bonds shall  
887 bear such date or dates, be in such denomination or denominations,  
888 bear interest at such rate or rates (not to exceed the limits set  
889 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
890 at such place or places within or without the State of  
891 Mississippi, shall mature absolutely at such time or times not to  
892 exceed twenty-five (25) years from date of issue, be redeemable  
893 before maturity at such time or times and upon such terms, with or  
894 without premium, shall bear such registration privileges, and  
895 shall be substantially in such form, all as shall be determined by  
896 resolution of the commission.

897         **SECTION 58.** The bonds authorized by Sections 55 through 70  
898 of this act shall be signed by the chairman of the commission, or  
899 by his facsimile signature, and the official seal of the  
900 commission shall be affixed thereto, attested by the secretary of  
901 the commission. The interest coupons, if any, to be attached to  
902 such bonds may be executed by the facsimile signatures of such  
903 officers. Whenever any such bonds shall have been signed by the  
904 officials designated to sign the bonds who were in office at the  
905 time of such signing but who may have ceased to be such officers  
906 before the sale and delivery of such bonds, or who may not have  
907 been in office on the date such bonds may bear, the signatures of  
908 such officers upon such bonds and coupons shall nevertheless be  
909 valid and sufficient for all purposes and have the same effect as  
910 if the person so officially signing such bonds had remained in  
911 office until their delivery to the purchaser, or had been in  
912 office on the date such bonds may bear. However, notwithstanding  
913 anything herein to the contrary, such bonds may be issued as  
914 provided in the Registered Bond Act of the State of Mississippi.

915           **SECTION 59.** All bonds and interest coupons issued under the  
916 provisions of Sections 55 through 70 of this act have all the  
917 qualities and incidents of negotiable instruments under the  
918 provisions of the Uniform Commercial Code, and in exercising the  
919 powers granted by Sections 55 through 70 of this act, the  
920 commission shall not be required to and need not comply with the  
921 provisions of the Uniform Commercial Code.

922           **SECTION 60.** The commission shall act as the issuing agent  
923 for the bonds authorized under Sections 55 through 70 of this act,  
924 prescribe the form of the bonds, advertise for and accept bids,  
925 issue and sell the bonds so authorized to be sold, pay all fees  
926 and costs incurred in such issuance and sale, and do any and all  
927 other things necessary and advisable in connection with the  
928 issuance and sale of such bonds. The commission is authorized and  
929 empowered to pay the costs that are incident to the sale, issuance  
930 and delivery of the bonds authorized under Sections 55 through 70  
931 of this act from the proceeds derived from the sale of such bonds.  
932 The commission shall sell such bonds on sealed bids at public  
933 sale, and for such price as it may determine to be for the best  
934 interest of the State of Mississippi, but no such sale shall be  
935 made at a price less than par plus accrued interest to the date of  
936 delivery of the bonds to the purchaser. All interest accruing on  
937 such bonds so issued shall be payable semiannually or annually;  
938 however, the first interest payment may be for any period of not  
939 more than one (1) year.

940           Notice of the sale of any such bonds shall be published at  
941 least one time, not less than ten (10) days before the date of  
942 sale, and shall be so published in one or more newspapers  
943 published or having a general circulation in the City of Jackson,  
944 Mississippi, and in one or more other newspapers or financial  
945 journals with a national circulation, to be selected by the  
946 commission.

947           The commission, when issuing any bonds under the authority of  
948 Sections 55 through 70 of this act, may provide that bonds, at the  
949 option of the State of Mississippi, may be called in for payment  
950 and redemption at the call price named therein and accrued  
951 interest on such date or dates named therein.

952           **SECTION 61.** The bonds issued under the provisions of  
953 Sections 55 through 70 of this act are general obligations of the  
954 State of Mississippi, and for the payment thereof the full faith  
955 and credit of the State of Mississippi is irrevocably pledged. If  
956 the funds appropriated by the Legislature are insufficient to pay  
957 the principal of and the interest on such bonds as they become  
958 due, then the deficiency shall be paid by the State Treasurer from  
959 any funds in the State Treasury not otherwise appropriated. All  
960 such bonds shall contain recitals on their faces substantially  
961 covering the provisions of this section.

962           **SECTION 62.** Upon the issuance and sale of bonds under the  
963 provisions of Sections 55 through 70 of this act, the commission  
964 shall transfer the proceeds of any such sale or sales to the Small  
965 Municipalities and Limited Population Counties Fund created in  
966 Section 57-1-18. The proceeds of such bonds shall be disbursed  
967 solely upon the order of the Mississippi Development Authority  
968 under such restrictions, if any, as may be contained in the  
969 resolution providing for the issuance of the bonds.

970           **SECTION 63.** The bonds authorized under Sections 55 through  
971 70 of this act may be issued without any other proceedings or the  
972 happening of any other conditions or things other than those  
973 proceedings, conditions and things which are specified or required  
974 by Sections 55 through 70 of this act. Any resolution providing  
975 for the issuance of bonds under the provisions of Sections 55  
976 through 70 of this act shall become effective immediately upon its  
977 adoption by the commission, and any such resolution may be adopted  
978 at any regular or special meeting of the commission by a majority  
979 of its members.

980           **SECTION 64.** The bonds authorized under the authority of  
981 Sections 55 through 70 of this act may be validated in the  
982 Chancery Court of the First Judicial District of Hinds County,  
983 Mississippi, in the manner and with the force and effect provided  
984 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
985 validation of county, municipal, school district and other bonds.  
986 The notice to taxpayers required by such statutes shall be  
987 published in a newspaper published or having a general circulation  
988 in the City of Jackson, Mississippi.

989           **SECTION 65.** Any holder of bonds issued under the provisions  
990 of Sections 55 through 70 of this act or of any of the interest  
991 coupons pertaining thereto may, either at law or in equity, by  
992 suit, action, mandamus or other proceeding, protect and enforce  
993 any and all rights granted under Sections 55 through 70 of this  
994 act, or under such resolution, and may enforce and compel  
995 performance of all duties required by Sections 55 through 70 of  
996 this act to be performed, in order to provide for the payment of  
997 bonds and interest thereon.

998           **SECTION 66.** All bonds issued under the provisions of  
999 Sections 55 through 70 of this act shall be legal investments for  
1000 trustees and other fiduciaries, and for savings banks, trust  
1001 companies and insurance companies organized under the laws of the  
1002 State of Mississippi, and such bonds shall be legal securities  
1003 which may be deposited with and shall be received by all public  
1004 officers and bodies of this state and all municipalities and  
1005 political subdivisions for the purpose of securing the deposit of  
1006 public funds.

1007           **SECTION 67.** Bonds issued under the provisions of Sections 55  
1008 through 70 of this act and income therefrom shall be exempt from  
1009 all taxation in the State of Mississippi.

1010           **SECTION 68.** The proceeds of the bonds issued under Sections  
1011 55 through 70 of this act shall be used solely for the purposes

1012 therein provided, including the costs incident to the issuance and  
1013 sale of such bonds.

1014       **SECTION 69.** The State Treasurer is authorized, without  
1015 further process of law, to certify to the Department of Finance  
1016 and Administration the necessity for warrants, and the Department  
1017 of Finance and Administration is authorized and directed to issue  
1018 such warrants, in such amounts as may be necessary to pay when due  
1019 the principal of, premium, if any, and interest on, or the  
1020 accreted value of, all bonds issued under Sections 55 through 70  
1021 of this act; and the State Treasurer shall forward the necessary  
1022 amount to the designated place or places of payment of such bonds  
1023 in ample time to discharge such bonds, or the interest thereon, on  
1024 the due dates thereof.

1025       **SECTION 70.** Sections 55 through 70 of this act shall be  
1026 deemed to be full and complete authority for the exercise of the  
1027 powers therein granted, but Sections 55 through 70 of this act  
1028 shall not be deemed to repeal or to be in derogation of any  
1029 existing law of this state.

1030       **SECTION 71.** Section 57-1-18, Mississippi Code of 1972, is  
1031 amended as follows:

1032       57-1-18. (1) For the purposes of this section, the  
1033 following terms shall have the meanings ascribed in this section  
1034 unless the context clearly indicates otherwise:

1035           (a) "Limited population county" means a county in the  
1036 State of Mississippi with a population of thirty thousand (30,000)  
1037 or less according to the most recent federal decennial census at  
1038 the time the county submits its application to the MDA under this  
1039 section.

1040           (b) "MDA" means the Mississippi Development Authority.

1041           (c) "Project" means highways, streets and other  
1042 roadways, bridges, sidewalks, utilities, airfields, airports,  
1043 acquisition of equipment, acquisition of real property,

1044 development of real property, improvements to real property, and  
1045 any other project approved by the MDA.

1046 (d) "Small municipality" means a municipality in the  
1047 State of Mississippi with a population of ten thousand (10,000) or  
1048 less according to the most recent federal decennial census at the  
1049 time the municipality submits its application to the MDA under  
1050 this section.

1051 (2) (a) There is hereby created in the State Treasury a  
1052 special fund to be designated as the "Small Municipalities and  
1053 Limited Population Counties Fund," which shall consist of funds  
1054 appropriated or otherwise made available by the Legislature in any  
1055 manner and funds from any other source designated for deposit into  
1056 such fund. Unexpended amounts remaining in the fund at the end of  
1057 a fiscal year shall not lapse into the State General Fund, and any  
1058 investment earnings or interest earned on amounts in the fund  
1059 shall be deposited to the credit of the fund. Monies in the fund  
1060 shall be used to make grants to small municipalities and limited  
1061 population counties or natural gas districts created by law and  
1062 contained therein to assist in completing projects under this  
1063 section.

1064 (b) Monies in the fund which are derived from proceeds  
1065 of bonds issued under Sections 1 through 16, Chapter 538, Laws of  
1066 2002, \* \* \* Sections 1 through 16, Chapter 508, Laws of 2003, or  
1067 Sections 55 through 70 of Senate Bill No. 2010, 2004 Third  
1068 Extraordinary Session, may be used to reimburse reasonable actual  
1069 and necessary costs incurred by the MDA in providing assistance  
1070 related to a project for which funding is provided under this  
1071 section from the use of proceeds of such bonds. An accounting of  
1072 actual costs incurred for which reimbursement is sought shall be  
1073 maintained for each project by the MDA. Reimbursement of  
1074 reasonable actual and necessary costs for a project shall not  
1075 exceed three percent (3%) of the proceeds of bonds issued for such  
1076 project. Monies authorized for a particular project may not be



1077 used to reimburse administrative costs for unrelated projects.  
1078 Reimbursements under this subsection shall satisfy any applicable  
1079 federal tax law requirements.

1080 (3) The MDA shall establish a grant program to make grants  
1081 to small municipalities and limited population counties from the  
1082 Small Municipalities and Limited Population Counties Fund. Grants  
1083 made under this section to a small municipality or a limited  
1084 population county shall not exceed Two Hundred Fifty Thousand  
1085 Dollars (\$250,000.00) during any grant period established by the  
1086 MDA. A small municipality or limited population county may apply  
1087 to the MDA for a grant under this section in the manner provided  
1088 for in this section.

1089 (4) A small municipality or limited population county  
1090 desiring assistance under this section must submit an application  
1091 to the MDA. The application must include a description of the  
1092 project for which assistance is requested, the cost of the project  
1093 for which assistance is requested, the amount of assistance  
1094 requested and any other information required by the MDA.

1095 (5) The MDA shall have all powers necessary to implement and  
1096 administer the program established under this section, and the  
1097 department shall promulgate rules and regulations, in accordance  
1098 with the Mississippi Administrative Procedures Law, necessary for  
1099 the implementation of this section.

1100 (6) The MDA shall file an annual report with the Governor,  
1101 Secretary of the Senate and the Clerk of the House of  
1102 Representatives not later than December 1 of each year, describing  
1103 all assistance provided under this section.

1104 **SECTION 72.** As used in Sections 72 through 87 of this act,  
1105 the following words shall have the meanings ascribed herein unless  
1106 the context clearly requires otherwise:

1107 (a) "Accreted value" of any bonds means, as of any date  
1108 of computation, an amount equal to the sum of (i) the stated  
1109 initial value of such bonds, plus (ii) the interest accrued

1110 thereon from the issue date to the date of computation at the  
1111 rate, compounded semiannually, that is necessary to produce the  
1112 approximate yield to maturity shown for bonds of the same  
1113 maturity.

1114 (b) "State" means the State of Mississippi.

1115 (c) "Commission" means the State Bond Commission.

1116 **SECTION 73.** (1) The commission, at one time, or from time  
1117 to time, may declare by resolution the necessity for issuance of  
1118 general obligation bonds of the State of Mississippi to provide  
1119 funds for the Mississippi Land, Water and Timber Resources Fund  
1120 created in Section 69-46-7, Mississippi Code of 1972. Upon the  
1121 adoption of a resolution by the Mississippi Land, Water and Timber  
1122 Resources Board, declaring the necessity for the issuance of any  
1123 part or all of the general obligation bonds authorized by this  
1124 section, the Mississippi Land, Water and Timber Resources Board  
1125 shall deliver a certified copy of its resolution or resolutions to  
1126 the commission. Upon receipt of such resolution, the commission,  
1127 in its discretion, may act as the issuing agent, prescribe the  
1128 form of the bonds, advertise for and accept bids, issue and sell  
1129 the bonds so authorized to be sold and do any and all other things  
1130 necessary and advisable in connection with the issuance and sale  
1131 of such bonds. The total amount of bonds issued under Sections 72  
1132 through 87 of this act shall not exceed Three Million Dollars  
1133 (\$3,000,000.00). No bonds shall be issued under Sections 72  
1134 through 87 of this act after July 1, 2008.

1135 (2) The proceeds of bonds issued pursuant to Sections 72  
1136 through 87 of this act shall be deposited into the Mississippi  
1137 Land, Water and Timber Resources Fund created pursuant to Section  
1138 69-46-7, Mississippi Code of 1972. Any investment earnings on  
1139 bonds issued pursuant to Sections 72 through 87 of this act shall  
1140 be used to pay debt service on bonds issued under Sections 72  
1141 through 87 of this act, in accordance with the proceedings  
1142 authorizing issuance of such bonds.

1143           **SECTION 74.** The principal of and interest on the bonds  
1144 authorized under Sections 72 through 87 of this act shall be  
1145 payable in the manner provided in this section. Such bonds shall  
1146 bear such date or dates, be in such denomination or denominations,  
1147 bear interest at such rate or rates (not to exceed the limits set  
1148 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
1149 at such place or places within or without the State of  
1150 Mississippi, shall mature absolutely at such time or times not to  
1151 exceed twenty-five (25) years from date of issue, be redeemable  
1152 before maturity at such time or times and upon such terms, with or  
1153 without premium, shall bear such registration privileges, and  
1154 shall be substantially in such form, all as shall be determined by  
1155 resolution of the commission.

1156           **SECTION 75.** The bonds authorized by Sections 72 through 87  
1157 of this act shall be signed by the chairman of the commission, or  
1158 by his facsimile signature, and the official seal of the  
1159 commission shall be affixed thereto, attested by the secretary of  
1160 the commission. The interest coupons, if any, to be attached to  
1161 such bonds may be executed by the facsimile signatures of such  
1162 officers. Whenever any such bonds shall have been signed by the  
1163 officials designated to sign the bonds who were in office at the  
1164 time of such signing but who may have ceased to be such officers  
1165 before the sale and delivery of such bonds, or who may not have  
1166 been in office on the date such bonds may bear, the signatures of  
1167 such officers upon such bonds and coupons shall nevertheless be  
1168 valid and sufficient for all purposes and have the same effect as  
1169 if the person so officially signing such bonds had remained in  
1170 office until their delivery to the purchaser, or had been in  
1171 office on the date such bonds may bear. However, notwithstanding  
1172 anything herein to the contrary, such bonds may be issued as  
1173 provided in the Registered Bond Act of the State of Mississippi.

1174           **SECTION 76.** All bonds and interest coupons issued under the  
1175 provisions of Sections 72 through 87 of this act have all the

1176 qualities and incidents of negotiable instruments under the  
1177 provisions of the Uniform Commercial Code, and in exercising the  
1178 powers granted by Sections 72 through 87 of this act, the  
1179 commission shall not be required to and need not comply with the  
1180 provisions of the Uniform Commercial Code.

1181       **SECTION 77.** The commission shall act as the issuing agent  
1182 for the bonds authorized under Sections 72 through 87 of this act,  
1183 prescribe the form of the bonds, advertise for and accept bids,  
1184 issue and sell the bonds so authorized to be sold, pay all fees  
1185 and costs incurred in such issuance and sale, and do any and all  
1186 other things necessary and advisable in connection with the  
1187 issuance and sale of such bonds. The commission is authorized and  
1188 empowered to pay the costs that are incident to the sale, issuance  
1189 and delivery of the bonds authorized under Sections 72 through 87  
1190 of this act from the proceeds derived from the sale of such bonds.  
1191 The commission shall sell such bonds on sealed bids at public  
1192 sale, and for such price as it may determine to be for the best  
1193 interest of the State of Mississippi, but no such sale shall be  
1194 made at a price less than par plus accrued interest to the date of  
1195 delivery of the bonds to the purchaser. All interest accruing on  
1196 such bonds so issued shall be payable semiannually or annually;  
1197 however, the first interest payment may be for any period of not  
1198 more than one (1) year.

1199       Notice of the sale of any such bonds shall be published at  
1200 least one time, not less than ten (10) days before the date of  
1201 sale, and shall be so published in one or more newspapers  
1202 published or having a general circulation in the City of Jackson,  
1203 Mississippi, and in one or more other newspapers or financial  
1204 journals with a national circulation, to be selected by the  
1205 commission.

1206       The commission, when issuing any bonds under the authority of  
1207 Sections 72 through 87 of this act, may provide that bonds, at the  
1208 option of the State of Mississippi, may be called in for payment

1209 and redemption at the call price named therein and accrued  
1210 interest on such date or dates named therein.

1211         **SECTION 78.** The bonds issued under the provisions of  
1212 Sections 72 through 87 of this act are general obligations of the  
1213 State of Mississippi, and for the payment thereof the full faith  
1214 and credit of the State of Mississippi is irrevocably pledged. If  
1215 the funds appropriated by the Legislature are insufficient to pay  
1216 the principal of and the interest on such bonds as they become  
1217 due, then the deficiency shall be paid by the State Treasurer from  
1218 any funds in the State Treasury not otherwise appropriated. All  
1219 such bonds shall contain recitals on their faces substantially  
1220 covering the provisions of this section.

1221         **SECTION 79.** Upon the issuance and sale of bonds under the  
1222 provisions of Sections 72 through 87 of this act, the commission  
1223 shall transfer the proceeds of any such sale or sales to the  
1224 Mississippi Land, Water and Timber Resources Fund created in  
1225 Section 69-46-7, Mississippi Code of 1972.

1226         **SECTION 80.** The bonds authorized under Sections 72 through  
1227 87 of this act may be issued without any other proceedings or the  
1228 happening of any other conditions or things other than those  
1229 proceedings, conditions and things which are specified or required  
1230 by Sections 72 through 87 of this act. Any resolution providing  
1231 for the issuance of bonds under the provisions of Sections 72  
1232 through 87 of this act shall become effective immediately upon its  
1233 adoption by the commission, and any such resolution may be adopted  
1234 at any regular or special meeting of the commission by a majority  
1235 of its members.

1236         **SECTION 81.** The bonds authorized under the authority of  
1237 Sections 72 through 87 of this act may be validated in the  
1238 Chancery Court of the First Judicial District of Hinds County,  
1239 Mississippi, in the manner and with the force and effect provided  
1240 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
1241 validation of county, municipal, school district and other bonds.

1242 The notice to taxpayers required by such statutes shall be  
1243 published in a newspaper published or having a general circulation  
1244 in the City of Jackson, Mississippi.

1245         **SECTION 82.** Any holder of bonds issued under the provisions  
1246 of Sections 72 through 87 of this act or of any of the interest  
1247 coupons pertaining thereto may, either at law or in equity, by  
1248 suit, action, mandamus or other proceeding, protect and enforce  
1249 any and all rights granted under Sections 72 through 87 of this  
1250 act, or under such resolution, and may enforce and compel  
1251 performance of all duties required by Sections 72 through 87 of  
1252 this act to be performed, in order to provide for the payment of  
1253 bonds and interest thereon.

1254         **SECTION 83.** All bonds issued under the provisions of  
1255 Sections 72 through 87 of this act shall be legal investments for  
1256 trustees and other fiduciaries, and for savings banks, trust  
1257 companies and insurance companies organized under the laws of the  
1258 State of Mississippi, and such bonds shall be legal securities  
1259 which may be deposited with and shall be received by all public  
1260 officers and bodies of this state and all municipalities and  
1261 political subdivisions for the purpose of securing the deposit of  
1262 public funds.

1263         **SECTION 84.** Bonds issued under the provisions of Sections 72  
1264 through 87 of this act and income therefrom shall be exempt from  
1265 all taxation in the State of Mississippi.

1266         **SECTION 85.** The proceeds of the bonds issued under Sections  
1267 72 through 87 of this act shall be used solely for the purposes  
1268 herein provided, including the costs incident to the issuance and  
1269 sale of such bonds.

1270         **SECTION 86.** The State Treasurer is authorized, without  
1271 further process of law, to certify to the Department of Finance  
1272 and Administration the necessity for warrants, and the Department  
1273 of Finance and Administration is authorized and directed to issue  
1274 such warrants, in such amounts as may be necessary to pay when due

1275 the principal of, premium, if any, and interest on, or the  
1276 accreted value of, all bonds issued under Sections 72 through 87  
1277 of this act; and the State Treasurer shall forward the necessary  
1278 amount to the designated place or places of payment of such bonds  
1279 in ample time to discharge such bonds, or the interest thereon, on  
1280 the due dates thereof.

1281       **SECTION 87.** Sections 72 through 87 of this act shall be  
1282 deemed to be full and complete authority for the exercise of the  
1283 powers herein granted, but Sections 72 through 87 of this act  
1284 shall not be deemed to repeal or to be in derogation of any  
1285 existing law of this state.

1286       **SECTION 88.** Section 69-46-7, Mississippi Code of 1972, is  
1287 amended as follows:

1288       69-46-7. (1) (a) The Mississippi Land, Water and Timber  
1289 Resources Board may accept and expend funds appropriated or  
1290 otherwise made available by the Legislature and funds from any  
1291 other source in order to carry out the provisions of the  
1292 Mississippi Land, Water and Timber Resources Act. Such funds  
1293 shall be deposited into a special fund hereby established in the  
1294 State Treasury to be known as the "Mississippi Land, Water and  
1295 Timber Resources Fund." Unexpended amounts derived from bond  
1296 proceeds or private funds, or both, remaining in the fund at the  
1297 end of a fiscal year shall not lapse into the State General Fund,  
1298 and any investment earnings or interest earned on such amounts in  
1299 the fund shall be deposited to the credit of the fund. All other  
1300 unexpended amounts remaining in the fund at the end of a fiscal  
1301 year shall lapse into the State General Fund. The board may  
1302 provide to the Mississippi Department of Agriculture and Commerce  
1303 not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), in  
1304 the aggregate, of monies in the fund that are derived from  
1305 proceeds of bonds issued under Sections 1 through 16 of Chapter  
1306 538, Laws of 2001, and/or Sections 1 through 16 of Chapter 542,  
1307 Laws of 2002, for the purpose of providing additional funds to

1308 defray costs incurred by the department in assisting the board in  
1309 carrying out the provisions of the Mississippi Land, Water and  
1310 Timber Resources Act. However, the Mississippi Department of  
1311 Agriculture and Commerce may not use any portion of such funds for  
1312 the purpose of hiring any person as an employee as defined in  
1313 Section 25-3-91(c). The Mississippi Department of Agriculture may  
1314 escalate its budget and expend such funds, when provided by the  
1315 board, in accordance with rules and regulations of the Department  
1316 of Finance and Administration in a manner consistent with the  
1317 escalation of federal funds. The board may provide to the  
1318 Mississippi Development Authority not more than Two Hundred Fifty  
1319 Thousand Dollars (\$250,000.00), in the aggregate, of monies in the  
1320 fund that are derived from proceeds of bonds issued under Sections  
1321 1 through 16 of Chapter 538, Laws of 2001, and/or Sections 1  
1322 through 16 of Chapter 542, Laws of 2002, for the purpose of  
1323 providing additional funds to defray costs incurred by the  
1324 Mississippi Development Authority in assisting the board in  
1325 carrying out the provisions of the Mississippi Land, Water and  
1326 Timber Resources Act. However, the Mississippi Development  
1327 Authority may not use any portion of such funds for the purpose of  
1328 hiring any person as an employee as defined in Section 25-3-91(c).  
1329 The Mississippi Development Authority may escalate its budget and  
1330 expend such funds, when provided by the board, in accordance with  
1331 rules and regulations of the Department of Finance and  
1332 Administration in a manner consistent with the escalation of  
1333 federal funds.

1334 (b) (i) The Mississippi Land, Water and Timber  
1335 Resources Board may provide to the Mississippi Department of  
1336 Agriculture and Commerce not more than One Hundred Twenty-five  
1337 Thousand Dollars (\$125,000.00), in the aggregate, of monies in the  
1338 fund that are derived from proceeds of bonds issued under Sections  
1339 1 through 16 of Chapter 505, Laws of 2003, and One Hundred  
1340 Twenty-five Thousand Dollars (\$125,000.00), in the aggregate, of



1341 monies in the fund that are derived from proceeds of bonds issued  
1342 under Sections 72 through 87 of Senate Bill No. 2010, 2004 Third  
1343 Extraordinary Session, for the purpose of providing additional  
1344 funds to defray costs incurred by the department in assisting the  
1345 board in carrying out the provisions of the Mississippi Land,  
1346 Water and Timber Resources Act. However, the Mississippi  
1347 Department of Agriculture and Commerce may not use any portion of  
1348 such funds for the purpose of hiring any person as an employee as  
1349 defined in Section 25-3-91(c). The Mississippi Department of  
1350 Agriculture and Commerce may escalate its budget and expend such  
1351 funds, when provided by the board, in accordance with rules and  
1352 regulations of the Department of Finance and Administration in a  
1353 manner consistent with the escalation of federal funds.

1354 (ii) The Mississippi Land, Water and Timber  
1355 Resources Board may provide to the Mississippi Development  
1356 Authority not more than One Hundred Twenty-five Thousand Dollars  
1357 (\$125,000.00), in the aggregate, of monies in the fund that are  
1358 derived from proceeds of bonds issued under Sections 1 through 16  
1359 of Chapter 505, Laws of 2003, and One Hundred Twenty-five Thousand  
1360 Dollars (\$125,000.00), in the aggregate, of monies in the fund  
1361 that are derived from proceeds of bonds issued under Sections 72  
1362 through 87 of Senate Bill No. 2010, 2004 Third Extraordinary  
1363 Session, for the purpose of providing additional funds to defray  
1364 costs incurred by the Mississippi Development Authority in  
1365 assisting the board in carrying out the provisions of the  
1366 Mississippi Land, Water and Timber Resources Act. However, the  
1367 Mississippi Development Authority may not use any portion of such  
1368 funds for the purpose of hiring any person as an employee as  
1369 defined in Section 25-3-91(c). The Mississippi Development  
1370 Authority may escalate its budget and expend such funds, when  
1371 provided by the board, in accordance with rules and regulations of  
1372 the Department of Finance and Administration in a manner  
1373 consistent with the escalation of federal funds.

1374 (iii) The Mississippi Land, Water and Timber  
1375 Resources Board may provide to the Department of Audit not more  
1376 than Fifty Thousand Dollars (\$50,000.00), in the aggregate, of  
1377 monies in the fund that are derived from proceeds of bonds issued  
1378 under Sections 1 through 16 of Chapter 505, Laws of 2003, and  
1379 Fifty Thousand Dollars (\$50,000.00), in the aggregate, of monies  
1380 in the fund that are derived from proceeds of bonds issued under  
1381 Sections 72 through 87 of Senate Bill No. 2010, 2004 Third  
1382 Extraordinary Session, for the purpose of providing additional  
1383 funds to defray costs incurred by the department in assisting the  
1384 board in carrying out the provisions of the Mississippi Land,  
1385 Water and Timber Resources Act. However, the Department of Audit  
1386 may not use any portion of such funds for the purpose of hiring  
1387 any person as an employee as defined in Section 25-3-91(c). The  
1388 Department of Audit may escalate its budget and expend such funds,  
1389 when provided by the board, in accordance with rules and  
1390 regulations of the Department of Finance and Administration in a  
1391 manner consistent with the escalation of federal funds.

1392 (2) The Mississippi Land, Water and Timber Resources Board  
1393 shall set aside One Million Dollars (\$1,000,000.00) of the monies  
1394 in the Mississippi Land, Water and Timber Resources Fund that are  
1395 derived from proceeds of bonds issued under Sections 1 through 16  
1396 of Chapter 505, Laws of 2003, for the purpose of providing funds  
1397 to the Mississippi Department of Agriculture and Commerce for use  
1398 in making payments to ethanol producers under Section 69-51-5  
1399 during the state fiscal year beginning July 1, 2003, and ending  
1400 June 30, 2004. Any monies set aside which are not used for such  
1401 purposes during the fiscal year shall no longer be set aside for  
1402 such purposes after the end of the fiscal year. In addition, if  
1403 the Commissioner of Agriculture and Commerce determines during  
1404 such fiscal year that no ethanol producer will be eligible for  
1405 such payments during the fiscal year, the commissioner shall  
1406 inform the board of his determination and the monies set aside

1407 shall no longer be set aside for such purposes. The Mississippi  
1408 Department of Agriculture and Commerce may escalate its budget and  
1409 expend funds, when provided by the board under this subsection  
1410 (2), in accordance with rules and regulations of the Department of  
1411 Finance and Administration in a manner consistent with the  
1412 escalation of federal funds.

1413 (3) In anticipation of the issuance of bonds authorized for  
1414 the purpose of providing funds for the Mississippi Land, Water and  
1415 Timber Resources Fund, the State Bond Commission is authorized to  
1416 negotiate and enter into any purchase, loan, credit or other  
1417 agreement with any bank, trust company or other lending  
1418 institution or to issue and sell interim notes for the purpose of  
1419 carrying out the provisions of the Mississippi Land, Water and  
1420 Timber Resources Act. All borrowings made under this subsection  
1421 (3) shall be evidenced by notes of the State of Mississippi, which  
1422 shall be issued from time to time, for such amounts, in such form  
1423 and in such denomination and subject to such terms and conditions  
1424 of sale and issuance, prepayment or redemption and maturity, rate  
1425 or rates of interest not to exceed the maximum rate authorized for  
1426 bonds in Section 75-17-101, and time of payment of interest as the  
1427 State Bond Commission shall agree to in such agreement. Such  
1428 notes shall constitute general obligations of the State of  
1429 Mississippi, and shall be backed by the full faith and credit of  
1430 the state. Such notes may also be issued for the purpose of  
1431 refunding previously issued notes. No note shall mature more than  
1432 three (3) years following the date of its issuance. The State  
1433 Bond Commission is authorized to provide for the compensation of  
1434 any purchaser of the notes by payment of a fixed fee or commission  
1435 and for all other costs and expenses of issuance and service,  
1436 including paying agent costs. Such costs and expenses may be paid  
1437 from the proceeds of the notes. Borrowings made under the  
1438 provisions of this subsection (3) shall not exceed the aggregate

1439 sum of Five Million Dollars (\$5,000,000.00) outstanding at any one  
1440 time.

1441 **SECTION 89.** Section 57-61-25, Mississippi Code of 1972, is  
1442 amended as follows:

1443 57-61-25. (1) The seller is authorized to borrow, on the  
1444 credit of the state upon receipt of a resolution from the  
1445 Mississippi Development Authority requesting the same, money not  
1446 exceeding the aggregate sum of Two Hundred Ninety-two Million  
1447 Dollars (\$292,000,000.00), not including money borrowed to refund  
1448 outstanding bonds, notes or replacement notes, as may be necessary  
1449 to carry out the purposes of this chapter. \* \* \* The rate of  
1450 interest on any such bonds or notes which are not subject to  
1451 taxation shall not exceed the rates set forth in Section  
1452 75-17-101, Mississippi Code of 1972, for general obligation bonds.

1453 (2) As evidence of indebtedness authorized in this chapter,  
1454 general or limited obligation bonds of the state shall be issued  
1455 from time to time, to provide monies necessary to carry out the  
1456 purposes of this chapter for such total amounts, in such form, in  
1457 such denominations payable in such currencies (either domestic or  
1458 foreign or both) and subject to such terms and conditions of  
1459 issue, redemption and maturity, rate of interest and time of  
1460 payment of interest as the seller directs, except that such bonds  
1461 shall mature or otherwise be retired in annual installments  
1462 beginning not more than five (5) years from date thereof and  
1463 extending not more than thirty (30) years from date thereof.

1464 (3) All bonds and notes issued under authority of this  
1465 chapter shall be signed by the chairman of the seller, or by his  
1466 facsimile signature, and the official seal of the seller shall be  
1467 affixed thereto, attested by the secretary of the seller.

1468 (4) All bonds and notes issued under authority of this  
1469 chapter may be general or limited obligations of the state, and  
1470 the full faith and credit of the State of Mississippi as to  
1471 general obligation bonds, or the revenues derived from projects

1472 assisted as to limited obligation bonds, are hereby pledged for  
1473 the payment of the principal of and interest on such bonds and  
1474 notes.

1475 (5) Such bonds and notes and the income therefrom shall be  
1476 exempt from all taxation in the State of Mississippi.

1477 (6) The bonds may be issued as coupon bonds or registered as  
1478 to both principal and interest, as the seller may determine. If  
1479 interest coupons are attached, they shall contain the facsimile  
1480 signature of the chairman and secretary of the seller.

1481 (7) The seller is authorized to provide, by resolution, for  
1482 the issuance of refunding bonds for the purpose of refunding any  
1483 debt issued under the provision of this chapter and then  
1484 outstanding, either by voluntary exchange with the holders of the  
1485 outstanding debt or to provide funds to redeem and the costs of  
1486 issuance and retirement of the debt, at maturity or at any call  
1487 date. The issuance of the refunding bonds, the maturities and  
1488 other details thereof, the rights of the holders thereof and the  
1489 duties of the issuing officials in respect to the same shall be  
1490 governed by the provisions of this section, insofar as they may be  
1491 applicable.

1492 (8) As to bonds issued hereunder and designated as taxable  
1493 bonds by the seller, any immunity of the state to taxation by the  
1494 United States government of interest on bonds or notes issued by  
1495 the state is hereby waived.

1496 (9) The proceeds of bonds issued under this chapter after  
1497 April 9, 2002, may be used to reimburse reasonable, actual and  
1498 necessary costs incurred by the Mississippi Development Authority  
1499 in administering a program or providing assistance related to a  
1500 project, or both, for which funding is provided from the use of  
1501 proceeds of such bonds. An accounting of actual costs incurred  
1502 for which reimbursement is sought shall be maintained for each  
1503 project by the Mississippi Development Authority. Reimbursement  
1504 of reasonable, actual and necessary costs for a program or project

1505 shall not exceed three percent (3%) of the proceeds of bonds  
1506 issued for such program or project. Monies authorized for a  
1507 particular program or project may not be used to reimburse  
1508 administrative costs for unrelated programs or projects.  
1509 Reimbursements under this subsection shall satisfy any applicable  
1510 federal tax law requirements.

1511       **SECTION 90.** Section 57-61-36, Mississippi Code of 1972, is  
1512 amended as follows:

1513       57-61-36. (1) Notwithstanding any provision of this chapter  
1514 to the contrary, the Mississippi Development Authority shall  
1515 utilize not more than Twelve Million Five Hundred Thousand Dollars  
1516 (\$12,500,000.00) out of the proceeds of bonds authorized to be  
1517 issued in this chapter for the purpose of making grants to  
1518 municipalities through a development infrastructure grant fund to  
1519 complete infrastructure related to new or expanded industry.

1520       (2) Notwithstanding any provision of this chapter to the  
1521 contrary, the Mississippi Development Authority may utilize not  
1522 more than Seven Million Dollars (\$7,000,000.00) out of the  
1523 proceeds of bonds authorized to be issued in this chapter for the  
1524 purpose of making interest-bearing loans to any agency,  
1525 department, institution, instrumentality or political subdivision  
1526 of the state; or any agency, department, institution or  
1527 instrumentality of any political subdivision of the state; or any  
1528 business, organization, corporation, association or other legal  
1529 entity meeting criteria established by the department, through a  
1530 housing development revolving loan fund, to construct or repair  
1531 housing for low or moderate income earners; provided, however,  
1532 that the department may not utilize any bond proceeds authorized  
1533 under this chapter for the purpose of making any loans to the  
1534 Mississippi Home Corporation for any purpose whatsoever. No more  
1535 than forty percent (40%) of the additional bonds authorized by  
1536 Chapter 559, Laws of 1998, may be used for multiple family housing  
1537 activities. Funds authorized under this subsection may be

1538 deposited in the Mississippi Affordable Housing Development Fund  
1539 authorized in Section 43-33-759 and used for purposes authorized  
1540 by that section. This subsection (2) shall be repealed from and  
1541 after July 1, 2006.

1542 (3) Notwithstanding any provision of this chapter to the  
1543 contrary, the Mississippi Development Authority shall utilize not  
1544 more than Ten Million Five Hundred Thousand Dollars  
1545 (\$10,500,000.00) out of the proceeds of bonds authorized to be  
1546 issued in this chapter for the purpose of making grants or loans  
1547 to municipalities through an equipment and public facilities grant  
1548 and loan fund to aid in infrastructure-related improvements as  
1549 determined by the Mississippi Development Authority, the purchase  
1550 of equipment and in the purchase, construction or repair and  
1551 renovation of public facilities. Any bonds previously issued for  
1552 the Development Infrastructure Revolving Loan Program which have  
1553 not been loaned or applied for are eligible to be administered as  
1554 grants or loans.

1555 The requirements of Section 57-61-9 shall not apply to any  
1556 grant made under this subsection. The Mississippi Development  
1557 Authority may establish criteria and guidelines to govern grants  
1558 made pursuant to this subsection.

1559 (4) Notwithstanding any provision of this chapter to the  
1560 contrary, the Mississippi Development Authority may utilize not  
1561 more than Seven Hundred Fifty Thousand Dollars (\$750,000.00) out  
1562 of the proceeds of bonds authorized to be issued in this chapter  
1563 in order to match federal funds available from the United States  
1564 Department of Agriculture for the purpose of establishing an  
1565 intermediary relending program to be administered by the  
1566 Mississippi Development Authority. The Mississippi Development  
1567 Authority may establish criteria and guidelines to govern loans  
1568 made under such program. This subsection (4) shall be repealed  
1569 from and after April 9, 2002.

1570           (5) The Mississippi Development Authority may establish a  
1571 capital access program and may contract with any financial  
1572 institution to participate in the program upon such terms and  
1573 conditions as the authority shall consider necessary and proper.  
1574 The Mississippi Development Authority may establish loss reserve  
1575 accounts at financial institutions that participate in the program  
1576 and require payments by the financial institution and the borrower  
1577 to such loss reserve accounts. All money in such loss reserve  
1578 accounts is the property of the Mississippi Development Authority.

1579           Under the capital access program a participating financial  
1580 institution may make a loan to any borrower the Mississippi  
1581 Development Authority determines to be qualified under rules and  
1582 regulations adopted by the authority and be protected against  
1583 losses from such loans as provided in the program. Under such  
1584 rules and regulations as may be adopted by the Mississippi  
1585 Development Authority, a participating financial institution may  
1586 submit claims for the reimbursement for losses incurred as a  
1587 result of default on loans by qualified borrowers.

1588           Notwithstanding any provision of this chapter to the  
1589 contrary, the Mississippi Development Authority may utilize not  
1590 more than Seven Hundred Fifty Thousand Dollars (\$750,000.00) out  
1591 of the proceeds of bonds authorized to be issued in this chapter  
1592 for the purpose of making payments to loan loss reserve accounts  
1593 established at financial institutions that participate in the  
1594 capital access program established by the Mississippi Development  
1595 Authority.

1596           (6) Notwithstanding any provision of this chapter to the  
1597 contrary, the Mississippi Development Authority shall utilize not  
1598 more than Two Hundred Thousand Dollars (\$200,000.00) out of the  
1599 proceeds of bonds authorized to be issued in this chapter for the  
1600 purpose of assisting Warren County, Mississippi, in the  
1601 continuation and completion of the study for the proposed Kings  
1602 Point levee.



1603           (7) Notwithstanding any provision of this chapter to the  
1604 contrary, the Mississippi Development Authority shall utilize not  
1605 more than One Hundred Thousand Dollars (\$100,000.00) out of the  
1606 proceeds of bonds authorized to be issued in this chapter for the  
1607 purpose of developing a long-range plan for coordinating the  
1608 resources of the state institutions of higher learning, the  
1609 community and junior colleges, the Mississippi Development  
1610 Authority and other state agencies in order to promote economic  
1611 development in the state.

1612           (8) Notwithstanding any other provision of this chapter to  
1613 the contrary, the Mississippi Development Authority shall use not  
1614 more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of  
1615 the proceeds of bonds authorized to be issued in this chapter for  
1616 the purpose of providing assistance to municipalities that have  
1617 received community development block grant funds for repair,  
1618 renovation and other improvements to buildings for use as  
1619 community centers. Assistance provided to a municipality under  
1620 this subsection shall be used by the municipality to match such  
1621 community development block grant funds. The maximum amount of  
1622 assistance that may be provided to a municipality under this  
1623 subsection shall not exceed Seventy-five Thousand Dollars  
1624 (\$75,000.00) in the aggregate.

1625           **SECTION 91.** Section 57-75-5, Mississippi Code of 1972, is  
1626 amended as follows:

1627           57-75-5. Words and phrases used in this chapter shall have  
1628 meanings as follows, unless the context clearly indicates a  
1629 different meaning:

1630           (a) "Act" means the Mississippi Major Economic Impact  
1631 Act as originally enacted or as hereafter amended.

1632           (b) "Authority" means the Mississippi Major Economic  
1633 Impact Authority created pursuant to the act.

1634           (c) "Bonds" means general obligation bonds, interim  
1635 notes and other evidences of debt of the State of Mississippi  
1636 issued pursuant to this chapter.

1637           (d) "Facility related to the project" means and  
1638 includes any of the following, as the same may pertain to the  
1639 project within the project area: (i) facilities to provide  
1640 potable and industrial water supply systems, sewage and waste  
1641 disposal systems and water, natural gas and electric transmission  
1642 systems to the site of the project; (ii) airports, airfields and  
1643 air terminals; (iii) rail lines; (iv) port facilities; (v)  
1644 highways, streets and other roadways; (vi) public school  
1645 buildings, classrooms and instructional facilities, training  
1646 facilities and equipment, including any functionally related  
1647 facilities; (vii) parks, outdoor recreation facilities and  
1648 athletic facilities; (viii) auditoriums, pavilions, campgrounds,  
1649 art centers, cultural centers, folklore centers and other public  
1650 facilities; (ix) health care facilities, public or private; and  
1651 (x) fire protection facilities, equipment and elevated water  
1652 tanks.

1653           (e) "Person" means any natural person, corporation,  
1654 association, partnership, receiver, trustee, guardian, executor,  
1655 administrator, fiduciary, governmental unit, public agency,  
1656 political subdivision, or any other group acting as a unit, and  
1657 the plural as well as the singular.

1658           (f) "Project" means:

1659           (i) Any industrial, commercial, research and  
1660 development, warehousing, distribution, transportation,  
1661 processing, mining, United States government or tourism enterprise  
1662 together with all real property required for construction,  
1663 maintenance and operation of the enterprise with an initial  
1664 capital investment of not less than Three Hundred Million Dollars  
1665 (\$300,000,000.00) from private or United States government sources  
1666 together with all buildings, and other supporting land and

1667 facilities, structures or improvements of whatever kind required  
1668 or useful for construction, maintenance and operation of the  
1669 enterprise; or with an initial capital investment of not less than  
1670 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
1671 or United States government sources together with all buildings  
1672 and other supporting land and facilities, structures or  
1673 improvements of whatever kind required or useful for construction,  
1674 maintenance and operation of the enterprise and which creates at  
1675 least one thousand (1,000) net new full-time jobs; or which  
1676 creates at least one thousand (1,000) net new full-time jobs which  
1677 provides an average salary, excluding benefits which are not  
1678 subject to Mississippi income taxation, of at least one hundred  
1679 twenty-five percent (125%) of the most recently published average  
1680 annual wage of the state as determined by the Mississippi  
1681 Department of Employment Security. "Project" shall include any  
1682 addition to or expansion of an existing enterprise if such  
1683 addition or expansion has an initial capital investment of not  
1684 less than Three Hundred Million Dollars (\$300,000,000.00) from  
1685 private or United States government sources, or has an initial  
1686 capital investment of not less than One Hundred Fifty Million  
1687 Dollars (\$150,000,000.00) from private or United States government  
1688 sources together with all buildings and other supporting land and  
1689 facilities, structures or improvements of whatever kind required  
1690 or useful for construction, maintenance and operation of the  
1691 enterprise and which creates at least one thousand (1,000) net new  
1692 full-time jobs; or which creates at least one thousand (1,000) net  
1693 new full-time jobs which provides an average salary, excluding  
1694 benefits which are not subject to Mississippi income taxation, of  
1695 at least one hundred twenty-five percent (125%) of the most  
1696 recently published average annual wage of the state as determined  
1697 by the Mississippi Department of Employment Security. "Project"  
1698 shall also include any ancillary development or business resulting  
1699 from the enterprise, of which the authority is notified, within

1700 three (3) years from the date that the enterprise entered into  
1701 commercial production, that the project area has been selected as  
1702 the site for the ancillary development or business.

1703 (ii) 1. Any major capital project designed to  
1704 improve, expand or otherwise enhance any active duty or reserve  
1705 United States Armed Services bases and facilities or any major  
1706 Mississippi National Guard training installations, their support  
1707 areas or their military operations, upon designation by the  
1708 authority that any such base was or is at risk to be recommended  
1709 for closure or realignment pursuant to the Defense Base Closure  
1710 and Realignment Act of 1990, as amended, other applicable federal  
1711 law; or any major development project determined by the authority  
1712 to be necessary to acquire or improve base properties and to  
1713 provide employment opportunities through construction of projects  
1714 as defined in Section 57-3-5, which shall be located on or provide  
1715 direct support service or access to such military installation  
1716 property \* \* \* in the event of closure or reduction of military  
1717 operations at the installation. \* \* \*

1718 2. Any major study or investigation related  
1719 to such a facility, installation or base, upon a determination by  
1720 the authority that the study or investigation is critical to the  
1721 expansion, retention or reuse of the facility, installation or  
1722 base.

1723 3. Any project as defined in Section 57-3-5,  
1724 any business or enterprise determined to be in the furtherance of  
1725 the public purposes of this act as determined by the authority or  
1726 any facility related to such project each of which shall be,  
1727 directly or indirectly, related to any military base or other  
1728 military-related facility no longer operated by the United States  
1729 Armed Services or the Mississippi National Guard.

1730 (iii) Any enterprise to be maintained, improved or  
1731 constructed in Tishomingo County by or for a National Aeronautics  
1732 and Space Administration facility in such county.

1733 (iv) 1. Any major capital project with an initial  
1734 capital investment from private sources of not less than Seven  
1735 Hundred Fifty Million Dollars (\$750,000,000.00) which will create  
1736 at least three thousand (3,000) jobs meeting criteria established  
1737 by the Mississippi Development Authority.

1738 2. "Project" shall also include any ancillary  
1739 development or business resulting from an enterprise operating a  
1740 project as defined in item 1 of this paragraph (f)(iv), of which  
1741 the authority is notified, within three (3) years from the date  
1742 that the enterprise entered into commercial production, that the  
1743 state has been selected as the site for the ancillary development  
1744 or business.

1745 (v) Any manufacturing, processing or industrial  
1746 project determined by the authority, in its sole discretion, to  
1747 contribute uniquely and significantly to the economic growth and  
1748 development of the state, and which meets the following criteria:

1749 1. The project shall create at least two  
1750 thousand (2,000) net new full-time jobs meeting criteria  
1751 established by the authority, which criteria shall include, but  
1752 not be limited to, the requirement that such jobs must be held by  
1753 persons eligible for employment in the United States under  
1754 applicable state and federal law.

1755 2. The project and any facility related to  
1756 the project shall include a total investment from private sources  
1757 of not less than Sixty Million Dollars (\$60,000,000.00), or from  
1758 any combination of sources of not less than Eighty Million Dollars  
1759 (\$80,000,000.00).

1760 (vi) Any real property owned or controlled by the  
1761 National Aeronautics and Space Administration, the United States  
1762 government, or any agency thereof, which is legally conveyed to  
1763 the State of Mississippi or to the State of Mississippi for the  
1764 benefit of the Mississippi Major Economic Impact Authority, its

1765 successors and assigns pursuant to Section 212 of Public Law  
1766 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

1767 (vii) Any major capital project related to the  
1768 establishment, improvement, expansion and/or other enhancement of  
1769 any active duty military installation and having a minimum capital  
1770 investment from any source or combination of sources other than  
1771 the State of Mississippi of at least Forty Million Dollars  
1772 (\$40,000,000.00), and which will create at least four hundred  
1773 (400) military installation related full-time jobs, which jobs may  
1774 be military jobs, civilian jobs or a combination of military and  
1775 civilian jobs. The authority shall require that binding  
1776 commitments be entered into requiring that the minimum  
1777 requirements for the project provided for in this subparagraph  
1778 shall be met not later than July 1, 2008.

1779 (viii) Any major capital project with an initial  
1780 capital investment from any source or combination of sources of  
1781 not less than Ten Million Dollars (\$10,000,000.00) which will  
1782 create at least eighty (80) full-time jobs which provide an  
1783 average annual salary, excluding benefits which are not subject to  
1784 Mississippi income taxes, of at least one hundred thirty-five  
1785 percent (135%) of the most recently published average annual wage  
1786 of the state or the most recently published average annual wage of  
1787 the county in which the project is located as determined by the  
1788 Mississippi Department of Employment Security, whichever is the  
1789 lesser. The authority shall require that binding commitments be  
1790 entered into requiring that:

1791 1. The minimum requirements for the project  
1792 provided for in this subparagraph shall be met, and

1793 2. That if such commitments are not met, all  
1794 or a portion of the funds provided by the state for the project as  
1795 determined by the authority shall be repaid.

1796 (ix) Any regional retail shopping mall with an  
1797 initial capital investment from private sources in excess of One

1798 Hundred Fifty Million Dollars (\$150,000,000.00), with a square  
1799 footage in excess of eight hundred thousand (800,000) square feet,  
1800 which will create at least seven hundred (700) full-time jobs with  
1801 an average hourly wage of Eleven Dollars (\$11.00) per hour. The  
1802 authority shall require that binding commitments be entered into  
1803 requiring that:

1804                   1. The minimum requirements for the project  
1805 provided for in this subparagraph shall be met, and

1806                   2. That if such commitments are not met, all  
1807 or a portion of the funds provided by the state for the project as  
1808 determined by the authority shall be repaid.

1809                   (x) Any major capital project with an initial  
1810 capital investment from any source or combination of sources of  
1811 not less than Seventy-five Million Dollars (\$75,000,000.00) which  
1812 will create at least one hundred twenty-five (125) full-time jobs  
1813 which provide an average annual salary, excluding benefits which  
1814 are not subject to Mississippi income taxes, of at least one  
1815 hundred thirty-five percent (135%) of the most recently published  
1816 average annual wage of the state or the most recently published  
1817 average annual wage of the county in which the project is located  
1818 as determined by the Mississippi Department of Employment  
1819 Security, whichever is the greater. The authority shall require  
1820 that binding commitments be entered into requiring that:

1821                   1. The minimum requirements for the project  
1822 provided for in this subparagraph shall be met; and

1823                   2. That if such commitments are not met, all  
1824 or a portion of the funds provided by the state for the project as  
1825 determined by the authority shall be repaid.

1826                   (xi) Any potential major capital project that the  
1827 authority has determined is feasible to recruit.

1828                   (xii) Any project built according to the  
1829 specifications and federal provisions set forth by the National  
1830 Aeronautics and Space Administration Center Operations Directorate

1831 at Stennis Space Center for the purpose of consolidating common  
1832 services from National Aeronautics and Space Administration  
1833 centers in human resources, procurement, financial management and  
1834 information technology located on land owned or controlled by the  
1835 National Aeronautics and Space Administration, which will create  
1836 at least four hundred seventy (470) full-time jobs with an average  
1837 annual salary of at least Sixty Thousand Dollars (\$60,000.00).

1838 (xiii) Any major capital project with an initial  
1839 capital investment from any source or combination of sources of  
1840 not less than Ten Million Dollars (\$10,000,000.00) which will  
1841 create at least two hundred fifty (250) full-time jobs. The  
1842 authority shall require that binding commitments be entered into  
1843 requiring that:

1844 1. The minimum requirements for the project  
1845 provided for in this subparagraph shall be met; and

1846 2. That if such commitments are not met, all  
1847 or a portion of the funds provided by the state for the project as  
1848 determined by the authority shall be repaid.

1849 (xiv) Any major pharmaceutical facility with a  
1850 capital investment of not less than Fifty Million Dollars  
1851 (\$50,000,000.00) made after July 1, 2002, through four (4) years  
1852 after the initial date of any loan or grant made by the authority  
1853 for such project, which will maintain at least seven hundred fifty  
1854 (750) full-time employees. The authority shall require that  
1855 binding commitments be entered into requiring that:

1856 1. The minimum requirements for the project  
1857 provided for in this subparagraph shall be met; and

1858 2. That if such commitments are not met, all  
1859 or a portion of the funds provided by the state for the project as  
1860 determined by the authority shall be repaid.

1861 (xv) Any pharmaceutical manufacturing, packaging  
1862 and distribution facility with an initial capital investment from  
1863 any local or federal sources of not less than Five Hundred



1864 Thousand Dollars (\$500,000.00) which will create at least ninety  
1865 (90) full-time jobs. The authority shall require that binding  
1866 commitments be entered into requiring that:

1867 1. The minimum requirements for the project  
1868 provided for in this subparagraph shall be met; and

1869 2. That if such commitments are not met, all  
1870 or a portion of the funds provided by the state for the project as  
1871 determined by the authority shall be repaid.

1872 (xvi) Any major industrial wood processing  
1873 facility with an initial capital investment of not less than One  
1874 Hundred Million Dollars (\$100,000,000.00) which will create at  
1875 least one hundred twenty-five (125) full-time jobs which provide  
1876 an average annual salary, excluding benefits which are not subject  
1877 to Mississippi income taxes, of at least Thirty Thousand Dollars  
1878 (\$30,000.00). The authority shall require that binding  
1879 commitments be entered into requiring that:

1880 1. The minimum requirements for the project  
1881 provided for in this subparagraph shall be met; and

1882 2. That if such commitments are not met, all  
1883 or a portion of the funds provided by the state for the project as  
1884 determined by the authority shall be repaid.

1885 (g) "Project area" means the project site, together  
1886 with any area or territory within the state lying within  
1887 sixty-five (65) miles of any portion of the project site whether  
1888 or not such area or territory be contiguous; however, for the  
1889 project defined in paragraph (f)(iv) of this section the term  
1890 "project area" means any area or territory within the state. The  
1891 project area shall also include all territory within a county if  
1892 any portion of such county lies within sixty-five (65) miles of  
1893 any portion of the project site. "Project site" means the real  
1894 property on which the principal facilities of the enterprise will  
1895 operate.

1896 (h) "Public agency" means:

1897 (i) Any department, board, commission, institution  
1898 or other agency or instrumentality of the state;

1899 (ii) Any city, town, county, political  
1900 subdivision, school district or other district created or existing  
1901 under the laws of the state or any public agency of any such city,  
1902 town, county, political subdivision or district or any other  
1903 public entity created or existing under local and private  
1904 legislation;

1905 (iii) Any department, commission, agency or  
1906 instrumentality of the United States of America; and

1907 (iv) Any other state of the United States of  
1908 America which may be cooperating with respect to location of the  
1909 project within the state, or any agency thereof.

1910 (i) "State" means State of Mississippi.

1911 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
1912 the project in lieu of any franchise taxes imposed on the project  
1913 by Chapter 13, Title 27, Mississippi Code of 1972. The  
1914 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
1915 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
1916 enterprise operating an existing project defined in Section  
1917 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
1918 for other existing enterprises that fall within the definition of  
1919 the term "project."

1920 **SECTION 92.** Section 57-75-11, Mississippi Code of 1972, is  
1921 amended as follows:

1922 57-75-11. The authority, in addition to any and all powers  
1923 now or hereafter granted to it, is empowered and shall exercise  
1924 discretion and the use of these powers depending on the  
1925 circumstances of the project or projects:

1926 (a) To maintain an office at a place or places within  
1927 the state.

1928 (b) To employ or contract with architects, engineers,  
1929 attorneys, accountants, construction and financial experts and

1930 such other advisors, consultants and agents as may be necessary in  
1931 its judgment and to fix and pay their compensation.

1932 (c) To make such applications and enter into such  
1933 contracts for financial assistance as may be appropriate under  
1934 applicable federal or state law.

1935 (d) To apply for, accept and utilize grants, gifts and  
1936 other funds or aid from any source for any purpose contemplated by  
1937 the act, and to comply, subject to the provisions of this act,  
1938 with the terms and conditions thereof.

1939 (e) (i) To acquire by purchase, lease, gift, or in  
1940 other manner, including quick-take eminent domain, or obtain  
1941 options to acquire, and to own, maintain, use, operate and convey  
1942 any and all property of any kind, real, personal, or mixed, or any  
1943 interest or estate therein, within the project area, necessary for  
1944 the project or any facility related to the project. The  
1945 provisions of this paragraph that allow the acquisition of  
1946 property by quick-take eminent domain shall be repealed by  
1947 operation of law on July 1, 1994; and

1948 (ii) Notwithstanding any other provision of this  
1949 paragraph (e), from and after November 6, 2000, to exercise the  
1950 right of immediate possession pursuant to the provisions of  
1951 Sections 11-27-81 through 11-27-89 for the purpose of acquiring  
1952 land, property and/or rights-of-way in the county in which a  
1953 project as defined in Section 57-75-5(f)(iv)1 is located, that are  
1954 necessary for such project or any facility related to the project.

1955 (f) To acquire by purchase or lease any public lands  
1956 and public property, including sixteenth section lands and lieu  
1957 lands, within the project area, which are necessary for the  
1958 project. Sixteenth section lands or lieu lands acquired under  
1959 this act shall be deemed to be acquired for the purposes of  
1960 industrial development thereon and such acquisition will serve a  
1961 higher public interest in accordance with the purposes of this  
1962 act.

1963           (g) If the authority identifies any land owned by the  
1964 state as being necessary, for the location or use of the project,  
1965 or any facility related to the project, to recommend to the  
1966 Legislature the conveyance of such land or any interest therein,  
1967 as the Legislature deems appropriate.

1968           (h) To make or cause to be made such examinations and  
1969 surveys as may be necessary to the planning, design, construction  
1970 and operation of the project.

1971           (i) From and after the date of notification to the  
1972 authority by the enterprise that the state has been finally  
1973 selected as the site of the project, to acquire by condemnation  
1974 and to own, maintain, use, operate and convey or otherwise dispose  
1975 of any and all property of any kind, real, personal or mixed, or  
1976 any interest or estate therein, within the project area, necessary  
1977 for the project or any facility related to the project, with the  
1978 concurrence of the affected public agency, and the exercise of the  
1979 powers granted by this act, according to the procedures provided  
1980 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
1981 modified by this act.

1982           (i) Except as otherwise provided in subparagraph  
1983 (iii) of this paragraph (i), in acquiring lands by condemnation,  
1984 the authority shall not acquire minerals or royalties in minerals  
1985 unless a competent registered professional engineer shall have  
1986 certified that the acquisition of such minerals and royalties in  
1987 minerals is necessary for purposes of the project; provided that  
1988 limestone, clay, chalk, sand and gravel shall not be considered as  
1989 minerals for the purposes of subparagraphs (i) and (ii) of this  
1990 paragraph (i);

1991           (ii) Unless minerals or royalties in minerals have  
1992 been acquired by condemnation or otherwise, no person or persons  
1993 owning the drilling rights or the right to share in production of  
1994 minerals shall be prevented from exploring, developing, or  
1995 producing oil or gas with necessary rights-of-way for ingress and

1996 egress, pipelines and other means of transporting interests on any  
1997 land or interest therein of the authority held or used for the  
1998 purposes of this act; but any such activities shall be under such  
1999 reasonable regulation by the authority as will adequately protect  
2000 the project contemplated by this act as provided in paragraph (r)  
2001 of this section; and

2002 (iii) In acquiring lands by condemnation,  
2003 including the exercise of immediate possession, for a project, as  
2004 defined in Section 57-75-5(f)(iv)1, the authority may acquire  
2005 minerals or royalties in minerals.

2006 (j) To negotiate the necessary relocation or rerouting  
2007 of roads and highways, railroad, telephone and telegraph lines and  
2008 properties, electric power lines, pipelines and related  
2009 facilities, or to require the anchoring or other protection of any  
2010 of these, provided due compensation is paid to the owners thereof  
2011 or agreement is had with such owners regarding the payment of the  
2012 cost of such relocation, and to acquire by condemnation or  
2013 otherwise easements or rights-of-way for such relocation or  
2014 rerouting and to convey the same to the owners of the facilities  
2015 being relocated or rerouted in connection with the purposes of  
2016 this act.

2017 (k) To negotiate the necessary relocation of graves and  
2018 cemeteries and to pay all reasonable costs thereof.

2019 (l) To perform or have performed any and all acts and  
2020 make all payments necessary to comply with all applicable federal  
2021 laws, rules or regulations including, but not limited to, the  
2022 Uniform Relocation Assistance and Real Property Acquisition  
2023 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651  
2024 to 4655) and relocation rules and regulations promulgated by any  
2025 agency or department of the federal government.

2026 (m) To construct, extend, improve, maintain, and  
2027 reconstruct, to cause to be constructed, extended, improved,  
2028 maintained, and reconstructed, and to use and operate any and all

2029 components of the project or any facility related to the project,  
2030 with the concurrence of the affected public agency, within the  
2031 project area, necessary to the project and to the exercise of such  
2032 powers, rights, and privileges granted the authority.

2033           (n) To incur or defray any designated portion of the  
2034 cost of any component of the project or any facility related to  
2035 the project acquired or constructed by any public agency.

2036           (o) (i) To lease, sell or convey any or all property  
2037 acquired by the authority under the provisions of this act to the  
2038 enterprise, its successors or assigns, and in connection therewith  
2039 to pay the costs of title search, perfection of title, title  
2040 insurance and recording fees as may be required. The authority  
2041 may provide in the instrument conveying such property a provision  
2042 that such property shall revert to the authority if, as and when  
2043 the property is declared by the enterprise to be no longer needed.

2044           (ii) To lease, sell, transfer or convey on any  
2045 terms agreed upon by the authority any or all real and personal  
2046 property, improvements, leases, funds and contractual obligations  
2047 of a project as defined in Section 57-75-5(f)(vi) and conveyed to  
2048 the State of Mississippi by a Quitclaim Deed from the United  
2049 States of America dated February 23, 1996, filed of record at  
2050 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,  
2051 Tishomingo County, Mississippi, to any governmental authority  
2052 located within the geographic boundaries of the county wherein  
2053 such project exists upon agreement of such governmental authority  
2054 to undertake and assume from the State of Mississippi all  
2055 obligations and responsibilities in connection with ownership and  
2056 operation of the project. Property leased, sold, transferred or  
2057 otherwise conveyed by the authority under this paragraph (o) shall  
2058 be used only for economic development purposes.

2059           (p) To enter into contracts with any person or public  
2060 agency, including, but not limited to, contracts authorized by  
2061 Section 57-75-17, in furtherance of any of the purposes authorized

2062 by this act upon such consideration as the authority and such  
2063 person or public agency may agree. Any such contract may extend  
2064 over any period of time, notwithstanding any rule of law to the  
2065 contrary, may be upon such terms as the parties thereto shall  
2066 agree, and may provide that it shall continue in effect until  
2067 bonds specified therein, refunding bonds issued in lieu of such  
2068 bonds, and all other obligations specified therein are paid or  
2069 terminated. Any such contract shall be binding upon the parties  
2070 thereto according to its terms. Such contracts may include an  
2071 agreement to reimburse the enterprise, its successors and assigns  
2072 for any assistance provided by the enterprise in the acquisition  
2073 of real property for the project or any facility related to the  
2074 project.

2075 (q) To establish and maintain reasonable rates and  
2076 charges for the use of any facility within the project area owned  
2077 or operated by the authority, and from time to time, to adjust  
2078 such rates and to impose penalties for failure to pay such rates  
2079 and charges when due.

2080 (r) To adopt and enforce with the concurrence of the  
2081 affected public agency all necessary and reasonable rules and  
2082 regulations to carry out and effectuate the implementation of the  
2083 project and any land use plan or zoning classification adopted for  
2084 the project area, including, but not limited to, rules,  
2085 regulations, and restrictions concerning mining, construction,  
2086 excavation or any other activity the occurrence of which may  
2087 endanger the structure or operation of the project. Such rules  
2088 may be enforced within the project area and without the project  
2089 area as necessary to protect the structure and operation of the  
2090 project. The authority is authorized to plan or replan, zone or  
2091 rezone, and make exceptions to any regulations, whether local or  
2092 state, with the concurrence of the affected public agency which  
2093 are inconsistent with the design, planning, construction or  
2094 operation of the project and facilities related to the project.

2095           (s) To plan, design, coordinate and implement measures  
2096 and programs to mitigate impacts on the natural environment caused  
2097 by the project or any facility related to the project.

2098           (t) To develop plans for technology transfer activities  
2099 to ensure private sector conduits for exchange of information,  
2100 technology and expertise related to the project to generate  
2101 opportunities for commercial development within the state.

2102           (u) To consult with the State Department of Education  
2103 and other public agencies for the purpose of improving public  
2104 schools and curricula within the project area.

2105           (v) To consult with the State Board of Health and other  
2106 public agencies for the purpose of improving medical centers,  
2107 hospitals and public health centers in order to provide  
2108 appropriate health care facilities within the project area.

2109           (w) To consult with the Office of Minority Business  
2110 Enterprise Development and other public agencies for the purpose  
2111 of developing plans for technical assistance and loan programs to  
2112 maximize the economic impact related to the project for minority  
2113 business enterprises within the State of Mississippi.

2114           (x) To deposit into the "Yellow Creek Project Area  
2115 Fund" created pursuant to Section 57-75-31:

2116                 (i) Any funds or aid received as authorized in  
2117 this section for the project described in Section 57-75-5(f)(vi),  
2118 and

2119                 (ii) Any funds received from the sale or lease of  
2120 property from the project described in Section 57-75-5(f)(vi)  
2121 pursuant to the powers exercised under this section.

2122           (y) To manage and develop the project described in  
2123 Section 57-75-5(f)(vi).

2124           (z) To promulgate rules and regulations necessary to  
2125 effectuate the purposes of this act.

2126           (aa) To negotiate a fee-in-lieu with the owners of the  
2127 project.



2128 (bb) To enter into contractual agreements to warrant  
2129 any site work for a project defined in Section 57-75-5(f)(iv)1;  
2130 provided, however, that the aggregate amount of such warranties  
2131 shall not exceed Fifteen Million Dollars (\$15,000,000.00).

2132 (cc) To provide grant funds to an enterprise operating  
2133 a project defined in Section 57-75-5(f)(iv)1 in an amount not to  
2134 exceed Thirty-nine Million Dollars (\$39,000,000.00).

2135 (dd) (i) To own surface water transmission lines  
2136 constructed with the proceeds of bonds issued pursuant to this act  
2137 and in connection therewith to purchase and provide water to any  
2138 project defined in Section 57-75-5(f)(iv) and to certificated  
2139 water providers; and

2140 (ii) To lease such surface water transmission  
2141 lines to a public agency or public utility to provide water to  
2142 such project and to certificated water providers.

2143 (ee) To provide grant funds to an enterprise operating  
2144 a project defined in Section 57-75-5(f)(v) or, in connection with  
2145 a facility related to such a project, for job training, recruiting  
2146 and infrastructure.

2147 (ff) To enter into negotiations with persons proposing  
2148 projects defined in Section 57-75-5(f)(xi) and execute acquisition  
2149 options and conduct planning, design and environmental impact  
2150 studies with regard to such project.

2151 (gg) To establish such guidelines, rules and  
2152 regulations as the authority may deem necessary and appropriate  
2153 from time to time in its sole discretion, to promote the purposes  
2154 of this act.

2155 (hh) In connection with projects defined in Section  
2156 57-75-5(f)(ii):

2157 (i) To provide grant funds or loans to a public  
2158 agency or an enterprise owning, leasing or operating a project  
2159 defined in Section 57-75-5(f)(ii) in amounts not to exceed the  
2160 amount authorized in Section 57-75-15(3)(b);

2161 (ii) To supervise the use of all such grant funds  
2162 or loans; and

2163 (iii) To requisition money in the Mississippi  
2164 Major Economic Impact Authority Revolving Loan Fund in connection  
2165 with such loans.

2166 (ii) In connection with projects defined under Section  
2167 57-75-5(f)(xiv):

2168 (i) To provide grant funds or loans to an  
2169 enterprise owning, leasing or operating a project defined in  
2170 Section 57-75-5(f)(xiv); however:

2171 1. During fiscal year 2005, the amount of any  
2172 such loan under this paragraph (ii) shall not exceed Eight Million  
2173 Dollars (\$8,000,000.00) and the amount of any such grant under  
2174 this paragraph (ii) shall not exceed Two Million Dollars  
2175 (\$2,000,000.00);

2176 2. During fiscal year 2006, the amount of any  
2177 such loan under this paragraph (ii) shall not exceed Eight Million  
2178 Dollars (\$8,000,000.00) and the amount of any such grant under  
2179 this paragraph (ii) shall not exceed Two Million Dollars  
2180 (\$2,000,000.00); and

2181 3. During fiscal year 2007, the amount of any  
2182 such loan under this paragraph (ii) shall not exceed Two Million  
2183 Dollars (\$2,000,000.00) and the amount of any such grant under  
2184 this paragraph (ii) shall not exceed Two Million Dollars  
2185 (\$2,000,000.00);

2186 (ii) To supervise the use of all such grant funds  
2187 or loans; and

2188 (iii) Notwithstanding any provision of this act to  
2189 the contrary, such loans shall be for a term not to exceed twenty  
2190 (20) years as may be determined by the authority, shall bear  
2191 interest at such rates as may be determined by the authority,  
2192 shall, in the sole discretion of the authority, be secured in an  
2193 amount and a manner as may be determined by the authority.

2194           **SECTION 93.** Section 57-75-15, Mississippi Code of 1972, is  
2195 amended as follows:

2196           57-75-15. (1) Upon notification to the authority by the  
2197 enterprise that the state has been finally selected as the site  
2198 for the project, the State Bond Commission shall have the power  
2199 and is hereby authorized and directed, upon receipt of a  
2200 declaration from the authority as hereinafter provided, to borrow  
2201 money and issue general obligation bonds of the state in one or  
2202 more series for the purposes herein set out. Upon such  
2203 notification, the authority may thereafter from time to time  
2204 declare the necessity for the issuance of general obligation bonds  
2205 as authorized by this section and forward such declaration to the  
2206 State Bond Commission, provided that before such notification, the  
2207 authority may enter into agreements with the United States  
2208 government, private companies and others that will commit the  
2209 authority to direct the State Bond Commission to issue bonds for  
2210 eligible undertakings set out in subsection (4) of this section,  
2211 conditioned on the siting of the project in the state.

2212           (2) Upon receipt of any such declaration from the authority,  
2213 the State Bond Commission shall verify that the state has been  
2214 selected as the site of the project and shall act as the issuing  
2215 agent for the series of bonds directed to be issued in such  
2216 declaration pursuant to authority granted in this section.

2217           (3) (a) Bonds issued under the authority of this section  
2218 for projects as defined in Section 57-75-5(f)(i) shall not exceed  
2219 an aggregate principal amount in the sum of Sixty-seven Million  
2220 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

2221           (b) Bonds issued under the authority of this section  
2222 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
2223 Sixty-one Million Dollars (\$61,000,000.00) \* \* \*. The authority,  
2224 with the express direction of the State Bond Commission, is  
2225 authorized to expend any remaining proceeds of bonds issued under  
2226 the authority of this act prior to January 1, 1998, for the

2227 purpose of financing projects as then defined in Section  
2228 57-75-5(f)(ii) or for any other projects as defined in Section  
2229 57-75-5(f)(ii), as it may be amended from time to time. If any  
2230 proceeds of bonds issued for projects related to the Meridian  
2231 Naval Auxiliary Air Station ("NAAS") are used for the development  
2232 of a water and sewer service system by the City of Meridian,  
2233 Mississippi, to serve the NAAS and if the City of Meridian annexes  
2234 any of the territory served by the water and sewer service system,  
2235 the city shall repay the State of Mississippi the amount of all  
2236 bond proceeds expended on any portion of the water and sewer  
2237 service system project; and if there are any monetary proceeds  
2238 derived from the disposition of any improvements located on real  
2239 property in Kemper County purchased pursuant to this act for  
2240 projects related to the NAAS and if there are any monetary  
2241 proceeds derived from the disposition of any timber located on  
2242 real property in Kemper County purchased pursuant to this act for  
2243 projects related to the NAAS, all of such proceeds (both from the  
2244 disposition of improvements and the disposition of timber)  
2245 commencing July 1, 1996, through June 30, 2010, shall be paid to  
2246 the Board of Education of Kemper County, Mississippi, for  
2247 expenditure by such board of education to benefit the public  
2248 schools of Kemper County. No bonds shall be issued under this  
2249 paragraph (b) until the State Bond Commission by resolution adopts  
2250 a finding that the issuance of such bonds will improve, expand or  
2251 otherwise enhance the military installation, its support areas or  
2252 military operations, or will provide employment opportunities to  
2253 replace those lost by closure or reductions in operations at the  
2254 military installation or will support critical studies or  
2255 investigations authorized by Section 57-75-5(f)(ii); however, not  
2256 more than One Million Dollars (\$1,000,000.00) in the aggregate  
2257 shall be authorized for such studies or investigations. \* \* \*

2258 (c) Bonds issued under the authority of this section  
2259 for projects as defined in Section 57-75-5(f)(iii) shall not

2260 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be  
2261 issued under this paragraph after December 31, 1996.

2262 (d) Bonds issued under the authority of this section  
2263 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
2264 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
2265 additional amount of bonds in an amount not to exceed Twelve  
2266 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
2267 issued under the authority of this section for the purpose of  
2268 defraying costs associated with the construction of surface water  
2269 transmission lines for a project defined in Section 57-75-5(f)(iv)  
2270 or for any facility related to the project. No bonds shall be  
2271 issued under this paragraph after June 30, 2005.

2272 (e) Bonds issued under the authority of this section  
2273 for projects defined in Section 57-75-5(f)(v) and for facilities  
2274 related to such projects shall not exceed Thirty-eight Million  
2275 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be  
2276 issued under this paragraph after December 31, 2005.

2277 (f) Bonds issued under the authority of this section  
2278 for projects defined in Section 57-75-5(f)(vii) shall not exceed  
2279 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
2280 under this paragraph after June 30, 2006.

2281 (g) Bonds issued under the authority of this section  
2282 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
2283 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No  
2284 bonds shall be issued under this paragraph after June 30, 2007.

2285 (h) Bonds issued under the authority of this section  
2286 for projects defined in Section 57-75-5(f)(ix) shall not exceed  
2287 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
2288 under this paragraph after June 30, 2007.

2289 (i) Bonds issued under the authority of this section  
2290 for projects defined in Section 57-75-5(f)(x) shall not exceed  
2291 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
2292 under this paragraph after June 30, 2007.

2293           (j) Bonds issued under the authority of this section  
2294 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
2295 Twenty-three Million Seven Hundred Thousand Dollars  
2296 (\$23,700,000.00). No bond shall be issued under this paragraph  
2297 until local governments in or near the county in which the project  
2298 is located have irrevocably committed funds to the project in an  
2299 amount of not less than Two Million Five Hundred Thousand Dollars  
2300 (\$2,500,000.00) in the aggregate. No bonds shall be issued under  
2301 this paragraph after June 30, 2008.

2302           (k) Bonds issued under the authority of this section  
2303 for projects defined in Section 57-75-5(f)(xiii) shall not exceed  
2304 Three Million Dollars (\$3,000,000.00). No bonds shall be issued  
2305 under this paragraph after June 30, 2009.

2306           (l) Bonds issued under the authority of this section  
2307 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
2308 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
2309 issued under this paragraph until local governments in the county  
2310 in which the project is located have irrevocably committed funds  
2311 to the project in an amount of not less than Two Million Dollars  
2312 (\$2,000,000.00). No bonds shall be issued under this paragraph  
2313 after June 30, 2009.

2314           (m) Bonds issued under the authority of this section  
2315 for projects defined in Section 57-75-5(f)(xv) shall not exceed  
2316 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
2317 issued under this paragraph after June 30, 2009.

2318           (n) Bonds issued under the authority of this section  
2319 for projects defined in Section 57-75-5(f)(xvi) shall not exceed  
2320 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
2321 under this paragraph after June 30, 2009.

2322           (4) (a) The proceeds from the sale of the bonds issued  
2323 under this section may be applied for the following purposes:

2324                   (i) Defraying all or any designated portion of the  
2325 costs incurred with respect to acquisition, planning, design,

2326 construction, installation, rehabilitation, improvement,  
2327 relocation and with respect to state-owned property, operation and  
2328 maintenance of the project and any facility related to the project  
2329 located within the project area, including costs of design and  
2330 engineering, all costs incurred to provide land, easements and  
2331 rights-of-way, relocation costs with respect to the project and  
2332 with respect to any facility related to the project located within  
2333 the project area, and costs associated with mitigation of  
2334 environmental impacts and environmental impact studies;

2335                   (ii) Defraying the cost of providing for the  
2336 recruitment, screening, selection, training or retraining of  
2337 employees, candidates for employment or replacement employees of  
2338 the project and any related activity;

2339                   (iii) Reimbursing the Mississippi Development  
2340 Authority for expenses it incurred in regard to projects defined  
2341 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
2342 Mississippi Development Authority shall submit an itemized list of  
2343 expenses it incurred in regard to such projects to the Chairmen of  
2344 the Finance and Appropriations Committees of the Senate and the  
2345 Chairmen of the Ways and Means and Appropriations Committees of  
2346 the House of Representatives;

2347                   (iv) Providing grants to enterprises operating  
2348 projects defined in Section 57-75-5(f)(iv)1;

2349                   (v) Paying any warranty made by the authority  
2350 regarding site work for a project defined in Section  
2351 57-75-5(f)(iv)1;

2352                   (vi) Defraying the cost of marketing and promotion  
2353 of a project as defined in Section 57-75-5(f)(iv)1. The authority  
2354 shall submit an itemized list of costs incurred for marketing and  
2355 promotion of such project to the Chairmen of the Finance and  
2356 Appropriations Committees of the Senate and the Chairmen of the  
2357 Ways and Means and Appropriations Committees of the House of  
2358 Representatives;

2359 (vii) Providing for the payment of interest on the  
2360 bonds;

2361 (viii) Providing debt service reserves;

2362 (ix) Paying underwriters' discount, original issue  
2363 discount, accountants' fees, engineers' fees, attorneys' fees,  
2364 rating agency fees and other fees and expenses in connection with  
2365 the issuance of the bonds;

2366 (x) For purposes authorized in paragraphs (b),  
2367 (c), (d), (e) and (f) of this subsection (4); \* \* \*

2368 (xi) Providing grants to enterprises operating  
2369 projects defined in Section 57-75-5(f)(v), or, in connection with  
2370 a facility related to such a project, for any purposes deemed by  
2371 the authority in its sole discretion to be necessary and  
2372 appropriate;

2373 (xii) Providing grant funds or loans to a public  
2374 agency or an enterprise owning, leasing or operating a project  
2375 defined in Section 57-75-5(f)(ii); and

2376 (xiii) Providing grant funds or loans to an  
2377 enterprise owning, leasing or operating a project defined in  
2378 Section 57-75-5(f)(xiv).

2379 Such bonds shall be issued from time to time and in such  
2380 principal amounts as shall be designated by the authority, not to  
2381 exceed in aggregate principal amounts the amount authorized in  
2382 subsection (3) of this section. Proceeds from the sale of the  
2383 bonds issued under this section may be invested, subject to  
2384 federal limitations, pending their use, in such securities as may  
2385 be specified in the resolution authorizing the issuance of the  
2386 bonds or the trust indenture securing them, and the earning on  
2387 such investment applied as provided in such resolution or trust  
2388 indenture.

2389 (b) (i) The proceeds of bonds issued after June 21,  
2390 2002, under this section for projects described in Section  
2391 57-75-5(f)(iv) may be used to reimburse reasonable, actual and



2392 necessary costs incurred by the Mississippi Development Authority  
2393 in providing assistance related to a project for which funding is  
2394 provided from the use of proceeds of such bonds. The Mississippi  
2395 Development Authority shall maintain an accounting of actual costs  
2396 incurred for each project for which reimbursements are sought.  
2397 Reimbursements under this paragraph (b)(i) shall not exceed Three  
2398 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
2399 Reimbursements under this paragraph (b)(i) shall satisfy any  
2400 applicable federal tax law requirements.

2401                   (ii) The proceeds of bonds issued after June 21,  
2402 2002, under this section for projects described in Section  
2403 57-75-5(f)(iv) may be used to reimburse reasonable, actual and  
2404 necessary costs incurred by the Department of Audit in providing  
2405 services related to a project for which funding is provided from  
2406 the use of proceeds of such bonds. The Department of Audit shall  
2407 maintain an accounting of actual costs incurred for each project  
2408 for which reimbursements are sought. The Department of Audit may  
2409 escalate its budget and expend such funds in accordance with rules  
2410 and regulations of the Department of Finance and Administration in  
2411 a manner consistent with the escalation of federal funds.  
2412 Reimbursements under this paragraph (b)(ii) shall not exceed One  
2413 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
2414 Reimbursements under this paragraph (b)(ii) shall satisfy any  
2415 applicable federal tax law requirements.

2416                   (c) (i) The proceeds of bonds issued under this  
2417 section for projects described in Section 57-75-5(f)(ix) may be  
2418 used to reimburse reasonable, actual and necessary costs incurred  
2419 by the Mississippi Development Authority in providing assistance  
2420 related to a project for which funding is provided for the use of  
2421 proceeds of such bonds. The Mississippi Development Authority  
2422 shall maintain an accounting of actual costs incurred for each  
2423 project for which reimbursements are sought. Reimbursements under

2424 this paragraph shall not exceed Twenty-five Thousand Dollars  
2425 (\$25,000.00) in the aggregate.

2426 (ii) The proceeds of bonds issued under this  
2427 section for projects described in Section 57-75-5(f)(ix) may be  
2428 used to reimburse reasonable, actual and necessary costs incurred  
2429 by the Department of Audit in providing services related to a  
2430 project for which funding is provided from the use of proceeds of  
2431 such bonds. The Department of Audit shall maintain an accounting  
2432 of actual costs incurred for each project for which reimbursements  
2433 are sought. The Department of Audit may escalate its budget and  
2434 expend such funds in accordance with rules and regulations of the  
2435 Department of Finance and Administration in a manner consistent  
2436 with the escalation of federal funds. Reimbursements under this  
2437 paragraph shall not exceed Twenty-five Thousand Dollars  
2438 (\$25,000.00) in the aggregate. Reimbursements under this  
2439 paragraph shall satisfy any applicable federal tax law  
2440 requirements.

2441 (d) (i) The proceeds of bonds issued under this  
2442 section for projects described in Section 57-75-5(f)(x) may be  
2443 used to reimburse reasonable, actual and necessary costs incurred  
2444 by the Mississippi Development Authority in providing assistance  
2445 related to a project for which funding is provided for the use of  
2446 proceeds of such bonds. The Mississippi Development Authority  
2447 shall maintain an accounting of actual costs incurred for each  
2448 project for which reimbursements are sought. Reimbursements under  
2449 this paragraph shall not exceed Twenty-five Thousand Dollars  
2450 (\$25,000.00) in the aggregate.

2451 (ii) The proceeds of bonds issued under this  
2452 section for projects described in Section 57-75-5(f)(x) may be  
2453 used to reimburse reasonable, actual and necessary costs incurred  
2454 by the Department of Audit in providing services related to a  
2455 project for which funding is provided from the use of proceeds of  
2456 such bonds. The Department of Audit shall maintain an accounting

2457 of actual costs incurred for each project for which reimbursements  
2458 are sought. The Department of Audit may escalate its budget and  
2459 expend such funds in accordance with rules and regulations of the  
2460 Department of Finance and Administration in a manner consistent  
2461 with the escalation of federal funds. Reimbursements under this  
2462 paragraph shall not exceed Twenty-five Thousand Dollars  
2463 (\$25,000.00) in the aggregate. Reimbursements under this  
2464 paragraph shall satisfy any applicable federal tax law  
2465 requirements.

2466 (e) (i) The proceeds of bonds issued under this  
2467 section for projects described in Section 57-75-5(f)(xii) may be  
2468 used to reimburse reasonable, actual and necessary costs incurred  
2469 by the Mississippi Development Authority in providing assistance  
2470 related to a project for which funding is provided from the use of  
2471 proceeds of such bonds. The Mississippi Development Authority  
2472 shall maintain an accounting of actual costs incurred for each  
2473 project for which reimbursements are sought. Reimbursements under  
2474 this paragraph (e)(i) shall not exceed Twenty-five Thousand  
2475 Dollars (\$25,000.00) in the aggregate.

2476 (ii) The proceeds of bonds issued under this  
2477 section for projects described in Section 57-75-5(f)(xii) may be  
2478 used to reimburse reasonable, actual and necessary costs incurred  
2479 by the Department of Audit in providing services related to a  
2480 project for which funding is provided from the use of proceeds of  
2481 such bonds. The Department of Audit shall maintain an accounting  
2482 of actual costs incurred for each project for which reimbursements  
2483 are sought. The Department of Audit may escalate its budget and  
2484 expend such funds in accordance with rules and regulations of the  
2485 Department of Finance and Administration in a manner consistent  
2486 with the escalation of federal funds. Reimbursements under this  
2487 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars  
2488 (\$25,000.00) in the aggregate. Reimbursements under this

2489 paragraph (e)(ii) shall satisfy any applicable federal tax law  
2490 requirements.

2491 (f) (i) The proceeds of bonds issued under this  
2492 section for projects described in Section 57-75-5(f)(xiii),  
2493 (f)(xiv) and (f)(xv) may be used to reimburse reasonable, actual  
2494 and necessary costs incurred by the Mississippi Development  
2495 Authority in providing assistance related to a project for which  
2496 funding is provided from the use of proceeds of such bonds. The  
2497 Mississippi Development Authority shall maintain an accounting of  
2498 actual costs incurred for each project for which reimbursements  
2499 are sought. Reimbursements under this paragraph (f)(i) shall not  
2500 exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

2501 (ii) The proceeds of bonds issued under this  
2502 section for projects described in Section 57-75-5(f)(xiii),  
2503 (f)(xiv) and (f)(xv) may be used to reimburse reasonable, actual  
2504 and necessary costs incurred by the Department of Audit in  
2505 providing services related to a project for which funding is  
2506 provided from the use of proceeds of such bonds. The Department  
2507 of Audit shall maintain an accounting of actual costs incurred for  
2508 each project for which reimbursements are sought. The Department  
2509 of Audit may escalate its budget and expend such funds in  
2510 accordance with rules and regulations of the Department of Finance  
2511 and Administration in a manner consistent with the escalation of  
2512 federal funds. Reimbursements under this paragraph (f)(ii) shall  
2513 not exceed Twenty-five Thousand Dollars (\$25,000.00) for each  
2514 project. Reimbursements under this paragraph (f)(ii) shall  
2515 satisfy any applicable federal tax law requirements.

2516 (5) The principal of and the interest on the bonds shall be  
2517 payable in the manner hereinafter set forth. The bonds shall bear  
2518 date or dates; be in such denomination or denominations; bear  
2519 interest at such rate or rates; be payable at such place or places  
2520 within or without the state; mature absolutely at such time or  
2521 times; be redeemable before maturity at such time or times and

2522 upon such terms, with or without premium; bear such registration  
2523 privileges; and be substantially in such form; all as shall be  
2524 determined by resolution of the State Bond Commission except that  
2525 such bonds shall mature or otherwise be retired in annual  
2526 installments beginning not more than five (5) years from the date  
2527 thereof and extending not more than twenty-five (25) years from  
2528 the date thereof. The bonds shall be signed by the Chairman of  
2529 the State Bond Commission, or by his facsimile signature, and the  
2530 official seal of the State Bond Commission shall be imprinted on  
2531 or affixed thereto, attested by the manual or facsimile signature  
2532 of the Secretary of the State Bond Commission. Whenever any such  
2533 bonds have been signed by the officials herein designated to sign  
2534 the bonds, who were in office at the time of such signing but who  
2535 may have ceased to be such officers before the sale and delivery  
2536 of such bonds, or who may not have been in office on the date such  
2537 bonds may bear, the signatures of such officers upon such bonds  
2538 shall nevertheless be valid and sufficient for all purposes and  
2539 have the same effect as if the person so officially signing such  
2540 bonds had remained in office until the delivery of the same to the  
2541 purchaser, or had been in office on the date such bonds may bear.

2542 (6) All bonds issued under the provisions of this section  
2543 shall be and are hereby declared to have all the qualities and  
2544 incidents of negotiable instruments under the provisions of the  
2545 Uniform Commercial Code and in exercising the powers granted by  
2546 this chapter, the State Bond Commission shall not be required to  
2547 and need not comply with the provisions of the Uniform Commercial  
2548 Code.

2549 (7) The State Bond Commission shall sell the bonds on sealed  
2550 bids at public sale, and for such price as it may determine to be  
2551 for the best interest of the State of Mississippi, but no such  
2552 sale shall be made at a price less than par plus accrued interest  
2553 to date of delivery of the bonds to the purchaser. The bonds  
2554 shall bear interest at such rate or rates not exceeding the limits

2555 set forth in Section 75-17-101 as shall be fixed by the State Bond  
2556 Commission. All interest accruing on such bonds so issued shall  
2557 be payable semiannually or annually; provided that the first  
2558 interest payment may be for any period of not more than one (1)  
2559 year.

2560 Notice of the sale of any bonds shall be published at least  
2561 one time, the first of which shall be made not less than ten (10)  
2562 days prior to the date of sale, and shall be so published in one  
2563 or more newspapers having a general circulation in the City of  
2564 Jackson and in one or more other newspapers or financial journals  
2565 with a large national circulation, to be selected by the State  
2566 Bond Commission.

2567 The State Bond Commission, when issuing any bonds under the  
2568 authority of this section, may provide that the bonds, at the  
2569 option of the state, may be called in for payment and redemption  
2570 at the call price named therein and accrued interest on such date  
2571 or dates named therein.

2572 (8) State bonds issued under the provisions of this section  
2573 shall be the general obligations of the state and backed by the  
2574 full faith and credit of the state. The Legislature shall  
2575 appropriate annually an amount sufficient to pay the principal of  
2576 and the interest on such bonds as they become due. All bonds  
2577 shall contain recitals on their faces substantially covering the  
2578 foregoing provisions of this section.

2579 (9) The State Treasurer is authorized to certify to the  
2580 Department of Finance and Administration the necessity for  
2581 warrants, and the Department of Finance and Administration is  
2582 authorized and directed to issue such warrants payable out of any  
2583 funds appropriated by the Legislature under this section for such  
2584 purpose, in such amounts as may be necessary to pay when due the  
2585 principal of and interest on all bonds issued under the provisions  
2586 of this section. The State Treasurer shall forward the necessary  
2587 amount to the designated place or places of payment of such bonds

2588 in ample time to discharge such bonds, or the interest thereon, on  
2589 the due dates thereof.

2590 (10) The bonds may be issued without any other proceedings  
2591 or the happening of any other conditions or things other than  
2592 those proceedings, conditions and things which are specified or  
2593 required by this chapter. Any resolution providing for the  
2594 issuance of general obligation bonds under the provisions of this  
2595 section shall become effective immediately upon its adoption by  
2596 the State Bond Commission, and any such resolution may be adopted  
2597 at any regular or special meeting of the State Bond Commission by  
2598 a majority of its members.

2599 (11) In anticipation of the issuance of bonds hereunder, the  
2600 State Bond Commission is authorized to negotiate and enter into  
2601 any purchase, loan, credit or other agreement with any bank, trust  
2602 company or other lending institution or to issue and sell interim  
2603 notes for the purpose of making any payments authorized under this  
2604 section. All borrowings made under this provision shall be  
2605 evidenced by notes of the state which shall be issued from time to  
2606 time, for such amounts not exceeding the amount of bonds  
2607 authorized herein, in such form and in such denomination and  
2608 subject to such terms and conditions of sale and issuance,  
2609 prepayment or redemption and maturity, rate or rates of interest  
2610 not to exceed the maximum rate authorized herein for bonds, and  
2611 time of payment of interest as the State Bond Commission shall  
2612 agree to in such agreement. Such notes shall constitute general  
2613 obligations of the state and shall be backed by the full faith and  
2614 credit of the state. Such notes may also be issued for the  
2615 purpose of refunding previously issued notes. No note shall  
2616 mature more than three (3) years following the date of its  
2617 issuance. The State Bond Commission is authorized to provide for  
2618 the compensation of any purchaser of the notes by payment of a  
2619 fixed fee or commission and for all other costs and expenses of

2620 issuance and service, including paying agent costs. Such costs  
2621 and expenses may be paid from the proceeds of the notes.

2622 (12) The bonds and interim notes authorized under the  
2623 authority of this section may be validated in the First Judicial  
2624 District of the Chancery Court of Hinds County, Mississippi, in  
2625 the manner and with the force and effect provided now or hereafter  
2626 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
2627 validation of county, municipal, school district and other bonds.  
2628 The necessary papers for such validation proceedings shall be  
2629 transmitted to the State Bond Attorney, and the required notice  
2630 shall be published in a newspaper published in the City of  
2631 Jackson, Mississippi.

2632 (13) Any bonds or interim notes issued under the provisions  
2633 of this chapter, a transaction relating to the sale or securing of  
2634 such bonds or interim notes, their transfer and the income  
2635 therefrom shall at all times be free from taxation by the state or  
2636 any local unit or political subdivision or other instrumentality  
2637 of the state, excepting inheritance and gift taxes.

2638 (14) All bonds issued under this chapter shall be legal  
2639 investments for trustees, other fiduciaries, savings banks, trust  
2640 companies and insurance companies organized under the laws of the  
2641 State of Mississippi; and such bonds shall be legal securities  
2642 which may be deposited with and shall be received by all public  
2643 officers and bodies of the state and all municipalities and other  
2644 political subdivisions thereof for the purpose of securing the  
2645 deposit of public funds.

2646 (15) The Attorney General of the State of Mississippi shall  
2647 represent the State Bond Commission in issuing, selling and  
2648 validating bonds herein provided for, and the Bond Commission is  
2649 hereby authorized and empowered to expend from the proceeds  
2650 derived from the sale of the bonds authorized hereunder all  
2651 necessary administrative, legal and other expenses incidental and  
2652 related to the issuance of bonds authorized under this chapter.



2653           (16) There is hereby created a special fund in the State  
2654 Treasury to be known as the Mississippi Major Economic Impact  
2655 Authority Fund wherein shall be deposited the proceeds of the  
2656 bonds issued under this chapter and all monies received by the  
2657 authority to carry out the purposes of this chapter. Expenditures  
2658 authorized herein shall be paid by the State Treasurer upon  
2659 warrants drawn from the fund, and the Department of Finance and  
2660 Administration shall issue warrants upon requisitions signed by  
2661 the director of the authority.

2662           (17) (a) There is hereby created the Mississippi Economic  
2663 Impact Authority Sinking Fund from which the principal of and  
2664 interest on such bonds shall be paid by appropriation. All monies  
2665 paid into the sinking fund not appropriated to pay accruing bonds  
2666 and interest shall be invested by the State Treasurer in such  
2667 securities as are provided by law for the investment of the  
2668 sinking funds of the state.

2669           (b) In the event that all or any part of the bonds and  
2670 notes are purchased, they shall be canceled and returned to the  
2671 loan and transfer agent as canceled and paid bonds and notes and  
2672 thereafter all payments of interest thereon shall cease and the  
2673 canceled bonds, notes and coupons, together with any other  
2674 canceled bonds, notes and coupons, shall be destroyed as promptly  
2675 as possible after cancellation but not later than two (2) years  
2676 after cancellation. A certificate evidencing the destruction of  
2677 the canceled bonds, notes and coupons shall be provided by the  
2678 loan and transfer agent to the seller.

2679           (c) The State Treasurer shall determine and report to  
2680 the Department of Finance and Administration and Legislative  
2681 Budget Office by September 1 of each year the amount of money  
2682 necessary for the payment of the principal of and interest on  
2683 outstanding obligations for the following fiscal year and the  
2684 times and amounts of the payments. It shall be the duty of the  
2685 Governor to include in every executive budget submitted to the

2686 Legislature full information relating to the issuance of bonds and  
2687 notes under the provisions of this chapter and the status of the  
2688 sinking fund for the payment of the principal of and interest on  
2689 the bonds and notes.

2690 (d) Any monies repaid to the state from loans  
2691 authorized in Section 57-75-11(hh) shall be deposited into the  
2692 Mississippi Major Economic Impact Authority Sinking Fund unless  
2693 the State Bond Commission, at the request of the authority, shall  
2694 determine that such loan repayments are needed to provide  
2695 additional loans as authorized under Section 57-75-11(hh). For  
2696 purposes of providing additional loans, there is hereby created  
2697 the Mississippi Major Economic Impact Authority Revolving Loan  
2698 Fund and loan repayments shall be deposited into the fund. The  
2699 fund shall be maintained for such period as determined by the  
2700 State Bond Commission for the sole purpose of making additional  
2701 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
2702 remaining in the fund at the end of a fiscal year shall not lapse  
2703 into the State General Fund and any interest earned on amounts in  
2704 such fund shall be deposited to the credit of the fund.

2705 (e) Any monies repaid to the state from loans  
2706 authorized in Section 57-75-11(ii) shall be deposited into the  
2707 Mississippi Major Economic Impact Authority Sinking Fund.

2708 (18) (a) Upon receipt of a declaration by the authority  
2709 that it has determined that the state is a potential site for a  
2710 project, the State Bond Commission is authorized and directed to  
2711 authorize the State Treasurer to borrow money from any special  
2712 fund in the State Treasury not otherwise appropriated to be  
2713 utilized by the authority for the purposes provided for in this  
2714 subsection.

2715 (b) The proceeds of the money borrowed under this  
2716 subsection may be utilized by the authority for the purpose of  
2717 defraying all or a portion of the costs incurred by the authority  
2718 with respect to acquisition options and planning, design and

2719 environmental impact studies with respect to a project defined in  
2720 Section 57-75-5(f)(xi). The authority may escalate its budget and  
2721 expend the proceeds of the money borrowed under this subsection in  
2722 accordance with rules and regulations of the Department of Finance  
2723 and Administration in a manner consistent with the escalation of  
2724 federal funds.

2725 (c) The authority shall request an appropriation or  
2726 additional authority to issue general obligation bonds to repay  
2727 the borrowed funds and establish a date for the repayment of the  
2728 funds so borrowed.

2729 (d) Borrowings made under the provisions of this  
2730 subsection shall not exceed Five Hundred Thousand Dollars  
2731 (\$500,000.00) at any one time.

2732 **SECTION 94.** Section 57-75-17, Mississippi Code of 1972, is  
2733 amended as follows:

2734 57-75-17. (1) For the purpose of aiding in the planning,  
2735 design, undertaking and carrying out of the project or any  
2736 facility related to the project, any public agency is authorized  
2737 and empowered upon such terms, with or without consideration, as  
2738 it may determine:

2739 (a) To enter into agreements, which may extend over any  
2740 period, with the authority respecting action to be taken by such  
2741 public agency with respect to the acquisition, planning,  
2742 construction, improvement, operation, maintenance or funding of  
2743 the project or any such facility, and which agreements may  
2744 include:

2745 (i) The appropriation or payment of funds to the  
2746 authority or to a trustee in amounts which shall be sufficient to  
2747 enable the authority to defray any designated portion or  
2748 percentage of the expenses of administering, planning, designing,  
2749 constructing, acquiring, improving, operating, and maintaining the  
2750 project or any facility related to the project,

2751                   (ii) The appropriation or payment of funds to the  
2752 authority or to a trustee to pay interest and principal (whether  
2753 at maturity or upon sinking fund redemption) on bonds of the  
2754 authority issued pursuant to this act and to fund reserves for  
2755 debt service, for operation and maintenance and for renewals and  
2756 replacements, and to fulfill requirements of any covenant with  
2757 respect to debt service contained in any resolution, trust  
2758 indenture or other security agreement relating to the bonds of the  
2759 authority issued pursuant to this act, \* \* \*

2760                   (iii) The furnishing of other assistance in  
2761 connection with the project or facility related to the project,  
2762 and

2763                   (iv) The borrowing of money from the authority in  
2764 connection with a project defined in Section 57-75-5(f)(ii);

2765                   (b) To dedicate, sell, donate, convey or lease any  
2766 property or interest in property to the authority or grant  
2767 easements, licenses or other rights or privileges therein to the  
2768 authority;

2769                   (c) To incur the expense of any public improvements  
2770 made or to be made by such public agency in exercising the powers  
2771 granted in this section;

2772                   (d) To lend, grant or contribute funds to the  
2773 authority;

2774                   (e) To cause public buildings and public facilities,  
2775 including parks, playgrounds, recreational areas, community  
2776 meeting facilities, water, sewer or drainage facilities, or any  
2777 other works which it is otherwise empowered to undertake, to be  
2778 furnished to or with respect to the project or any such facility;

2779                   (f) To furnish, dedicate, close, vacate, pave, install,  
2780 upgrade or improve highways, streets, roads, sidewalks, airports,  
2781 railroads, or ports;

2782 (g) To plan or replan, zone or rezone any parcel of  
2783 land within the public agency or make exceptions from land use,  
2784 building and zoning regulations; \* \* \*

2785 (h) To cause administrative and other services to be  
2786 furnished to the authority, including services pertaining to the  
2787 acquisition of real property and the furnishing of relocation  
2788 assistance; and

2789 (i) To loan to the owner, lessee or operator of any  
2790 project defined in Section 57-75-5(f)(ii) the proceeds of any loan  
2791 from the authority to the public entity under the provisions of  
2792 this act.

2793 (2) Any contract between a public agency entered into with  
2794 the authority pursuant to any of the powers granted by this act  
2795 shall be binding upon said public agency according to its terms,  
2796 and such public agency shall have the power to enter into such  
2797 contracts as in the discretion of the governing authorities  
2798 thereof would be to the best interest of the people of such public  
2799 agency. Such contracts may include within the discretion of such  
2800 governing authorities of public agencies defined under Section  
2801 57-75-5(h)(ii) a pledge of the full faith and credit of such  
2802 public agency or any other lawfully available funds for the  
2803 performance thereof. If at any time title to or possession of the  
2804 project or any such facility is held by any public body or  
2805 governmental agency other than the authority, including any agency  
2806 or instrumentality of the United States of America, the agreements  
2807 referred to in this section shall inure to the benefit of and may  
2808 be enforced by such public body or governmental agency.

2809 (3) Notwithstanding any provisions of this act to the  
2810 contrary, any contract entered into between the authority and any  
2811 public agency for the appropriation or payment of funds to the  
2812 authority under item (a)(ii) or (a)(iv) of this section shall  
2813 contain a provision therein requiring periodic payments by the  
2814 public agency as required by the authority to pay its indebtedness

2815 and, if the public agency is not a county or municipality, such  
2816 contract shall include as an additional party to the contract the  
2817 county or municipality (referred to in this paragraph as "levying  
2818 authority") that levies and collects taxes for the contracting  
2819 public agency. If the public agency fails to pay its indebtedness  
2820 for any month, the authority shall certify to the State Tax  
2821 Commission, or other appropriate agency, the amount of the  
2822 delinquency, and the State Tax Commission shall deduct such amount  
2823 from the public agency's or levying authority's, as the case may  
2824 be, next allocation of sales taxes, petroleum taxes, highway  
2825 privilege taxes, severance taxes, Tennessee Valley Authority  
2826 payments in lieu of taxes and homestead exemption reimbursements  
2827 in that order of priority. The State Tax Commission, or other  
2828 appropriate agency, shall pay the sums so deducted to the  
2829 authority to be applied to the discharge of the contractual  
2830 obligation.

2831 (4) Notwithstanding any provision of this act to the  
2832 contrary, all loans made pursuant to Section 57-75-11(hh) and this  
2833 section shall be for a term not to exceed twenty (20) years as may  
2834 be determined by the authority, shall bear interest at such rates  
2835 as may be determined by the authority, shall, in the sole  
2836 discretion of the authority, be secured in an amount and a manner  
2837 as may be determined by the authority.

2838 (5) (a) Before authorizing any loan to a public agency  
2839 defined in Section 57-75-5(h)(ii), a local governmental unit, the  
2840 governing authority of such local governmental unit in connection  
2841 with a project defined in Section 57-75-5(f)(ii), shall adopt a  
2842 resolution declaring its intention so to do, stating the amount of  
2843 the loan proposed to be authorized and the purpose for which the  
2844 loan is to be authorized, and the date upon which the loan will be  
2845 authorized. Such resolution shall be published once a week for at  
2846 least three (3) consecutive weeks in at least one (1) newspaper  
2847 published in such local governmental unit. The first publication

2848 of such resolution shall be made not less than twenty-one (21)  
2849 days before the date fixed in such resolution for the  
2850 authorization of the loan and the last publication shall be made  
2851 not more than seven (7) days before such date. If no newspaper is  
2852 published in such local governmental unit, then such notice shall  
2853 be given by publishing the resolution for the required time in  
2854 some newspaper having a general circulation in such local  
2855 governmental unit and, in addition, by posting a copy of such  
2856 resolution for at least twenty-one (21) days next preceding the  
2857 date fixed therein at three (3) public places in such local  
2858 governmental unit. If fifteen percent (15%) of the qualified  
2859 electors of the local governmental unit or fifteen hundred (1500),  
2860 whichever is the lesser, file a written protest against the  
2861 authorization of such loan on or before the date specified in such  
2862 resolution, then an election on the question of the authorization  
2863 of such loan shall be called and held as otherwise provided for in  
2864 connection with the issuance of general obligation indebtedness of  
2865 such local governmental unit. Notice of such election shall be  
2866 given as otherwise required in connection with the issuance of  
2867 general obligation indebtedness of such local governmental unit.  
2868 If three-fifths (3/5) of the qualified electors voting in the  
2869 election vote in favor of authorizing the loan, then the governing  
2870 authority of the local governmental unit shall proceed with the  
2871 loan; however, if less than three-fifths (3/5) of the qualified  
2872 electors voting in the election vote in favor of authorizing the  
2873 loan, then the loan shall not be incurred. If no protest be  
2874 filed, then such loan may be entered into by the local  
2875 governmental unit without an election on the question of the  
2876 authorization of such loan, at any time within a period of two (2)  
2877 years after the date specified in the resolution. However, the  
2878 governing authority of any local governmental unit, in its  
2879 discretion, may nevertheless call an election on such question, in  
2880 which event it shall not be necessary to publish the resolution

2881 declaring its intention to authorize such loan as provided in this  
2882 subsection.

2883 (b) Local governmental units may, in connection with  
2884 any such loan, enter into any covenants and agreements with  
2885 respect to such local governmental unit's operations, revenues,  
2886 assets, monies, funds or property, or such loan, as may be  
2887 prescribed by the authority.

2888 (c) Upon the making of any such loan by the authority  
2889 to any local governmental unit, such local governmental unit shall  
2890 be held and be deemed to have agreed that if such governmental  
2891 unit fails to pay the principal of, premium, if any, and interest  
2892 on any such loan as when due and payable, such governmental unit  
2893 shall have waived any and all defenses to such nonpayment, and the  
2894 authority, upon such nonpayment, shall thereupon avail itself of  
2895 all remedies, rights and provisions of law applicable in such  
2896 circumstance, including without limitation any remedies or rights  
2897 theretofore agreed to by the local governmental unit, and that  
2898 such loan shall for all of the purposes of this section, be held  
2899 and be deemed to have become due and payable and to be unpaid.  
2900 The authority may carry out the provisions of this section and  
2901 exercise all of the rights and other applicable laws of this  
2902 state.

2903 (d) This section shall be deemed to provide an  
2904 additional, alternative and complete method for the doing of the  
2905 things authorized by this section and shall be deemed and  
2906 construed to be supplemental to any power conferred by other laws  
2907 on public agencies and not in derogation of any such powers. Any  
2908 obligation incurred pursuant to the provisions of this section  
2909 shall not constitute an indebtedness of the public agency within  
2910 the meaning of any constitutional or statutory limitation or  
2911 restriction. For purposes of this act, a public agency shall not  
2912 be required to comply with the provisions of any other law except  
2913 as provided in this section.



2914           (6) Any public agency providing any utility service or  
2915 services, to any project defined in Section 57-75-5(f)(iv)1 may  
2916 enter into leases or subleases for any period of time not to  
2917 exceed thirty (30) years, in the capacity as lessor or lessee or  
2918 sublessor or sublessee of lands alone, or lands and facilities  
2919 located thereon, whether the facilities are owned by the owner of  
2920 the land, a lessee, sublessee or a third party, and whether the  
2921 public agency is a lessor, lessee or owner of the land. Any such  
2922 public agency may also enter into operating agreements and/or  
2923 lease-purchase agreements with respect to land or utility  
2924 facilities as owner, operator, lessor or lessee for any period of  
2925 time not to exceed thirty (30) years. Any such public agency may  
2926 also enter into contracts for the provision of utilities for any  
2927 period of time not to exceed thirty (30) years and may set a  
2928 special rate structure for such utilities.

2929           **SECTION 95.** Section 69-2-13, Mississippi Code of 1972, is  
2930 amended as follows:

2931           69-2-13. (1) There is hereby established in the State  
2932 Treasury a fund to be known as the "Emerging Crops Fund," which  
2933 shall be used to pay the interest on loans made to farmers for  
2934 nonland capital costs of establishing production of emerging crops  
2935 on land in Mississippi, and to make loans and grants which are  
2936 authorized under this section to be made from the fund. The fund  
2937 shall be administered by the Mississippi Development Authority. A  
2938 board comprised of the directors of the authority, the Mississippi  
2939 Cooperative Extension Service, the Mississippi Small Farm  
2940 Development Center and the Mississippi Agricultural and Forestry  
2941 Experiment Station, or their designees, shall develop definitions,  
2942 guidelines and procedures for the implementation of this chapter.  
2943 Funds for the Emerging Crops Fund shall be provided from the  
2944 issuance of bonds or notes under Sections 69-2-19 through 69-2-37  
2945 and from repayment of interest loans made from the fund.

2946           (2) (a) The Mississippi Development Authority shall develop  
2947 a program which gives fair consideration to making loans for the  
2948 processing and manufacturing of goods and services by  
2949 agribusiness, greenhouse production horticulture, and small  
2950 business concerns. It is the policy of the State of Mississippi  
2951 that the Mississippi Development Authority shall give due  
2952 recognition to and shall aid, counsel, assist and protect, insofar  
2953 as is possible, the interests of agribusiness, greenhouse  
2954 production horticulture, and small business concerns. To ensure  
2955 that the purposes of this subsection are carried out, the  
2956 Mississippi Development Authority shall loan not more than One  
2957 Million Dollars (\$1,000,000.00) to finance any single  
2958 agribusiness, greenhouse production horticulture, or small  
2959 business concern. Loans made pursuant to this subsection shall be  
2960 made in accordance with the criteria established in Section  
2961 57-71-11.

2962           (b) The Mississippi Development Authority may, out of  
2963 the total amount of bonds authorized to be issued under this  
2964 chapter, make available funds to any planning and development  
2965 district in accordance with the criteria established in Section  
2966 57-71-11. Planning and development districts which receive monies  
2967 pursuant to this provision shall use such monies to make loans to  
2968 private companies for purposes consistent with this subsection.

2969           (c) The Mississippi Development Authority is hereby  
2970 authorized to engage legal services, financial advisors,  
2971 appraisers and consultants if needed to review and close loans  
2972 made hereunder and to establish and assess reasonable fees,  
2973 including, but not limited to, liquidation expenses.

2974           (3) (a) The Mississippi Development Authority shall, in  
2975 addition to the other programs described in this section, provide  
2976 for a program of loans to be made to agribusiness or greenhouse  
2977 production horticulture enterprises for the purpose of encouraging  
2978 thereby the extension of conventional financing and the issuance

2979 of letters of credit to such agribusiness or greenhouse production  
2980 horticulture enterprises by private institutions. Monies to make  
2981 such loans by the Mississippi Development Authority shall be drawn  
2982 from the Emerging Crops Fund. The amount of a loan to any single  
2983 agribusiness or greenhouse production horticulture enterprise  
2984 under this paragraph (a) shall not exceed twenty percent (20%) of  
2985 the total cost of the project for which financing is sought or Two  
2986 Hundred Thousand Dollars (\$200,000.00), whichever is less. No  
2987 interest shall be charged on such loans, and only the amount  
2988 actually loaned shall be required to be repaid. Repayments shall  
2989 be deposited into the Emerging Crops Fund.

2990 (b) The Mississippi Development Authority shall, in  
2991 addition to the other programs described in this section, provide  
2992 for a program of loans or loan guaranties, or both, to be made to  
2993 or on behalf of any agribusiness enterprise engaged in beef  
2994 processing for the purpose of encouraging thereby the extension of  
2995 conventional financing and the issuance of letters of credit to  
2996 such agribusiness enterprises by private institutions. Monies to  
2997 make such loans or loan guaranties, or both, by the Mississippi  
2998 Development Authority shall be drawn from the Emerging Crops Fund  
2999 and shall not exceed Thirty-five Million Dollars (\$35,000,000.00)  
3000 in the aggregate. The amount of a loan to any single agribusiness  
3001 enterprise or loan guaranty on behalf of such agribusiness  
3002 enterprise, or both, under this paragraph (b) shall not exceed the  
3003 total cost of the project for which financing is sought or  
3004 Thirty-five Million Dollars (\$35,000,000.00), whichever is less.  
3005 The interest charged on a loan made under this paragraph (b) shall  
3006 be at a rate determined by the Mississippi Development Authority.  
3007 All repayments of any loan made under this paragraph (b) shall be  
3008 deposited into the Emerging Crops Fund. Assistance received by an  
3009 agribusiness enterprise under this paragraph (b) shall not  
3010 disqualify the agribusiness enterprise from obtaining any other  
3011 assistance under this chapter.

3012           (4) (a) Through June 30, 2006, the Mississippi Development  
3013 Authority may loan or grant to qualified planning and development  
3014 districts, and to small business investment corporations,  
3015 bank-based community development corporations, the Recruitment and  
3016 Training Program, Inc., the City of Jackson Business Development  
3017 Loan Fund, the Lorman Southwest Mississippi Development  
3018 Corporation, the West Jackson Community Development Corporation,  
3019 the East Mississippi Development Corporation, and other entities  
3020 meeting the criteria established by the Mississippi Development  
3021 Authority (all referred to hereinafter as "qualified entities"),  
3022 funds for the purpose of establishing loan revolving funds to  
3023 assist in providing financing for minority economic development.  
3024 The monies loaned or granted by the Mississippi Development  
3025 Authority shall be drawn from the Emerging Crops Fund and shall  
3026 not exceed Twenty-six Million Dollars (\$26,000,000.00) in the  
3027 aggregate. Planning and development districts or qualified  
3028 entities which receive monies pursuant to this provision shall use  
3029 such monies to make loans to minority business enterprises  
3030 consistent with criteria established by the Mississippi  
3031 Development Authority. Such criteria shall include, at a minimum,  
3032 the following:

3033                   (i) The business enterprise must be a private,  
3034 for-profit enterprise.

3035                   (ii) If the business enterprise is a  
3036 proprietorship, the borrower must be a resident citizen of the  
3037 State of Mississippi; if the business enterprise is a corporation  
3038 or partnership, at least fifty percent (50%) of the owners must be  
3039 resident citizens of the State of Mississippi.

3040                   (iii) The borrower must have at least five percent  
3041 (5%) equity interest in the business enterprise.

3042                   (iv) The borrower must demonstrate ability to  
3043 repay the loan.

3044 (v) The borrower must not be in default of any  
3045 previous loan from the state or federal government.

3046 (vi) Loan proceeds may be used for financing all  
3047 project costs associated with development or expansion of a new  
3048 small business, including fixed assets, working capital, start-up  
3049 costs, rental payments, interest expense during construction and  
3050 professional fees related to the project.

3051 (vii) Loan proceeds shall not be used to pay off  
3052 existing debt for loan consolidation purposes; to finance the  
3053 acquisition, construction, improvement or operation of real  
3054 property which is to be held primarily for sale or investment; to  
3055 provide for, or free funds, for speculation in any kind of  
3056 property; or as a loan to owners, partners or stockholders of the  
3057 applicant which do not change ownership interest by the applicant.  
3058 However, this does not apply to ordinary compensation for services  
3059 rendered in the course of business.

3060 (viii) The maximum amount that may be loaned to  
3061 any one (1) borrower shall be Two Hundred Fifty Thousand Dollars  
3062 (\$250,000.00).

3063 (ix) The Mississippi Development Authority shall  
3064 review each loan before it is made, and no loan shall be made to  
3065 any borrower until the loan has been reviewed and approved by the  
3066 Mississippi Development Authority.

3067 (b) For the purpose of this subsection, the term  
3068 "minority business enterprise" means a socially and economically  
3069 disadvantaged small business concern, organized for profit,  
3070 performing a commercially useful function which is owned and  
3071 controlled by one or more minorities or minority business  
3072 enterprises certified by the Mississippi Development Authority, at  
3073 least fifty percent (50%) of whom are resident citizens of the  
3074 State of Mississippi. For purposes of this subsection, the term  
3075 "socially and economically disadvantaged small business concern"  
3076 shall have the meaning ascribed to such term under the Small

3077 Business Act (15 USCS, Section 637(a)), or women, and the term  
3078 "owned and controlled" means a business in which one or more  
3079 minorities or minority business enterprises certified by the  
3080 Mississippi Development Authority own sixty percent (60%) or, in  
3081 the case of a corporation, sixty percent (60%) of the voting  
3082 stock, and control sixty percent (60%) of the management and daily  
3083 business operations of the business.

3084 From and after July 1, 2006, monies not loaned or granted by  
3085 the Mississippi Development Authority to planning and development  
3086 districts or qualified entities under this subsection, and monies  
3087 not loaned by planning and development districts or qualified  
3088 entities, shall be deposited to the credit of the sinking fund  
3089 created and maintained in the State Treasury for the retirement of  
3090 bonds issued under Section 69-2-19.

3091 (c) Notwithstanding any other provision of this  
3092 subsection to the contrary, if federal funds are not available for  
3093 commitments made by a planning and development district to provide  
3094 assistance under any federal loan program administered by the  
3095 planning and development district in coordination with the  
3096 Appalachian Regional Commission or Economic Development  
3097 Administration, or both, a planning and development district may  
3098 use funds in its loan revolving fund, which have not been  
3099 committed otherwise to provide assistance, for the purpose of  
3100 providing temporary funding for such commitments. If a planning  
3101 and development district uses uncommitted funds in its loan  
3102 revolving fund to provide such temporary funding, the district  
3103 shall use funds repaid to the district under the temporarily  
3104 funded federal loan program to replenish the funds used to provide  
3105 the temporary funding. Funds used by a planning and development  
3106 district to provide temporary funding under this paragraph (c)  
3107 must be repaid to the district's loan revolving fund no later than  
3108 twelve (12) months after the date the district provides the  
3109 temporary funding. A planning and development district may not

3110 use uncommitted funds in its loan revolving fund to provide  
3111 temporary funding under this paragraph (c) on more than two (2)  
3112 occasions during a calendar year. A planning and development  
3113 district may provide temporary funding for multiple commitments on  
3114 each such occasion. The maximum aggregate amount of uncommitted  
3115 funds in a loan revolving fund that may be used for such purposes  
3116 during a calendar year shall not exceed seventy percent (70%) of  
3117 the uncommitted funds in the loan revolving fund on the date the  
3118 district first provides temporary funding during the calendar  
3119 year.

3120 (d) If the Mississippi Development Authority determines  
3121 that a planning and development district or qualified entity has  
3122 provided loans to minority businesses in a manner inconsistent  
3123 with the provisions of this subsection, then the amount of such  
3124 loans so provided shall be withheld by the Mississippi Development  
3125 Authority from any additional grant funds to which the planning  
3126 and development district or qualified entity becomes entitled  
3127 under this subsection. If the Mississippi Development Authority  
3128 determines, after notifying such planning and development district  
3129 or qualified entity twice in writing and providing such planning  
3130 and development district or qualified entity a reasonable  
3131 opportunity to comply, that a planning and development district or  
3132 qualified entity has consistently failed to comply with this  
3133 subsection, the Mississippi Development Authority may declare such  
3134 planning and development district or qualified entity in default  
3135 under this subsection and, upon receipt of notice thereof from the  
3136 Mississippi Development Authority, such planning and development  
3137 district or qualified entity shall immediately cease providing  
3138 loans under this subsection, shall refund to the Mississippi  
3139 Development Authority for distribution to other planning and  
3140 development districts or qualified entities all funds held in its  
3141 revolving loan fund and, if required by the Mississippi  
3142 Development Authority, shall convey to the Mississippi Development

3143 Authority, all administrative and management control of loans  
3144 provided by it under this subsection.

3145 (e) If the Mississippi Development Authority  
3146 determines, after notifying a planning and development district or  
3147 qualified entity twice in writing and providing copies of such  
3148 notification to each member of the Legislature in whose district  
3149 or in a part of whose district such planning and development  
3150 district or qualified entity is located and providing such  
3151 planning and development district or qualified entity a reasonable  
3152 opportunity to take corrective action, that a planning and  
3153 development district or qualified entity administering a revolving  
3154 loan fund under the provisions of this subsection is not actively  
3155 engaged in lending as defined by the rules and regulations of the  
3156 Mississippi Development Authority, the Mississippi Development  
3157 Authority may declare such planning and development district or  
3158 qualified entity in default under this subsection and, upon  
3159 receipt of notice thereof from the Mississippi Development  
3160 Authority, such planning and development district or qualified  
3161 entity shall immediately cease providing loans under this  
3162 subsection, shall refund to the Mississippi Development Authority  
3163 for distribution to other planning and development districts or  
3164 qualified entities all funds held in its revolving loan fund and,  
3165 if required by the Mississippi Development Authority, shall convey  
3166 to the Mississippi Development Authority all administrative and  
3167 management control of loans provided by it under this subsection.

3168 (5) The Mississippi Development Authority shall develop a  
3169 program which will assist minority business enterprises by  
3170 guaranteeing bid, performance and payment bonds which such  
3171 minority businesses are required to obtain in order to contract  
3172 with federal agencies, state agencies or political subdivisions of  
3173 the state. Monies for such program shall be drawn from the monies  
3174 allocated under subsection (4) of this section to assist the  
3175 financing of minority economic development and shall not exceed



3176 Three Million Dollars (\$3,000,000.00) in the aggregate. The  
3177 Mississippi Development Authority may promulgate rules and  
3178 regulations for the operation of the program established pursuant  
3179 to this subsection. For the purpose of this subsection (5) the  
3180 term "minority business enterprise" has the meaning assigned such  
3181 term in subsection (4) of this section.

3182 (6) The Mississippi Development Authority may loan or grant  
3183 to public entities and to nonprofit corporations funds to defray  
3184 the expense of financing (or to match any funds available from  
3185 other public or private sources for the expense of financing)  
3186 projects in this state which are devoted to the study, teaching  
3187 and/or promotion of regional crafts and which are deemed by the  
3188 authority to be significant tourist attractions. The monies  
3189 loaned or granted shall be drawn from the Emerging Crops Fund and  
3190 shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00)  
3191 in the aggregate.

3192 (7) Through June 30, 2006, the Mississippi Development  
3193 Authority shall make available to the Mississippi Department of  
3194 Agriculture and Commerce funds for the purpose of establishing  
3195 loan revolving funds and other methods of financing for  
3196 agribusiness programs administered under the Mississippi  
3197 Agribusiness Council Act of 1993. The monies made available by  
3198 the Mississippi Development Authority shall be drawn from the  
3199 Emerging Crops Fund and shall not exceed One Million Two Hundred  
3200 Thousand Dollars (\$1,200,000.00) in the aggregate. The  
3201 Mississippi Department of Agriculture and Commerce shall establish  
3202 control and auditing procedures for use of these funds. These  
3203 funds will be used primarily for quick payment to farmers for  
3204 vegetable and fruit crops processed and sold through vegetable  
3205 processing plants associated with the Department of Agriculture  
3206 and Commerce and the Mississippi State Extension Service.

3207 (8) From and after July 1, 1996, the Mississippi Development  
3208 Authority shall make available to the Mississippi Small Farm

3209 Development Center One Million Dollars (\$1,000,000.00) to be used  
3210 by the center to assist small entrepreneurs as provided in Section  
3211 37-101-25, Mississippi Code of 1972. The monies made available by  
3212 the Mississippi Development Authority shall be drawn from the  
3213 Emerging Crops Fund.

3214 (9) The Mississippi Development Authority shall make  
3215 available to the Agribusiness and Natural Resource Development  
3216 Center through Alcorn State University an amount not to exceed Two  
3217 Hundred Fifty Thousand Dollars (\$250,000.00) in fiscal year 2001  
3218 and Two Hundred Fifty Thousand Dollars (\$250,000.00) in fiscal  
3219 year 2002 from the cash balance of the Emerging Crops Fund to  
3220 support the development of a cooperative program for agribusiness  
3221 development, marketing and natural resources development. This  
3222 subsection (9) shall stand repealed on June 30, 2006.

3223 (10) The Mississippi Development Authority shall make  
3224 available to the Small Farm Development Center at Alcorn State  
3225 University funds in an aggregate amount not to exceed Three  
3226 Hundred Thousand Dollars (\$300,000.00), to be drawn from the cash  
3227 balance of the Emerging Crops Fund. The Small Farm Development  
3228 Center at Alcorn State University shall use such funds to make  
3229 loans to producers of sweet potatoes and cooperatives anywhere in  
3230 the State of Mississippi owned by sweet potato producers to assist  
3231 in the planting of sweet potatoes and the purchase of sweet potato  
3232 production and harvesting equipment. A report of the loans made  
3233 under this subsection shall be furnished by January 15 of each  
3234 year to the Chairman of the Senate Agriculture Committee and the  
3235 Chairman of the House Agriculture Committee.

3236 (11) The Mississippi Development Authority shall make  
3237 available to the Mississippi Department of Agriculture and  
3238 Commerce "Make Mine Mississippi" program an amount not to exceed  
3239 One Hundred Fifty Thousand Dollars (\$150,000.00) to be drawn from  
3240 the cash balance of the Emerging Crops Fund.

3241 (12) The Mississippi Development Authority shall make  
3242 available to the Mississippi Department of Agriculture and  
3243 Commerce an amount not to exceed One Hundred Fifty Thousand  
3244 Dollars (\$150,000.00) to be drawn from the cash balance of the  
3245 Emerging Crops Fund to be used for the rehabilitation and  
3246 maintenance of the Mississippi Farmers Central Market in Jackson,  
3247 Mississippi.

3248 (13) The Mississippi Development Authority shall make  
3249 available to the Mississippi Department of Agriculture and  
3250 Commerce an amount not to exceed Twenty-five Thousand Dollars  
3251 (\$25,000.00) to be drawn from the cash balance of the Emerging  
3252 Crops Fund to be used for advertising purposes related to the  
3253 Mississippi Farmers Central Market in Jackson, Mississippi.

3254 **SECTION 96.** Section 69-2-19, Mississippi Code of 1972, is  
3255 amended as follows:

3256 69-2-19. The Mississippi Development Authority is  
3257 authorized, at one time, or from time to time, to declare by  
3258 resolution the necessity for issuance of negotiable general  
3259 obligation bonds of the State of Mississippi to provide funds for  
3260 the Emerging Crops Fund established in Section 69-2-13. Upon the  
3261 adoption of a resolution by the board, declaring the necessity for  
3262 the issuance of any part or all of the general obligation bonds  
3263 authorized by Sections 69-2-19 through 69-2-39, the authority  
3264 shall deliver a certified copy of its resolution or resolutions to  
3265 the State Bond Commission. Upon receipt of same, the State Bond  
3266 Commission, in its discretion, shall act as the issuing agent,  
3267 prescribe the form of the bonds, advertise for and accept bids,  
3268 issue and sell the bonds so authorized to be sold, and do any and  
3269 all other things necessary and advisable in connection with the  
3270 issuance and sale of such bonds. The amount of bonds issued under  
3271 Sections 69-2-19 through 69-2-39 shall not exceed One Hundred Five  
3272 Million Dollars (\$105,000,000.00) in the aggregate; however, an  
3273 additional amount of bonds may be issued under Sections 69-2-19

3274 through 69-2-39 in an amount not to exceed Thirty-five Million  
3275 Dollars (\$35,000,000.00), and the proceeds of any such additional  
3276 bonds shall be used solely for the purposes described in Section  
3277 69-2-13(3)(b). No bonds may be issued under Sections 69-2-19  
3278 through 69-2-39 after October 1, 2019.

3279           **SECTION 97.** This act shall take effect and be in force from  
3280 and after its passage.