

By: Representative Watson

To: Ways and Means

HOUSE BILL NO. 1301  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 37-151-23 AND 37-151-25, MISSISSIPPI  
2 CODE OF 1972, TO REMOVE PROVISIONS THAT AUTHORIZE THE DEPOSIT OF  
3 STATE EDUCATION TECHNOLOGY BONDS INTO THE STATE PUBLIC SCHOOL  
4 EDUCATION TECHNOLOGY FUND AND THE TECH-PREP FUND; TO AMEND SECTION  
5 57-75-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT BONDS FOR  
6 CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT  
7 SHALL NOT BE ISSUED AFTER APRIL 1, 2005; TO AUTHORIZE THE PROCEEDS  
8 OF BONDS ISSUED FOR CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR  
9 ECONOMIC IMPACT ACT TO BE USED TO PURCHASE EQUIPMENT; TO REMOVE  
10 PROVISIONS IN THE BASE REALIGNMENT AND CLOSURE PROVISIONS OF THE  
11 MISSISSIPPI MAJOR ECONOMIC IMPACT ACT THAT REQUIRE THE CITY OF  
12 MERIDIAN TO REPAY BOND PROCEEDS UNDER CERTAIN CIRCUMSTANCES; TO  
13 AMEND SECTIONS 69-27-345 AND 69-27-347, MISSISSIPPI CODE OF 1972,  
14 TO REDUCE THE AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT MAY BE  
15 ISSUED TO FUND THE REVOLVING FUND ADMINISTERED BY THE STATE SOIL  
16 AND WATER CONSERVATION FUND TO PAY THE COST OF MACHINERY AND  
17 EQUIPMENT ACQUIRED BY THE COMMISSION FOR SOIL AND WATER  
18 CONSERVATION DISTRICTS; TO AMEND SECTION 4, CHAPTER 538, LAWS OF  
19 1985, TO REDUCE THE AMOUNT OF STATE REVENUE BONDS THAT MAY BE  
20 ISSUED FOR CERTAIN IMPROVEMENTS AT THE STATE FIRE ACADEMY; TO  
21 AMEND CHAPTER 2, LAWS OF THE FIRST EXTRAORDINARY SESSION OF 1989,  
22 TO REDUCE THE AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT MAY  
23 ISSUED UNDER SUCH LAW BY REMOVING A PROVISION THAT AUTHORIZES THE  
24 ISSUANCE OF BONDS FOR AN OFFICE BUILDING FOR THE HIGHWAY  
25 DEPARTMENT; TO REPEAL SECTIONS 37-101-401 THROUGH 37-101-431,  
26 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE ISSUANCE OF STATE  
27 GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$15,000,000.00 FOR THE  
28 PURCHASE OF EQUIPMENT NECESSARY TO THE OPERATIONS OF THE  
29 INSTITUTIONS OF HIGHER LEARNING; TO REPEAL SECTIONS 37-151-27  
30 THROUGH 37-151-57, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE  
31 ISSUANCE OF STATE EDUCATION TECHNOLOGY BONDS IN THE AMOUNT OF  
32 \$60,000,000.00 FOR THE STATE PUBLIC SCHOOL EDUCATION TECHNOLOGY  
33 FUND AND THE TECH-PREP FUND; TO REPEAL SECTION 1, CHAPTER 501,  
34 LAWS OF 1985, WHICH AUTHORIZES THE ISSUANCE OF STATE REVENUE BONDS  
35 IN THE AMOUNT OF \$20,000,000.00 FOR USE BY THE VETERANS' FARM AND  
36 HOME BOARD TO FINANCE HOMES FOR VETERANS; TO REPEAL CHAPTER 474,  
37 LAWS OF 1995, WHICH PROVIDES FOR THE ISSUANCE OF STATE REVENUE  
38 BONDS IN THE AMOUNT OF \$800,000.00 FOR THE PURPOSE OF RENOVATING  
39 AND EXPANDING AND IMPROVING A BUILDING ON THE CAMPUS OF  
40 MISSISSIPPI STATE UNIVERSITY FOR THE HOUSING OF THE STATE SEED  
41 TESTING LABORATORY AND THE DIVISION OF PLANT INDUSTRY OF THE  
42 MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE; TO REPEAL  
43 CHAPTER 532, LAWS OF 2000, WHICH AUTHORIZES THE ISSUANCE OF STATE  
44 GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$3,000,000.00 FOR THE  
45 PURPOSE OF ASSISTING PUBLIC UTILITY DISTRICTS ESTABLISHED BY THE  
46 COUNTY FOR THE CONSTRUCTION FOR MASTER PLANNED COMMUNITIES OF  
47 WATER PRODUCTION AND DISTRIBUTION FACILITIES AND WASTEWATER  
48 TREATMENT AND COLLECTION FACILITIES; AND FOR RELATED PURPOSES.

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

50           **SECTION 1.** Section 37-151-23, Mississippi Code of 1972, is  
51 amended as follows:

52           37-151-23. There is hereby created in the State Treasury a  
53 special fund to be designated the "State Public School Education  
54 Technology Fund." Any unexpended balance in said fund at the end  
55 of the fiscal year shall carry over into the subsequent fiscal  
56 year and shall not lapse into the State General Fund. School  
57 districts shall be required to submit a plan for the use of such  
58 funds for education technology to the State Board of Education.  
59 The State Board of Education, consistent with policies adopted  
60 pursuant to recommendations of the council, shall allocate  
61 funds \* \* \* provided from appropriation by the Legislature into  
62 the State Public School Education Technology Fund, to school  
63 districts based on the approved education technology plan, which  
64 demonstrates need consistent with the district's existing  
65 technology, for the purchase or lease of education technology for  
66 the schools. The State Board of Education is authorized to apply  
67 the funds to matching grants from federal or private sources to  
68 generate additional funds for the purchase or lease of education  
69 technology for the schools.

70           **SECTION 2.** Section 37-151-25, Mississippi Code of 1972, is  
71 amended as follows:

72           37-151-25. There is hereby created in the State Treasury a  
73 special fund to be designated as the "Tech-Prep Fund." Any  
74 unexpended balance in said fund at the end of the fiscal year  
75 shall carry over to the succeeding fiscal year and shall not lapse  
76 into the State General Fund. The fund shall be credited with any  
77 funds appropriated by the Legislature \* \* \* for the implementation  
78 of the Tech-Prep program in Grades 7-12 and in the public  
79 community colleges and junior colleges through approved programs  
80 and from the proceeds of bonds issued under Sections 31 through 51  
81 of Laws, 1997, Chapter 612, and shall be allocated to school

82 districts by the State Board of Education for the following  
83 purposes:

84 (a) Equip labs for hands-on: Career Discovery Course  
85 in the 7th grade, Computer Discovery Course in the 8th grade, and  
86 Technology Discovery Course in the 9th grade;

87 (b) Implement application based teaching methodology in  
88 existing academic courses;

89 (c) Develop and implement articulation, integration and  
90 sequential course study plans in Vocational and Academic courses;

91 (d) Administer Occupational Tests;

92 (e) Implement and Update Career/Educational Plans for  
93 each student;

94 (f) Implement Career Centers for each school;

95 (g) To provide equipment upgrades to meet technology  
96 demands, staff development and teaching materials to implement  
97 application based methodology for each of the community college  
98 sites.

99 The State Department of Education is authorized to escalate  
100 spending authority based upon the proceeds of bonds issued under  
101 Sections 31 through 51 of Laws, 1997, Chapter 612.

102 No community or junior college shall deny admittance into its  
103 Tech-Prep program funded under this section to any student who has  
104 graduated from high school with a qualifying grade point average,  
105 regardless of the curriculum or course work completed by the  
106 student.

107 **SECTION 3.** Section 57-75-15, Mississippi Code of 1972, as  
108 amended by House Bill No. 1668, 2005 Regular Session, is amended  
109 as follows:

110 57-75-15. (1) Upon notification to the authority by the  
111 enterprise that the state has been finally selected as the site  
112 for the project, the State Bond Commission shall have the power  
113 and is hereby authorized and directed, upon receipt of a  
114 declaration from the authority as hereinafter provided, to borrow

115 money and issue general obligation bonds of the state in one or  
116 more series for the purposes herein set out. Upon such  
117 notification, the authority may thereafter from time to time  
118 declare the necessity for the issuance of general obligation bonds  
119 as authorized by this section and forward such declaration to the  
120 State Bond Commission, provided that before such notification, the  
121 authority may enter into agreements with the United States  
122 government, private companies and others that will commit the  
123 authority to direct the State Bond Commission to issue bonds for  
124 eligible undertakings set out in subsection (4) of this section,  
125 conditioned on the siting of the project in the state.

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

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

135 (b) Bonds issued under the authority of this section  
136 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
137 Sixty-one Million Dollars (\$61,000,000.00). The authority, with  
138 the express direction of the State Bond Commission, is authorized  
139 to expend any remaining proceeds of bonds issued under the  
140 authority of this act prior to January 1, 1998, for the purpose of  
141 financing projects as then defined in Section 57-75-5(f)(ii) or  
142 for any other projects as defined in Section 57-75-5(f)(ii), as it  
143 may be amended from time to time. \* \* \* If there are any monetary  
144 proceeds derived from the disposition of any improvements located  
145 on real property in Kemper County purchased pursuant to this act  
146 for projects related to the NAAS and if there are any monetary  
147 proceeds derived from the disposition of any timber located on

148 real property in Kemper County purchased pursuant to this act for  
149 projects related to the NAAS, all of such proceeds (both from the  
150 disposition of improvements and the disposition of timber)  
151 commencing July 1, 1996, through June 30, 2010, shall be paid to  
152 the Board of Education of Kemper County, Mississippi, for  
153 expenditure by such board of education to benefit the public  
154 schools of Kemper County. No bonds shall be issued under this  
155 paragraph (b) until the State Bond Commission by resolution adopts  
156 a finding that the issuance of such bonds will improve, expand or  
157 otherwise enhance the military installation, its support areas or  
158 military operations, or will provide employment opportunities to  
159 replace those lost by closure or reductions in operations at the  
160 military installation or will support critical studies or  
161 investigations authorized by Section 57-75-5(f)(ii) \* \* \*.

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

166 (d) Bonds issued under the authority of this section  
167 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
168 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
169 additional amount of bonds in an amount not to exceed Twelve  
170 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
171 issued under the authority of this section for the purpose of  
172 defraying costs associated with the construction of surface water  
173 transmission lines for a project defined in Section 57-75-5(f)(iv)  
174 or for any facility related to the project. No bonds shall be  
175 issued under this paragraph after June 30, 2005.

176 (e) Bonds issued under the authority of this section  
177 for projects defined in Section 57-75-5(f)(v) and for facilities  
178 related to such projects shall not exceed Thirty-eight Million  
179 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be  
180 issued under this paragraph after April 1, 2005.

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

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

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

193 (i) Bonds issued under the authority of this section  
194 for projects defined in Section 57-75-5(f)(x) shall not exceed  
195 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
196 under this paragraph after April 1, 2005.

197 (j) Bonds issued under the authority of this section  
198 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
199 Twenty-three Million Seven Hundred Thousand Dollars  
200 (\$23,700,000.00). No bonds shall be issued under this paragraph  
201 until local governments in or near the county in which the project  
202 is located have irrevocably committed funds to the project in an  
203 amount of not less than Two Million Five Hundred Thousand Dollars  
204 (\$2,500,000.00) in the aggregate. No bonds shall be issued under  
205 this paragraph after June 30, 2008.

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

210 (l) Bonds issued under the authority of this section  
211 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
212 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
213 under this paragraph until local governments in the county in

214 which the project is located have irrevocably committed funds to  
215 the project in an amount of not less than Two Million Dollars  
216 (\$2,000,000.00). No bonds shall be issued under this paragraph  
217 after June 30, 2009.

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

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

226 (o) Bonds issued under the authority of this section  
227 for projects defined in Section 57-75-5(f)(xvii) shall not exceed  
228 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No  
229 bonds shall be issued under this paragraph after June 30, 2009.

230 (p) Bonds issued under the authority of this section  
231 for projects defined in Section 57-75-5(f)(xviii) shall not exceed  
232 One Hundred Ten Million Dollars (\$110,000,000.00). No bonds shall  
233 be issued under this paragraph after June 30, 2016.

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

236 (i) Defraying all or any designated portion of the  
237 costs incurred with respect to acquisition, planning, design,  
238 construction, installation, rehabilitation, improvement,  
239 relocation and with respect to state-owned property, operation and  
240 maintenance of the project and any facility related to the project  
241 located within the project area, including costs of design and  
242 engineering, all costs incurred to provide land, easements and  
243 rights-of-way, relocation costs with respect to the project and  
244 with respect to any facility related to the project located within  
245 the project area, and costs associated with mitigation of  
246 environmental impacts and environmental impact studies;

247 (ii) Defraying the cost of providing for the  
248 recruitment, screening, selection, training or retraining of  
249 employees, candidates for employment or replacement employees of  
250 the project and any related activity;

251 (iii) Reimbursing the Mississippi Development  
252 Authority for expenses it incurred in regard to projects defined  
253 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
254 Mississippi Development Authority shall submit an itemized list of  
255 expenses it incurred in regard to such projects to the Chairmen of  
256 the Finance and Appropriations Committees of the Senate and the  
257 Chairmen of the Ways and Means and Appropriations Committees of  
258 the House of Representatives;

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

261 (v) Paying any warranty made by the authority  
262 regarding site work for a project defined in Section  
263 57-75-5(f)(iv)1;

264 (vi) Defraying the cost of marketing and promotion  
265 of a project as defined in Section 57-75-5(f)(iv)1. The authority  
266 shall submit an itemized list of costs incurred for marketing and  
267 promotion of such project to the Chairmen of the Finance and  
268 Appropriations Committees of the Senate and the Chairmen of the  
269 Ways and Means and Appropriations Committees of the House of  
270 Representatives;

271 (vii) Providing for the payment of interest on the  
272 bonds;

273 (viii) Providing debt service reserves;

274 (ix) Paying underwriters' discount, original issue  
275 discount, accountants' fees, engineers' fees, attorneys' fees,  
276 rating agency fees and other fees and expenses in connection with  
277 the issuance of the bonds;

278 (x) For purposes authorized in paragraphs (b),  
279 (c), (d), (e) and (f) of this subsection (4);

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

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

288                   (xiii) Providing grant funds or loans to an  
289 enterprise owning, leasing or operating a project defined in  
290 Section 57-75-5(f)(xiv);

291                   (xiv) Providing grants and loans to an enterprise  
292 owning or operating a project defined in Section  
293 57-75-5(f)(xviii); and

294                   (xv) Purchasing equipment for a project defined in  
295 Section 57-75-5(f)(viii) subject to such terms and conditions as  
296 the authority considers necessary and appropriate.

297           Such bonds shall be issued from time to time and in such  
298 principal amounts as shall be designated by the authority, not to  
299 exceed in aggregate principal amounts the amount authorized in  
300 subsection (3) of this section. Proceeds from the sale of the  
301 bonds issued under this section may be invested, subject to  
302 federal limitations, pending their use, in such securities as may  
303 be specified in the resolution authorizing the issuance of the  
304 bonds or the trust indenture securing them, and the earning on  
305 such investment applied as provided in such resolution or trust  
306 indenture.

307           (b) (i) The proceeds of bonds issued after June 21,  
308 2002, under this section for projects described in Section  
309 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
310 necessary costs incurred by the Mississippi Development Authority  
311 in providing assistance related to a project for which funding is  
312 provided from the use of proceeds of such bonds. The Mississippi

313 Development Authority shall maintain an accounting of actual costs  
314 incurred for each project for which reimbursements are sought.  
315 Reimbursements under this paragraph (b)(i) shall not exceed Three  
316 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
317 Reimbursements under this paragraph (b)(i) shall satisfy any  
318 applicable federal tax law requirements.

319 (ii) The proceeds of bonds issued after June 21,  
320 2002, under this section for projects described in Section  
321 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
322 necessary costs incurred by the Department of Audit in providing  
323 services related to a project for which funding is provided from  
324 the use of proceeds of such bonds. The Department of Audit shall  
325 maintain an accounting of actual costs incurred for each project  
326 for which reimbursements are sought. The Department of Audit may  
327 escalate its budget and expend such funds in accordance with rules  
328 and regulations of the Department of Finance and Administration in  
329 a manner consistent with the escalation of federal funds.

330 Reimbursements under this paragraph (b)(ii) shall not exceed One  
331 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

332 Reimbursements under this paragraph (b)(ii) shall satisfy any  
333 applicable federal tax law requirements.

334 (c) (i) The proceeds of bonds issued under this  
335 section for projects described in Section 57-75-5(f)(ix) may be  
336 used to reimburse reasonable actual and necessary costs incurred  
337 by the Mississippi Development Authority in providing assistance  
338 related to a project for which funding is provided for the use of  
339 proceeds of such bonds. The Mississippi Development Authority  
340 shall maintain an accounting of actual costs incurred for each  
341 project for which reimbursements are sought. Reimbursements under  
342 this paragraph shall not exceed Twenty-five Thousand Dollars  
343 (\$25,000.00) in the aggregate.

344 (ii) The proceeds of bonds issued under this  
345 section for projects described in Section 57-75-5(f)(ix) may be

346 used to reimburse reasonable actual and necessary costs incurred  
347 by the Department of Audit in providing services related to a  
348 project for which funding is provided from the use of proceeds of  
349 such bonds. The Department of Audit shall maintain an accounting  
350 of actual costs incurred for each project for which reimbursements  
351 are sought. The Department of Audit may escalate its budget and  
352 expend such funds in accordance with rules and regulations of the  
353 Department of Finance and Administration in a manner consistent  
354 with the escalation of federal funds. Reimbursements under this  
355 paragraph shall not exceed Twenty-five Thousand Dollars  
356 (\$25,000.00) in the aggregate. Reimbursements under this  
357 paragraph shall satisfy any applicable federal tax law  
358 requirements.

359 (d) (i) The proceeds of bonds issued under this  
360 section for projects described in Section 57-75-5(f)(x) may be  
361 used to reimburse reasonable actual and necessary costs incurred  
362 by the Mississippi Development Authority in providing assistance  
363 related to a project for which funding is provided for the use of  
364 proceeds of such bonds. The Mississippi Development Authority  
365 shall maintain an accounting of actual costs incurred for each  
366 project for which reimbursements are sought. Reimbursements under  
367 this paragraph shall not exceed Twenty-five Thousand Dollars  
368 (\$25,000.00) in the aggregate.

369 (ii) The proceeds of bonds issued under this  
370 section for projects described in Section 57-75-5(f)(x) may be  
371 used to reimburse reasonable actual and necessary costs incurred  
372 by the Department of Audit in providing services related to a  
373 project for which funding is provided from the use of proceeds of  
374 such bonds. The Department of Audit shall maintain an accounting  
375 of actual costs incurred for each project for which reimbursements  
376 are sought. The Department of Audit may escalate its budget and  
377 expend such funds in accordance with rules and regulations of the  
378 Department of Finance and Administration in a manner consistent

379 with the escalation of federal funds. Reimbursements under this  
380 paragraph shall not exceed Twenty-five Thousand Dollars  
381 (\$25,000.00) in the aggregate. Reimbursements under this  
382 paragraph shall satisfy any applicable federal tax law  
383 requirements.

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

394 (ii) The proceeds of bonds issued under this  
395 section for projects described in Section 57-75-5(f)(xii) may be  
396 used to reimburse reasonable actual and necessary costs incurred  
397 by the Department of Audit in providing services related to a  
398 project for which funding is provided from the use of proceeds of  
399 such bonds. The Department of Audit shall maintain an accounting  
400 of actual costs incurred for each project for which reimbursements  
401 are sought. The Department of Audit may escalate its budget and  
402 expend such funds in accordance with rules and regulations of the  
403 Department of Finance and Administration in a manner consistent  
404 with the escalation of federal funds. Reimbursements under this  
405 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars  
406 (\$25,000.00) in the aggregate. Reimbursements under this  
407 paragraph (e)(ii) shall satisfy any applicable federal tax law  
408 requirements.

409 (f) (i) The proceeds of bonds issued under this  
410 section for projects described in Section 57-75-5(f)(xiii),  
411 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used

412 to reimburse reasonable actual and necessary costs incurred by the  
413 Mississippi Development Authority in providing assistance related  
414 to a project for which funding is provided from the use of  
415 proceeds of such bonds. The Mississippi Development Authority  
416 shall maintain an accounting of actual costs incurred for each  
417 project for which reimbursements are sought. Reimbursements under  
418 this paragraph (f)(i) shall not exceed Twenty-five Thousand  
419 Dollars (\$25,000.00) for each project.

420 (ii) The proceeds of bonds issued under this  
421 section for projects described in Section 57-75-5(f)(xiii),  
422 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used  
423 to reimburse reasonable actual and necessary costs incurred by the  
424 Department of Audit in providing services related to a project for  
425 which funding is provided from the use of proceeds of such bonds.  
426 The Department of Audit shall maintain an accounting of actual  
427 costs incurred for each project for which reimbursements are  
428 sought. The Department of Audit may escalate its budget and  
429 expend such funds in accordance with rules and regulations of the  
430 Department of Finance and Administration in a manner consistent  
431 with the escalation of federal funds. Reimbursements under this  
432 paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars  
433 (\$25,000.00) for each project. Reimbursements under this  
434 paragraph (f)(ii) shall satisfy any applicable federal tax law  
435 requirements.

436 (5) The principal of and the interest on the bonds shall be  
437 payable in the manner hereinafter set forth. The bonds shall bear  
438 date or dates; be in such denomination or denominations; bear  
439 interest at such rate or rates; be payable at such place or places  
440 within or without the state; mature absolutely at such time or  
441 times; be redeemable before maturity at such time or times and  
442 upon such terms, with or without premium; bear such registration  
443 privileges; and be substantially in such form; all as shall be  
444 determined by resolution of the State Bond Commission except that

445 such bonds shall mature or otherwise be retired in annual  
446 installments beginning not more than five (5) years from the date  
447 thereof and extending not more than twenty-five (25) years from  
448 the date thereof. The bonds shall be signed by the Chairman of  
449 the State Bond Commission, or by his facsimile signature, and the  
450 official seal of the State Bond Commission shall be imprinted on  
451 or affixed thereto, attested by the manual or facsimile signature  
452 of the Secretary of the State Bond Commission. Whenever any such  
453 bonds have been signed by the officials herein designated to sign  
454 the bonds, who were in office at the time of such signing but who  
455 may have ceased to be such officers before the sale and delivery  
456 of such bonds, or who may not have been in office on the date such  
457 bonds may bear, the signatures of such officers upon such bonds  
458 shall nevertheless be valid and sufficient for all purposes and  
459 have the same effect as if the person so officially signing such  
460 bonds had remained in office until the delivery of the same to the  
461 purchaser, or had been in office on the date such bonds may bear.

462 (6) All bonds issued under the provisions of this section  
463 shall be and are hereby declared to have all the qualities and  
464 incidents of negotiable instruments under the provisions of the  
465 Uniform Commercial Code and in exercising the powers granted by  
466 this chapter, the State Bond Commission shall not be required to  
467 and need not comply with the provisions of the Uniform Commercial  
468 Code.

469 (7) The State Bond Commission shall sell the bonds on sealed  
470 bids at public sale, and for such price as it may determine to be  
471 for the best interest of the State of Mississippi, but no such  
472 sale shall be made at a price less than par plus accrued interest  
473 to date of delivery of the bonds to the purchaser. The bonds  
474 shall bear interest at such rate or rates not exceeding the limits  
475 set forth in Section 75-17-101 as shall be fixed by the State Bond  
476 Commission. All interest accruing on such bonds so issued shall  
477 be payable semiannually or annually; provided that the first

478 interest payment may be for any period of not more than one (1)  
479 year.

480 Notice of the sale of any bonds shall be published at least  
481 one time, the first of which shall be made not less than ten (10)  
482 days prior to the date of sale, and shall be so published in one  
483 or more newspapers having a general circulation in the City of  
484 Jackson and in one or more other newspapers or financial journals  
485 with a large national circulation, to be selected by the State  
486 Bond Commission.

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

492 (8) State bonds issued under the provisions of this section  
493 shall be the general obligations of the state and backed by the  
494 full faith and credit of the state. The Legislature shall  
495 appropriate annually an amount sufficient to pay the principal of  
496 and the interest on such bonds as they become due. All bonds  
497 shall contain recitals on their faces substantially covering the  
498 foregoing provisions of this section.

499 (9) The State Treasurer is authorized to certify to the  
500 Department of Finance and Administration the necessity for  
501 warrants, and the Department of Finance and Administration is  
502 authorized and directed to issue such warrants payable out of any  
503 funds appropriated by the Legislature under this section for such  
504 purpose, in such amounts as may be necessary to pay when due the  
505 principal of and interest on all bonds issued under the provisions  
506 of this section. The State Treasurer shall forward the necessary  
507 amount to the designated place or places of payment of such bonds  
508 in ample time to discharge such bonds, or the interest thereon, on  
509 the due dates thereof.

510           (10) The bonds may be issued without any other proceedings  
511 or the happening of any other conditions or things other than  
512 those proceedings, conditions and things which are specified or  
513 required by this chapter. Any resolution providing for the  
514 issuance of general obligation bonds under the provisions of this  
515 section shall become effective immediately upon its adoption by  
516 the State Bond Commission, and any such resolution may be adopted  
517 at any regular or special meeting of the State Bond Commission by  
518 a majority of its members.

519           (11) In anticipation of the issuance of bonds hereunder, the  
520 State Bond Commission is authorized to negotiate and enter into  
521 any purchase, loan, credit or other agreement with any bank, trust  
522 company or other lending institution or to issue and sell interim  
523 notes for the purpose of making any payments authorized under this  
524 section. All borrowings made under this provision shall be  
525 evidenced by notes of the state which shall be issued from time to  
526 time, for such amounts not exceeding the amount of bonds  
527 authorized herein, in such form and in such denomination and  
528 subject to such terms and conditions of sale and issuance,  
529 prepayment or redemption and maturity, rate or rates of interest  
530 not to exceed the maximum rate authorized herein for bonds, and  
531 time of payment of interest as the State Bond Commission shall  
532 agree to in such agreement. Such notes shall constitute general  
533 obligations of the state and shall be backed by the full faith and  
534 credit of the state. Such notes may also be issued for the  
535 purpose of refunding previously issued notes. No note shall  
536 mature more than three (3) years following the date of its  
537 issuance. The State Bond Commission is authorized to provide for  
538 the compensation of any purchaser of the notes by payment of a  
539 fixed fee or commission and for all other costs and expenses of  
540 issuance and service, including paying agent costs. Such costs  
541 and expenses may be paid from the proceeds of the notes.

542           (12) The bonds and interim notes authorized under the  
543 authority of this section may be validated in the First Judicial  
544 District of the Chancery Court of Hinds County, Mississippi, in  
545 the manner and with the force and effect provided now or hereafter  
546 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
547 validation of county, municipal, school district and other bonds.  
548 The necessary papers for such validation proceedings shall be  
549 transmitted to the State Bond Attorney, and the required notice  
550 shall be published in a newspaper published in the City of  
551 Jackson, Mississippi.

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

558           (14) All bonds issued under this chapter shall be legal  
559 investments for trustees, other fiduciaries, savings banks, trust  
560 companies and insurance companies organized under the laws of the  
561 State of Mississippi; and such bonds shall be legal securities  
562 which may be deposited with and shall be received by all public  
563 officers and bodies of the state and all municipalities and other  
564 political subdivisions thereof for the purpose of securing the  
565 deposit of public funds.

566           (15) The Attorney General of the State of Mississippi shall  
567 represent the State Bond Commission in issuing, selling and  
568 validating bonds herein provided for, and the Bond Commission is  
569 hereby authorized and empowered to expend from the proceeds  
570 derived from the sale of the bonds authorized hereunder all  
571 necessary administrative, legal and other expenses incidental and  
572 related to the issuance of bonds authorized under this chapter.

573           (16) There is hereby created a special fund in the State  
574 Treasury to be known as the Mississippi Major Economic Impact

575 Authority Fund wherein shall be deposited the proceeds of the  
576 bonds issued under this chapter and all monies received by the  
577 authority to carry out the purposes of this chapter. Expenditures  
578 authorized herein shall be paid by the State Treasurer upon  
579 warrants drawn from the fund, and the Department of Finance and  
580 Administration shall issue warrants upon requisitions signed by  
581 the director of the authority.

582 (17) (a) There is hereby created the Mississippi Economic  
583 Impact Authority Sinking Fund from which the principal of and  
584 interest on such bonds shall be paid by appropriation. All monies  
585 paid into the sinking fund not appropriated to pay accruing bonds  
586 and interest shall be invested by the State Treasurer in such  
587 securities as are provided by law for the investment of the  
588 sinking funds of the state.

589 (b) In the event that all or any part of the bonds and  
590 notes are purchased, they shall be cancelled and returned to the  
591 loan and transfer agent as cancelled and paid bonds and notes and  
592 thereafter all payments of interest thereon shall cease and the  
593 cancelled bonds, notes and coupons, together with any other  
594 cancelled bonds, notes and coupons, shall be destroyed as promptly  
595 as possible after cancellation but not later than two (2) years  
596 after cancellation. A certificate evidencing the destruction of  
597 the cancelled bonds, notes and coupons shall be provided by the  
598 loan and transfer agent to the seller.

599 (c) The State Treasurer shall determine and report to  
600 the Department of Finance and Administration and Legislative  
601 Budget Office by September 1 of each year the amount of money  
602 necessary for the payment of the principal of and interest on  
603 outstanding obligations for the following fiscal year and the  
604 times and amounts of the payments. It shall be the duty of the  
605 Governor to include in every executive budget submitted to the  
606 Legislature full information relating to the issuance of bonds and  
607 notes under the provisions of this chapter and the status of the

608 sinking fund for the payment of the principal of and interest on  
609 the bonds and notes.

610 (d) Any monies repaid to the state from loans  
611 authorized in Section 57-75-11(hh) shall be deposited into the  
612 Mississippi Major Economic Impact Authority Sinking Fund unless  
613 the State Bond Commission, at the request of the authority, shall  
614 determine that such loan repayments are needed to provide  
615 additional loans as authorized under Section 57-75-11(hh). For  
616 purposes of providing additional loans, there is hereby created  
617 the Mississippi Major Economic Impact Authority Revolving Loan  
618 Fund and loan repayments shall be deposited into the fund. The  
619 fund shall be maintained for such period as determined by the  
620 State Bond Commission for the sole purpose of making additional  
621 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
622 remaining in the fund at the end of a fiscal year shall not lapse  
623 into the State General Fund and any interest earned on amounts in  
624 such fund shall be deposited to the credit of the fund.

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

628 (f) Any monies repaid to the state from loans  
629 authorized in Section 57-75-11(jj) shall be deposited into the  
630 Mississippi Major Economic Impact Authority Sinking Fund.

631 (18) (a) Upon receipt of a declaration by the authority  
632 that it has determined that the state is a potential site for a  
633 project, the State Bond Commission is authorized and directed to  
634 authorize the State Treasurer to borrow money from any special  
635 fund in the State Treasury not otherwise appropriated to be  
636 utilized by the authority for the purposes provided for in this  
637 subsection.

638 (b) The proceeds of the money borrowed under this  
639 subsection may be utilized by the authority for the purpose of  
640 defraying all or a portion of the costs incurred by the authority

641 with respect to acquisition options and planning, design and  
642 environmental impact studies with respect to a project defined in  
643 Section 57-75-5(f)(xi). The authority may escalate its budget and  
644 expend the proceeds of the money borrowed under this subsection in  
645 accordance with rules and regulations of the Department of Finance  
646 and Administration in a manner consistent with the escalation of  
647 federal funds.

648 (c) The authority shall request an appropriation or  
649 additional authority to issue general obligation bonds to repay  
650 the borrowed funds and establish a date for the repayment of the  
651 funds so borrowed.

652 (d) Borrowings made under the provisions of this  
653 subsection shall not exceed Five Hundred Thousand Dollars  
654 (\$500,000.00) at any one time.

655 **SECTION 4.** Section 69-27-345, Mississippi Code of 1972, is  
656 amended as follows:

657 69-27-345. The State Soil and Water Conservation Commission  
658 is authorized, at one time or from time to time, to declare by  
659 resolution the necessity for issuance of negotiable general  
660 obligation bonds of the State of Mississippi to provide funds for  
661 the revolving fund established in Section 69-27-343. Upon the  
662 adoption of a resolution by the commission, declaring the  
663 necessity for the issuance of any part or all of the general  
664 obligation bonds authorized by Sections 69-27-345 through  
665 69-27-365, the commission shall deliver a certified copy of its  
666 resolution or resolutions to the State Bond Commission. Upon  
667 receipt of same, the State Bond Commission, in its discretion,  
668 shall act as the issuing agent, prescribe the form of the bonds,  
669 advertise for and accept bids, issue and sell the bonds so  
670 authorized to be sold, and do any and all other things necessary  
671 and advisable in connection with the issuance and sale of such  
672 bonds. The amount of bonds issued under Sections 69-27-345

673 through 69-27-365 shall not exceed Five Hundred Thousand Dollars  
674 (\$500,000.00) in the aggregate.

675 **SECTION 5.** Section 69-27-347, Mississippi Code of 1972, is  
676 amended as follows:

677 69-27-347. For the payment of such bonds and the interest  
678 thereon, the full faith, credit, and taxing power of the State of  
679 Mississippi are hereby irrevocably pledged. If the Legislature  
680 finds that there are sufficient funds available in the General  
681 Fund of the State Treasury to pay maturing principal and accruing  
682 interest of the bonds, and if the Legislature appropriates such  
683 available funds for the purpose of paying such maturing principal  
684 and accruing interest, then the maturing principal and accruing  
685 interest of the bonds shall be paid from appropriations made by  
686 the Legislature from the General Fund of the State Treasury.

687 \* \* \*

688 All monies in such revolving fund which are not necessary to  
689 pay accruing bonds and interest shall be invested by the State  
690 Treasurer in such securities as are provided by law for the  
691 investment of funds of the state, and the earnings on such  
692 investments shall be transferred by the Treasurer into the  
693 revolving fund created in Section 69-27-343.

694 **SECTION 6.** Section 4, Chapter 538, Laws of 1985, is amended  
695 as follows:

696 Section 4. The State Fire Academy, acting through the Bureau  
697 of Building, Grounds and Real Property Management of the  
698 Governor's Office of General Services is authorized to issue  
699 revenue bonds or notes in an aggregate amount not to exceed Two  
700 Million Two Hundred Thousand Dollars (\$2,200,000.00) to provide  
701 funds for the purpose of capital improvements at the State Fire  
702 Academy and to pledge revenue as provided in Section 45-11-5(3),  
703 Mississippi Code of 1972, to pay such indebtedness incurred.

704 Upon the adoption of a resolution by the bureau declaring the  
705 necessity for the issuance of any part or all of the bonds

706 authorized by this section, the bureau shall deliver a certified  
707 copy of its resolution or resolutions to the State Bond  
708 Commission. Upon the receipt of same, the State Bond Commission  
709 shall act as the issuing agent, prescribe the form of the bonds or  
710 notes, issue and sell the bonds or notes so authorized to be sold,  
711 and do any and all other things necessary and advisable in  
712 connection with the issuance and sale of such bonds. For the  
713 payment of such bonds or notes and the interest thereon, the  
714 revenue derived from the taxes levied in Section 45-11-5(3),  
715 Mississippi Code of 1972, are hereby irrevocably pledged. Such  
716 bonds or notes shall bear such date or dates, be in such  
717 denomination or denominations, bear interest at such rate or rates  
718 not to exceed a maximum rate to maturity than that allowed in  
719 Section 75-17-103, Mississippi Code of 1972, be payable at such  
720 place or places within or without the State of Mississippi, shall  
721 mature absolutely at such time or times not to exceed twenty (20)  
722 years, be redeemable prior to maturity at such time or times and  
723 upon such terms, with or without premium, shall bear such  
724 registration privileges, and shall be substantially in such form,  
725 all as shall be determined by resolution of the State Bond  
726 Commission. Such bonds or notes shall be signed by the Chairman  
727 of the State Bond Commission or by his facsimile signature, and  
728 the official seal of the State Bond Commission shall be affixed  
729 thereto, attested by the Secretary of the State Bond Commission.  
730 Whenever any such bonds shall have been signed by the officials  
731 herein designated to sign the bonds who were in office at the time  
732 of such signing but who may have ceased to be such officers prior  
733 to the sale and delivery of such bonds or who may not have been in  
734 office on the date such bonds may bear, the signatures of such  
735 officers upon such bonds and coupons shall nevertheless be valid  
736 and sufficient for all purposes and have the same effect as if the  
737 person so officially signing such bonds had remained in office

738 until the delivery of the same to the purchaser or had been in  
739 office on the date such bonds may bear.

740       Upon the issuance and sale of such bonds, the State Bond  
741 Commission shall transfer the proceeds of any such sale or sales  
742 to a special fund hereby created in the State Treasury to be known  
743 as the "State Fire Academy Construction Bond Fund." The proceeds  
744 of such bonds shall be used by the bureau for capital improvement  
745 projects but may also be used to pay costs incident to the  
746 issuance and sale of such bonds, and shall be disbursed solely  
747 upon the order of the bureau under such restrictions, if any, as  
748 may be contained in the resolution providing for the issuance of  
749 the bonds.

750       Revenue bonds may be issued without any other proceeding or  
751 the happening of any other conditions or things than those  
752 proceedings, conditions and things which are specified or required  
753 in this act. The revenue bonds authorized under this act may, in  
754 the discretion of the authority, be validated by the Chancery  
755 Court of Hinds County, Mississippi, in the manner and with the  
756 force and effect provided now or hereafter by Sections 31-13-1  
757 through 31-13-11, Mississippi Code of 1972, for the validation of  
758 county, municipal, school district and other bonds. The necessary  
759 papers for such validation proceedings shall be transmitted to the  
760 state's bond attorney and the required notice shall be published  
761 in a newspaper published in the City of Jackson, Mississippi.

762       **SECTION 7.** Chapter 2, Laws of the First Extraordinary  
763 Session of 1989, is amended as follows:

764       Section 1. As used in this act, the following words shall  
765 have the meanings ascribed herein unless the context clearly  
766 requires otherwise:

767       (a) "Office of General Services" shall mean the  
768 Governor's Office of General Services, acting through its Bureau  
769 of Building, Grounds and Real Property Management, or any  
770 successor thereto.

771 (b) "Board" shall mean the State Fiscal Management  
772 Board or its successor.

773 (c) "Public facility" shall mean any building or other  
774 facility owned by the State of Mississippi, or by any agency,  
775 department or political subdivision of the State of Mississippi,  
776 which is occupied, used or under the control of the State of  
777 Mississippi, or any agency or department of the State of  
778 Mississippi.

779 Section 2. (1) A special fund, to be designated the  
780 "Mississippi Public Facilities Asbestos Abatement Fund," is hereby  
781 created within the State Treasury. Monies deposited into such  
782 fund shall be allocated and disbursed, in the discretion of the  
783 Office of General Services, to pay costs of and relating to  
784 asbestos abatement (removal of friable asbestos) in public  
785 facilities.

786 (2) A special fund, to be designated the "Mississippi Public  
787 Facilities Roofing and Waterproofing Fund," is hereby created  
788 within the State Treasury. Amounts deposited into such fund shall  
789 be allocated and disbursed, in the discretion of the Office of  
790 General Services, to pay costs of and relating to the repair and  
791 replacement of roofs of public facilities and the waterproofing of  
792 foundations and other parts of public facilities.

793 (3) A special fund, to be designated the "1990 Capital  
794 Improvement Fund," is hereby created in the State Treasury.  
795 Monies deposited into such fund shall be expended to construct and  
796 equip new facilities, additions or renovations of projects for  
797 agencies or their successors, hereinafter described:

		AMOUNT
<u>AGENCY NAME</u>	<u>PROJECT</u>	<u>ALLOCATED</u>
800 Dept/Public	Construct main forensic laboratory....	\$ 1,255,000
801 Safety	Construct and renovate dormitory/ 802 academic building.....	\$ 2,622,200
803	Construct buildings to comply with	

804		the Mississippi Commercial Driver's	
805		License Law created by House Bill	
806		646, 1989 Regular Session.....\$	622,000
807	Dept/Youth	Construct cafeteria and cold storage	
808	Services	and purchase equipment.....\$	1,200,000
809		Clinic addition - Columbia campus..\$	205,000
810		The Fiscal Management Board	
811		and the Office of General Services	
812		shall first study and evaluate	
813		this property and determine whether	
814		or not the purchase of such property	
815		is a prudent investment to provide	
816		state-owned facilities in which	
817		to locate state offices. No part	
818		of this allocation may be expended	
819		to purchase such property unless	
820		the board and office find it in the	
821		best interest of the state to do so.	
822	Governor's	Renovate electrical system -	
823	Office of General	Woolfolk Building.....\$	865,000
824	Services		
825	Dept. of		
826	Mental Health		
827	Boswell RC	New community group home.....\$	280,000
828		New sewer system.....\$	511,000
829	East MS SH	New community group home.....\$	280,000
830		Renovate care unit.....\$	950,000
831	Ellisville SS	Update fire alarm system.....\$	242,000
832		New community group home.....\$	280,000
833	Hudspeth RC	Emergency power source.....\$	232,000
834		New community group home.....\$	280,000
835		Replace floor coverings.....\$	246,420
836	North MS RC	New community group home.....\$	280,000

837	South MS RC	New community group home (Two).....	\$	560,000
838	Mississippi SH	Life safety upgrade-		
839		Renovate Bldg 33	\$	745,000
840		Life safety upgrade-		
841		Renovate Bldg 23	\$	124,674
842		New community group home.....	\$	280,000
843		The Department of Health may issue		
844		certificates of need for the new		
845		construction of, addition to,		
846		or expansion of any such projects		
847		described above for the Department		
848		of Mental Health.		
849	Educational TV	Transmitters and antennae.....	\$	3,950,000
850	Dept/Public	Acquire "Weems property".....	\$	1,350,000
851	Health	Underwood Building - Labs.....	\$	419,500
852		Underwood Building - Offices.....	\$	833,125
853		The Fiscal Management Board		
854		and the Office of General Services		
855		shall first study and evaluate		
856		this property and determine whether		
857		or not the purchase of such property		
858		is a prudent investment to provide		
859		state-owned facilities in which		
860		to locate state offices. No part		
861		of this allocation may be expended		
862		to purchase such property unless		
863		the board and office find it in the		
864		best interest of the state to do so.		
865	Dept/Rehab	Construction on state-owned land		
866	Services	of new facilities to house the		
867		department.....	\$	6,575,000
868	Math and Science School			
869	facilities at Mississippi			

870 University for Women

871 Repair and renovation.....\$ 1,415,000

872 Purchase of land and structures

873 thereon located north of Griffith

874 Street, west of West Street, east

875 of Lamar Street, and south of

876 Hamilton Street.....\$ 3,000,000

877 The Fiscal Management Board

878 and the Office of General Services

879 shall first study and evaluate

880 this property and determine whether

881 or not the purchase of such property

882 is a prudent investment to provide

883 state-owned facilities in which

884 to locate state offices. No part

885 of this allocation may be expended

886 to purchase such property unless

887 the board and office find it in the

888 best interest of the state to do so.

889 Dept/Natural

890 Resources New Laboratory Bldg .....\$ 500,000

891 Capital improvements and

892 repair and renovation at

893 state parks .....\$ 1,500,000

894 Matching local and federal funds

895 made available to acquire and

896 improve property necessary for the

897 development of and access to the

898 Natchez National Historical Park,

899 if the creation of such national

900 park is approved by the United

901 States Congress .....\$ 1,000,000

902 Dept/Corrections Construction or purchase and

903 renovation of Community Work  
 904 Center.....\$ 500,000  
 905 Inst. of Higher  
 906 Learning  
 907 Alcorn State U. Stadium and track - Phase IV.....\$ 4,300,000  
 908 U of MS Med Ctr New laundry facility.....\$ 2,700,000  
 909 The Office of General Services  
 910 shall conduct a study of the  
 911 necessity for and feasibility of a  
 912 central laundry facility for state  
 913 agencies and institutions located  
 914 in the Jackson, Mississippi,  
 915 metropolitan area. The Office of  
 916 General Services shall consult  
 917 with the State Department of  
 918 Corrections regarding the  
 919 practicality of using inmate labor  
 920 to work in such facility. The  
 921 Office of General Services shall  
 922 report its findings to the  
 923 Legislature not later than January  
 924 15, 1990.  
 925 MS State U. School of Forest Resources.....\$ 500,000  
 926 University Repair, renovation and new  
 927 System construction.....\$12,500,000  
 928 Community and  
 929 Junior Colleges Repair and renovation.....\$10,000,000  
 930 Of this allocation, the  
 931 State Board for Community  
 932 and Junior Colleges shall  
 933 determine where such funds  
 934 shall be expended; provided,  
 935 however, \$2,000,000

936 shall be expended for the  
937 General Assembly Bldg. at  
938 Coahoma Junior College.

939 \* \* \*

940 TOTAL .....\$63,102,919

941 The Office of General Services is authorized to pay up to the  
942 amounts stipulated in this section for the purchase of land and  
943 buildings. In no case shall the Office of General Services pay an  
944 amount in excess of the appraised value of the property to be  
945 acquired. The appraised value shall be determined by taking the  
946 average of two (2) appraisals performed by different competent  
947 appraisers, one (1) to be selected by the Office of General  
948 Services and one (1) to be selected by the Department of Audit.

949 (4) A special fund, to be designated the "Mississippi Public  
950 Facilities Capital Improvement Contingency Revolving Fund," is  
951 hereby created within the State Treasury. Amounts deposited into  
952 such fund shall be disbursed to: (a) pay costs of projects  
953 identified in subsection (3) of this section in the event that the  
954 actual cost of such project not paid from sources other than the  
955 proceeds of the bonds authorized pursuant to this act shall exceed  
956 the amount specified in subsection (3), provided that the total  
957 amount disbursed from such fund with respect to any project may  
958 not exceed ten percent (10%) of the amount allocated to such  
959 project as set forth in subsection (3); and (b) pay costs of other  
960 projects as may be authorized in a subsequent act. Promptly after  
961 the State Bond Commission, by resolution duly adopted, shall have  
962 certified that all of the projects specified in subsection (3)  
963 (and all other projects, if any, the payment of all or part of the  
964 cost of which from the Mississippi Public Facilities Capital  
965 Improvement Contingency Revolving Fund shall have been authorized  
966 in a subsequent act) shall have been completed or abandoned, any  
967 amounts remaining in the Mississippi Public Facilities Capital  
968 Improvement Contingency Revolving Fund shall be applied to pay

969 debt service on bonds issued pursuant to this act, in accordance  
970 with the proceedings authorizing issuance of such bonds.

971 (5) Each of the funds created pursuant to subsections (1),  
972 (2), (3) and (4) above shall be maintained by the State Treasurer  
973 as a separate and special fund, separate and apart from the  
974 General Fund of the state, and investment earnings on amounts in  
975 each such fund shall be deposited into such fund. The expenditure  
976 of monies deposited into such special funds shall be under the  
977 direction of the Office of General Services, and such funds shall  
978 be paid by the State Treasurer upon warrants issued by the board,  
979 which warrants shall be issued upon requisitions signed by the  
980 Executive Director of the Office of General Services.

981 Section 3. (1) The State Bond Commission is hereby  
982 authorized and empowered to declare the necessity for issuance of,  
983 and to sell and issue, general obligation bonds of the State of  
984 Mississippi in an aggregate principal amount not to exceed  
985 Sixty-eight Million Five Hundred Two Thousand Nine Hundred  
986 Nineteen Dollars (\$68,502,919.00) pursuant to this act, for the  
987 purposes of providing funds to be disbursed as hereinafter  
988 provided in this section.

989 (2) The proceeds of the bonds authorized in this act shall  
990 be applied as follows:

991 (a) Three Million Dollars (\$3,000,000.00) shall be  
992 deposited into the Mississippi Public Facilities Asbestos  
993 Abatement Fund created pursuant to Section 2 of this act;

994 (b) Two Million Dollars (\$2,000,000.00) shall be  
995 deposited into the Mississippi Public Facilities Roofing and  
996 Waterproofing Fund created pursuant to Section 2 of this act;

997 (c) Sixty-three Million One Hundred Two Thousand Nine  
998 Hundred Nineteen Dollars (\$63,102,919.00) shall be deposited into  
999 the 1990 Capital Improvement Fund created pursuant to Section 2 of  
1000 this act.

1001           (d) From the balance of the proceeds of such bonds, all  
1002 costs incident to the issuance and sale of such bonds shall be  
1003 paid as authorized in Section 7 of this act, and the remaining  
1004 funds shall be deposited into the Mississippi Public Facilities  
1005 Capital Improvement Contingency Revolving Fund created pursuant to  
1006 Section 2 of this act.

1007           (3) The proceeds of such bonds shall be used solely for the  
1008 purposes herein provided, including the costs incident to the  
1009 issuance and sale of such bonds. The costs incident to the  
1010 issuance and sale of such bonds shall be disbursed by warrant upon  
1011 requisition of the State Bond Commission, signed by the Governor.

1012           (4) In the event that the amount allocated to any project as  
1013 set forth in Section 2(3) of this act above shall exceed the  
1014 actual cost of such project, such excess shall, upon completion of  
1015 such project, be deposited into the Mississippi Public Facilities  
1016 Capital Improvement Contingency Revolving Fund. In the event that  
1017 any project specified in Section 2(3) of this act shall be  
1018 abandoned, the amount allocated to such project as set forth in  
1019 Section 2(3) of this act shall, upon receipt by the board of a  
1020 certificate executed by the chief executive officer of the agency  
1021 which would have been responsible for administration of such  
1022 project, and a certificate executed by the Executive Director of  
1023 the Office of General Services, each certifying that such project  
1024 has been abandoned, be transferred to the Mississippi Public  
1025 Facilities Capital Improvement Contingency Revolving Fund.

1026           (5) Any investment earnings on amounts deposited into the  
1027 1990 Capital Improvement Fund shall be used to pay debt service on  
1028 bonds issued pursuant to this act, in accordance with the  
1029 proceedings authorizing issuance of such bonds.

1030           (6) Upon completion or abandonment of all projects described  
1031 in Section 2(3) of this act, as evidenced by a resolution adopted  
1032 by the State Bond Commission certifying that all such projects  
1033 have been completed or abandoned, the balance, if any, remaining

1034 in the 1990 Capital Improvement Fund shall be promptly applied to  
1035 pay debt service on bonds issued pursuant to this act, in  
1036 accordance with the proceedings authorizing issuance of such  
1037 bonds.

1038 (7) All funds allocated under this act for the construction  
1039 of projects shall be deemed to be sufficient to complete such  
1040 projects.

1041 Section 4. The principal of and interest on such bonds shall  
1042 be payable in the manner hereinafter set forth. Such bonds shall  
1043 bear such date or dates, be in such denomination or denominations,  
1044 bear interest at such rate or rates (not to exceed the limits set  
1045 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
1046 at such place or places within or without the State of  
1047 Mississippi, shall mature absolutely at such time or times, not to  
1048 exceed twenty (20) years, be redeemable prior to maturity at such  
1049 time or times and upon such terms, with or without premium, shall  
1050 bear such registration privileges, and shall be substantially in  
1051 such form, all as shall be determined by resolution of the State  
1052 Bond Commission.

1053 Section 5. Such bonds shall be signed by the Chairman of the  
1054 State Bond Commission, or by his facsimile signature, and the  
1055 official seal of the State Bond Commission shall be affixed  
1056 thereto, attested by the Secretary of the State Bond Commission.  
1057 The interest coupons, if any, to be attached to such bonds may be  
1058 executed by the facsimile signatures of such officers. Whenever  
1059 any such bonds shall have been signed by the officials herein  
1060 designated to sign the bonds who were in office at the time of  
1061 such signing but who may have ceased to be such officers prior to  
1062 the sale and delivery of such bonds, or who may not have been in  
1063 office on the date such bonds may bear, the signatures of such  
1064 officers upon such bonds and coupons shall nevertheless be valid  
1065 and sufficient for all purposes and have the same effect as if the  
1066 person so officially signing such bonds had remained in office

1067 until the delivery of the same to the purchaser, or had been in  
1068 office on the date such bonds may bear. Provided, however,  
1069 notwithstanding anything herein to the contrary, such bonds may be  
1070 issued as provided in the Registered Bond Act of the State of  
1071 Mississippi.

1072 Section 6. All bonds and interest coupons issued under the  
1073 provisions of this act shall be and are hereby declared to have  
1074 all the qualities and incidents of negotiable instruments under  
1075 the provisions of the Mississippi Uniform Commercial Code, and in  
1076 exercising the powers granted by this act, the State Bond  
1077 Commission shall not be required to and need not comply with the  
1078 provisions of the Mississippi Uniform Commercial Code.

1079 Section 7. The State Bond Commission shall act as the  
1080 issuing agent for such bonds, prescribe the form of the bonds,  
1081 advertise for and accept bids, issue and sell the bonds so  
1082 authorized to be sold, pay all fees and costs incurred in such  
1083 issuance and sale, and do any and all other things necessary and  
1084 advisable in connection with the issuance and sale of such bonds.  
1085 The State Bond Commission is authorized and empowered to pay the  
1086 costs that are incident to the sale, issuance and delivery of the  
1087 bonds authorized under this act from the proceeds derived from the  
1088 sale of such bonds. The State Bond Commission shall sell such  
1089 bonds on sealed bids at public sale, and for such price as it may  
1090 determine to be for the best interest of the State of Mississippi,  
1091 but no such sale shall be made at a price less than par plus  
1092 accrued interest to the date of delivery of the bonds to the  
1093 purchaser. All interest accruing on such bonds so issued shall be  
1094 payable semiannually or annually; provided that the first interest  
1095 payment may be for any period of not more than one (1) year.

1096 Each interest rate specified in any bid must be in a multiple  
1097 of one-eighth of one percent (1/8 of 1%) or one-tenth of one  
1098 percent (1/10 of 1%) and a zero rate of interest cannot be named.

1099 Notice of the sale of any such bond shall be published at  
1100 least one (1) time, not less than ten (10) days prior to the date  
1101 of sale, and shall be so published in one or more newspapers  
1102 published or having a general circulation in the City of Jackson,  
1103 Mississippi, and in one or more other newspapers or financial  
1104 journals with a national circulation, to be selected by the State  
1105 Bond Commission.

1106 The State Bond Commission, when issuing any bonds under the  
1107 authority of this act, may provide that bonds, at the option of  
1108 the State of Mississippi, may be called in for payment and  
1109 redemption in reverse order of maturity at the call price named  
1110 therein and accrued interest on such date or dates named therein.

1111 Section 8. The bonds issued under the provisions of this act  
1112 shall be general obligations of the State of Mississippi, and for  
1113 the payment thereof the full faith and credit of the State of  
1114 Mississippi is hereby irrevocably pledged. If the funds  
1115 appropriated by the Legislature be insufficient to pay the  
1116 principal of and the interest on such bonds as they become due,  
1117 then the deficiency shall be paid by the State Treasurer from any  
1118 funds in the State Treasury not otherwise appropriated. All such  
1119 bonds shall contain recitals on their faces substantially covering  
1120 the foregoing provisions of this section.

1121 Section 9. The State Treasurer is hereby authorized, without  
1122 further process of law, to certify to the board the necessity for  
1123 warrants, and the board is hereby authorized and directed to issue  
1124 such warrants payable out of any funds authorized by this act for  
1125 such purpose, in such amounts as may be necessary to pay when due  
1126 the principal of and interest on all bonds issued under the  
1127 provisions of this act; and the State Treasurer shall forward the  
1128 necessary amount to the designated place or places of payment of  
1129 such bonds in ample time to discharge such bonds, or the interest  
1130 thereon, on the due dates thereof.

1131           Section 10. Such general obligation bonds may be issued  
1132 without any other proceedings or the happening of any other  
1133 conditions or things other than those proceedings, conditions and  
1134 things which are specified or required by this act. Any  
1135 resolution providing for the issuance of general obligation bonds  
1136 under the provisions of this act shall become effective  
1137 immediately upon its adoption by the State Bond Commission, and  
1138 any such resolution may be adopted at any regular or special  
1139 meeting of the State Bond Commission by a majority of its members.

1140           Section 11. The bonds authorized under the authority of this  
1141 act may be validated in the Chancery Court of the First Judicial  
1142 District of Hinds County, Mississippi, in the manner and with the  
1143 force and effect provided now or hereafter by Chapter 13, Title  
1144 31, Mississippi Code of 1972, for the validation of county,  
1145 municipal, school district and other bonds. The notice to  
1146 taxpayers required by the aforesaid statutes shall be published in  
1147 a newspaper published or having a general circulation in the City  
1148 of Jackson, Mississippi.

1149           Section 12. Any holder of bonds issued under the provisions  
1150 of this act or of any of the interest coupons pertaining thereto  
1151 may, either at law or in equity, by suit, action, mandamus or  
1152 other proceeding, protect and enforce any and all rights granted  
1153 hereunder, or under such resolution, and may enforce and compel  
1154 performance of all duties required by this act to be performed, in  
1155 order to provide for the payment of bonds and interest thereon.

1156           Section 13. All bonds issued under the provisions of this  
1157 act shall be legal investments for trustees and other fiduciaries,  
1158 and for savings banks, trust companies and insurance companies  
1159 organized under the laws of the State of Mississippi, and such  
1160 bonds shall be legal securities which may be deposited with and  
1161 shall be received by all public officers and bodies of this state  
1162 and all municipalities and political subdivisions for the purpose  
1163 of securing the deposit of public funds.

1164           Section 14. Bonds issued under the provisions of this act  
1165 and income therefrom shall be exempt from all taxation in the  
1166 State of Mississippi.

1167           Section 15. After occupation by a state agency of any  
1168 building constructed, purchased, renovated or repaired with the  
1169 proceeds of bonds issued pursuant to this act, with the exception  
1170 of any building at an institution of higher learning or a junior  
1171 or community college, all rents paid therefor by the occupying  
1172 agency shall be used for the retirement of the bonds issued under  
1173 this act and to pay utilities and other necessary expenses.

1174           Section 16. The Office of General Services shall study and  
1175 preplan necessary projects for the construction and/or acquisition  
1176 of state office buildings and the installation of an energy  
1177 management system for public facilities owned by the state,  
1178 excepting any project at the Central High Legislative Services  
1179 Buildings. Such study and preplanning shall include but not be  
1180 limited to the facility space needs, the most efficient  
1181 utilization of space required, the most economical method of  
1182 design and construction within the bounds of good business  
1183 judgment, and the approximate cost of such project.

1184           It is the intention of the Legislature that the cost of the  
1185 study be defrayed out of State Treasury Fund No. 3901.

1186           Section 17. The Department of Natural Resources, and its  
1187 successor having authority over the state park system, shall  
1188 cooperate with counties and municipalities in the preparation and  
1189 implementation of studies for developing and improving the state  
1190 parks located in the vicinity of an interested municipality or  
1191 county.

1192           Section 18. (1) No member of the Legislature, elected  
1193 official or appointed official, or any partner or associate of any  
1194 member of the Legislature, elected official or appointed official,  
1195 shall derive any income from the issuance of any bonds or the  
1196 disposition of any property under this act contrary to the

1197 provisions of Section 109, Mississippi Constitution of 1890, or  
1198 Article 3, Chapter 4, Title 25, Mississippi Code of 1972.

1199 (2) In connection with the issuance and sale of bonds  
1200 authorized under this act, the State Bond Commission shall select  
1201 a bond attorney or attorneys who are listed in the "Directory of  
1202 Municipal Bond Dealers of the United States" and who are members  
1203 in good standing of the Mississippi State Bar Association and  
1204 licensed to practice law in the State of Mississippi; however,  
1205 upon a finding by the commission spread on its official minutes  
1206 that the public interest will best be served thereby, the  
1207 commission may select any bond attorney or attorneys listed in the  
1208 "Directory of Municipal Bond Dealers of the United States."

1209 **SECTION 8.** Sections 37-101-401, 37-101-403, 37-101-405,  
1210 37-101-407, 37-101-409, 37-101-411, 37-101-413, 37-101-415,  
1211 37-101-417, 37-101-419, 37-101-421, 37-101-423, 37-101-425,  
1212 37-101-427, 37-101-429 and 37-101-431, Mississippi Code of 1972,  
1213 which authorize the issuance of state general obligation bonds in  
1214 the amount of Fifteen Million Dollars (\$15,000,000.00) for the  
1215 purchase of equipment necessary to the operations of the  
1216 institutions of higher learning, is repealed.

1217 **SECTION 9.** Sections 37-151-27, 37-151-29, 37-151-31,  
1218 37-151-33, 37-151-35, 37-151-37, 37-151-39, 37-151-41, 37-151-43,  
1219 37-151-45, 37-151-47, 37-151-49, 37-151-51, 37-151-53, 37-151-55  
1220 and 37-151-57, Mississippi Code of 1972, which authorize the  
1221 issuance of State Education Technology bonds in the amount of  
1222 Sixty Million Dollars (\$60,000,000.00) for the State Public School  
1223 Education Technology Fund and the Tech-Prep Fund, are repealed.

1224 **SECTION 10.** Section 1, Chapter 501, Laws of 1985, which  
1225 authorizes the issuance of state revenue bonds in the amount of  
1226 Twenty Million Dollars (\$20,000,000.00) for use by the Veterans'  
1227 Farm and Home Board to finance homes for veterans, is repealed.

1228 **SECTION 11.** Chapter 474, Laws of 1995, which provides for  
1229 the issuance of state revenue bonds in the amount of Eight Hundred

1230 Thousand Dollars (\$800,000.00) for the purpose of renovating and  
1231 expanding and improving a building on the campus of Mississippi  
1232 State University for the housing of the State Seed Testing  
1233 Laboratory and the Division of Plant Industry of the Mississippi  
1234 Department of Agriculture and Commerce, is repealed.

1235         **SECTION 12.** Chapter 532, Laws of 2000, which authorizes the  
1236 issuance of state general obligation bonds in the amount of Three  
1237 Million Dollars (\$3,000,000.00) for the purpose of assisting  
1238 public utility districts established by the county for the  
1239 construction for master planned communities of water production  
1240 and distribution facilities and wastewater treatment and  
1241 collection facilities, is repealed.

1242         **SECTION 13.** This act shall take effect and be in force from  
1243 and after its passage.