

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2548
(As Passed the Senate)

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 AMEND SECTIONS
 8 69-27-345 AND 69-27-347, MISSISSIPPI CODE OF 1972, TO REDUCE THE
 9 AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT MAY BE ISSUED TO
 10 FUND THE REVOLVING FUND ADMINISTERED BY THE STATE SOIL AND WATER
 11 CONSERVATION FUND TO PAY THE COST OF MACHINERY AND EQUIPMENT
 12 ACQUIRED BY THE COMMISSION FOR SOIL AND WATER CONSERVATION
 13 DISTRICTS; TO AMEND SECTION 4, CHAPTER 538, LAWS OF 1985, TO
 14 REDUCE THE AMOUNT OF STATE REVENUE BONDS THAT MAY BE ISSUED FOR
 15 CERTAIN IMPROVEMENTS AT THE STATE FIRE ACADEMY; TO AMEND CHAPTER
 16 2, LAWS OF THE FIRST EXTRAORDINARY SESSION OF 1989, TO REDUCE THE
 17 AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT MAY ISSUED UNDER
 18 SUCH LAW BY REMOVING A PROVISION THAT AUTHORIZES THE ISSUANCE OF
 19 BONDS FOR AN OFFICE BUILDING FOR THE HIGHWAY DEPARTMENT; TO REPEAL
 20 Sections 37-101-401 THROUGH 37-101-431, MISSISSIPPI CODE OF 1972,
 21 WHICH AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN
 22 THE AMOUNT OF \$15,000,000.00 FOR THE PURCHASE OF EQUIPMENT
 23 NECESSARY TO THE OPERATIONS OF THE INSTITUTIONS OF HIGHER
 24 LEARNING; TO REPEAL SECTIONS 37-151-27 THROUGH 37-151-57,
 25 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF STATE
 26 EDUCATION TECHNOLOGY BONDS IN THE AMOUNT OF \$60,000,000.00 FOR THE
 27 STATE PUBLIC SCHOOL EDUCATION TECHNOLOGY FUND AND THE TECH-PREP
 28 FUND; TO REPEAL SECTION 1, CHAPTER 501, LAWS OF 1985, WHICH
 29 AUTHORIZES THE ISSUANCE OF STATE REVENUE BONDS IN THE AMOUNT OF
 30 \$20,000,000.00 FOR USE BY THE VETERANS' FARM AND HOME BOARD TO
 31 FINANCE HOMES FOR VETERANS; TO REPEAL CHAPTER 474, LAWS OF 1995,
 32 WHICH PROVIDES FOR THE ISSUANCE OF STATE REVENUE BONDS IN THE
 33 AMOUNT OF \$800,000.00 FOR THE PURPOSE OF RENOVATING AND EXPANDING
 34 AND IMPROVING A BUILDING ON THE CAMPUS OF MISSISSIPPI STATE
 35 UNIVERSITY FOR THE HOUSING OF THE STATE SEED TESTING LABORATORY
 36 AND THE DIVISION OF PLANT INDUSTRY OF THE MISSISSIPPI DEPARTMENT
 37 OF AGRICULTURE AND COMMERCE; TO REPEAL CHAPTER 532, LAWS OF 2000,
 38 WHICH AUTHORIZES THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN
 39 THE AMOUNT OF \$3,000,000.00 FOR THE PURPOSE OF ASSISTING PUBLIC
 40 UTILITY DISTRICTS ESTABLISHED BY THE COUNTY FOR THE CONSTRUCTION
 41 FOR MASTER PLANNED COMMUNITIES OF WATER PRODUCTION AND
 42 DISTRIBUTION FACILITIES AND WASTEWATER TREATMENT AND COLLECTION
 43 FACILITIES; AND FOR RELATED PURPOSES.

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

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

47 37-151-23. There is hereby created in the State Treasury a
48 special fund to be designated the "State Public School Education
49 Technology Fund." Any unexpended balance in said fund at the end
50 of the fiscal year shall carry over into the subsequent fiscal
51 year and shall not lapse into the State General Fund. School
52 districts shall be required to submit a plan for the use of such
53 funds for education technology to the State Board of Education.
54 The State Board of Education, consistent with policies adopted
55 pursuant to recommendations of the council, shall allocate * * *
56 funds provided from appropriation by the Legislature into the
57 State Public School Education Technology Fund, to school districts
58 based on the approved education technology plan, which
59 demonstrates need consistent with the district's existing
60 technology, for the purchase or lease of education technology for
61 the schools. The State Board of Education is authorized to apply
62 the funds to matching grants from federal or private sources to
63 generate additional funds for the purchase or lease of education
64 technology for the schools.

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

67 37-151-25. There is hereby created in the State Treasury a
68 special fund to be designated as the "Tech-Prep Fund." Any
69 unexpended balance in said fund at the end of the fiscal year
70 shall carryover to the succeeding fiscal year and shall not lapse
71 into the State General Fund. The fund shall be credited with any
72 funds appropriated by the Legislature * * * for the implementation
73 of the Tech-Prep program in Grades 7-12 and in the public
74 community colleges and junior colleges through approved programs
75 and from the proceeds of bonds issued under Sections 31 through 51
76 of Laws, 1997, Chapter 612, and shall be allocated to school
77 districts by the State Board of Education for the following
78 purposes:

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

82 (b) Implement application based teaching methodology in
83 existing academic courses;

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

86 (d) Administer Occupational Tests;

87 (e) Implement and Update Career/Educational Plans for
88 each student;

89 (f) Implement Career Centers for each school;

90 (g) To provide equipment upgrades to meet technology
91 demands, staff development and teaching materials to implement
92 application based methodology for each of the community college
93 sites.

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

97 No community or junior college shall deny admittance into its
98 Tech-Prep program funded under this section to any student who has
99 graduated from high school with a qualifying grade point average,
100 regardless of the curriculum or coursework completed by the
101 student.

102 **SECTION 3.** Section 57-75-15, Mississippi Code of 1972, is
103 amended as follows:

104 57-75-15. (1) Upon notification to the authority by the
105 enterprise that the state has been finally selected as the site
106 for the project, the State Bond Commission shall have the power
107 and is hereby authorized and directed, upon receipt of a
108 declaration from the authority as hereinafter provided, to borrow
109 money and issue general obligation bonds of the state in one or
110 more series for the purposes herein set out. Upon such
111 notification, the authority may thereafter from time to time

112 declare the necessity for the issuance of general obligation bonds
113 as authorized by this section and forward such declaration to the
114 State Bond Commission, provided that before such notification, the
115 authority may enter into agreements with the United States
116 government, private companies and others that will commit the
117 authority to direct the State Bond Commission to issue bonds for
118 eligible undertakings set out in subsection (4) of this section,
119 conditioned on the siting of the project in the state.

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

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

129 (b) Bonds issued under the authority of this section
130 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
131 Sixty-one Million Dollars (\$61,000,000.00). The authority, with
132 the express direction of the State Bond Commission, is authorized
133 to expend any remaining proceeds of bonds issued under the
134 authority of this act prior to January 1, 1998, for the purpose of
135 financing projects as then defined in Section 57-75-5(f)(ii) or
136 for any other projects as defined in Section 57-75-5(f)(ii), as it
137 may be amended from time to time. If any proceeds of bonds issued
138 for projects related to the Meridian Naval Auxiliary Air Station
139 ("NAAS") are used for the development of a water and sewer service
140 system by the City of Meridian, Mississippi, to serve the NAAS and
141 if the City of Meridian annexes any of the territory served by the
142 water and sewer service system, the city shall repay the State of
143 Mississippi the amount of all bond proceeds expended on any
144 portion of the water and sewer service system project; and if

145 there are any monetary proceeds derived from the disposition of
146 any improvements located on real property in Kemper County
147 purchased pursuant to this act for projects related to the NAAS
148 and if there are any monetary proceeds derived from the
149 disposition of any timber located on real property in Kemper
150 County purchased pursuant to this act for projects related to the
151 NAAS, all of such proceeds (both from the disposition of
152 improvements and the disposition of timber) commencing July 1,
153 1996, through June 30, 2010, shall be paid to the Board of
154 Education of Kemper County, Mississippi, for expenditure by such
155 board of education to benefit the public schools of Kemper County.
156 No bonds shall be issued under this paragraph (b) until the State
157 Bond Commission by resolution adopts a finding that the issuance
158 of such bonds will improve, expand or otherwise enhance the
159 military installation, its support areas or military operations,
160 or will provide employment opportunities to replace those lost by
161 closure or reductions in operations at the military installation
162 or will support critical studies or investigations authorized by
163 Section 57-75-5(f)(ii); however, not more than One Million Dollars
164 (\$1,000,000.00) in the aggregate shall be authorized for such
165 studies or investigations.

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

170 (d) Bonds issued under the authority of this section
171 for projects defined in Section 57-75-5(f)(iv) shall not exceed
172 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
173 additional amount of bonds in an amount not to exceed Twelve
174 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
175 issued under the authority of this section for the purpose of
176 defraying costs associated with the construction of surface water
177 transmission lines for a project defined in Section 57-75-5(f)(iv)

178 or for any facility related to the project. No bonds shall be
179 issued under this paragraph after June 30, 2005.

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

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

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

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

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

201 (j) Bonds issued under the authority of this section
202 for projects defined in Section 57-75-5(f)(xii) shall not exceed
203 Twenty-three Million Seven Hundred Thousand Dollars
204 (\$23,700,000.00). No bonds shall be issued under this paragraph
205 until local governments in or near the county in which the project
206 is located have irrevocably committed funds to the project in an
207 amount of not less than Two Million Five Hundred Thousand Dollars
208 (\$2,500,000.00) in the aggregate. No bonds shall be issued under
209 this paragraph after June 30, 2008.

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

214 (l) Bonds issued under the authority of this section
215 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
216 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
217 under this paragraph until local governments in the county in
218 which the project is located have irrevocably committed funds to
219 the project in an amount of not less than Two Million Dollars
220 (\$2,000,000.00). No bonds shall be issued under this paragraph
221 after June 30, 2009.

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

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

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

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); and

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

301 (b) (i) The proceeds of bonds issued after June 21,
302 2002, under this section for projects described in Section
303 57-75-5(f)(iv) may be used to reimburse reasonable actual and
304 necessary costs incurred by the Mississippi Development Authority
305 in providing assistance related to a project for which funding is
306 provided from the use of proceeds of such bonds. The Mississippi
307 Development Authority shall maintain an accounting of actual costs
308 incurred for each project for which reimbursements are sought.

309 Reimbursements under this paragraph (b)(i) shall not exceed Three
310 Hundred Thousand Dollars (\$300,000.00) in the aggregate.

311 Reimbursements under this paragraph (b)(i) shall satisfy any
312 applicable federal tax law requirements.

313 (ii) The proceeds of bonds issued after June 21,
314 2002, under this section for projects described in Section
315 57-75-5(f)(iv) may be used to reimburse reasonable actual and
316 necessary costs incurred by the Department of Audit in providing
317 services related to a project for which funding is provided from
318 the use of proceeds of such bonds. The Department of Audit shall
319 maintain an accounting of actual costs incurred for each project
320 for which reimbursements are sought. The Department of Audit may
321 escalate its budget and expend such funds in accordance with rules
322 and regulations of the Department of Finance and Administration in
323 a manner consistent with the escalation of federal funds.

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

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

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

338 (ii) The proceeds of bonds issued under this
339 section for projects described in Section 57-75-5(f)(ix) may be
340 used to reimburse reasonable actual and necessary costs incurred
341 by the Department of Audit in providing services related to a

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

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

363 (ii) The proceeds of bonds issued under this
364 section for projects described in Section 57-75-5(f)(x) may be
365 used to reimburse reasonable actual and necessary costs incurred
366 by the Department of Audit in providing services related to a
367 project for which funding is provided from the use of proceeds of
368 such bonds. The Department of Audit shall maintain an accounting
369 of actual costs incurred for each project for which reimbursements
370 are sought. The Department of Audit may escalate its budget and
371 expend such funds in accordance with rules and regulations of the
372 Department of Finance and Administration in a manner consistent
373 with the escalation of federal funds. Reimbursements under this
374 paragraph shall not exceed Twenty-five Thousand Dollars

375 (\$25,000.00) in the aggregate. Reimbursements under this
376 paragraph shall satisfy any applicable federal tax law
377 requirements.

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

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

403 (f) (i) The proceeds of bonds issued under this
404 section for projects described in Section 57-75-5(f)(xiii),
405 (f)(xiv), (f)(xv), (f)(xvi) and (f)(xvii) may be used to reimburse
406 reasonable actual and necessary costs incurred by the Mississippi
407 Development Authority in providing assistance related to a project

408 for which funding is provided from the use of proceeds of such
409 bonds. The Mississippi Development Authority shall maintain an
410 accounting of actual costs incurred for each project for which
411 reimbursements are sought. Reimbursements under this paragraph
412 (f)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)
413 for each project.

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

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

441 the date thereof. The bonds shall be signed by the Chairman of
442 the State Bond Commission, or by his facsimile signature, and the
443 official seal of the State Bond Commission shall be imprinted on
444 or affixed thereto, attested by the manual or facsimile signature
445 of the Secretary of the State Bond Commission. Whenever any such
446 bonds have been signed by the officials herein designated to sign
447 the bonds, who were in office at the time of such signing but who
448 may have ceased to be such officers before the sale and delivery
449 of such bonds, or who may not have been in office on the date such
450 bonds may bear, the signatures of such officers upon such bonds
451 shall nevertheless be valid and sufficient for all purposes and
452 have the same effect as if the person so officially signing such
453 bonds had remained in office until the delivery of the same to the
454 purchaser, or had been in office on the date such bonds may bear.

455 (6) All bonds issued under the provisions of this section
456 shall be and are hereby declared to have all the qualities and
457 incidents of negotiable instruments under the provisions of the
458 Uniform Commercial Code and in exercising the powers granted by
459 this chapter, the State Bond Commission shall not be required to
460 and need not comply with the provisions of the Uniform Commercial
461 Code.

462 (7) The State Bond Commission shall sell the bonds on sealed
463 bids at public sale, and for such price as it may determine to be
464 for the best interest of the State of Mississippi, but no such
465 sale shall be made at a price less than par plus accrued interest
466 to date of delivery of the bonds to the purchaser. The bonds
467 shall bear interest at such rate or rates not exceeding the limits
468 set forth in Section 75-17-101 as shall be fixed by the State Bond
469 Commission. All interest accruing on such bonds so issued shall
470 be payable semiannually or annually; provided that the first
471 interest payment may be for any period of not more than one (1)
472 year.

473 Notice of the sale of any bonds shall be published at least
474 one time, the first of which shall be made not less than ten (10)
475 days prior to the date of sale, and shall be so published in one
476 or more newspapers having a general circulation in the City of
477 Jackson and in one or more other newspapers or financial journals
478 with a large national circulation, to be selected by the State
479 Bond Commission.

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

485 (8) State bonds issued under the provisions of this section
486 shall be the general obligations of the state and backed by the
487 full faith and credit of the state. The Legislature shall
488 appropriate annually an amount sufficient to pay the principal of
489 and the interest on such bonds as they become due. All bonds
490 shall contain recitals on their faces substantially covering the
491 foregoing provisions of this section.

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

503 (10) The bonds may be issued without any other proceedings
504 or the happening of any other conditions or things other than
505 those proceedings, conditions and things which are specified or

506 required by this chapter. Any resolution providing for the
507 issuance of general obligation bonds under the provisions of this
508 section shall become effective immediately upon its adoption by
509 the State Bond Commission, and any such resolution may be adopted
510 at any regular or special meeting of the State Bond Commission by
511 a majority of its members.

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

535 (12) The bonds and interim notes authorized under the
536 authority of this section may be validated in the First Judicial
537 District of the Chancery Court of Hinds County, Mississippi, in
538 the manner and with the force and effect provided now or hereafter

539 by Chapter 13, Title 31, Mississippi Code of 1972, for the
540 validation of county, municipal, school district and other bonds.
541 The necessary papers for such validation proceedings shall be
542 transmitted to the State Bond Attorney, and the required notice
543 shall be published in a newspaper published in the City of
544 Jackson, Mississippi.

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

551 (14) All bonds issued under this chapter shall be legal
552 investments for trustees, other fiduciaries, savings banks, trust
553 companies and insurance companies organized under the laws of the
554 State of Mississippi; and such bonds shall be legal securities
555 which may be deposited with and shall be received by all public
556 officers and bodies of the state and all municipalities and other
557 political subdivisions thereof for the purpose of securing the
558 deposit of public funds.

559 (15) The Attorney General of the State of Mississippi shall
560 represent the State Bond Commission in issuing, selling and
561 validating bonds herein provided for, and the Bond Commission is
562 hereby authorized and empowered to expend from the proceeds
563 derived from the sale of the bonds authorized hereunder all
564 necessary administrative, legal and other expenses incidental and
565 related to the issuance of bonds authorized under this chapter.

566 (16) There is hereby created a special fund in the State
567 Treasury to be known as the Mississippi Major Economic Impact
568 Authority Fund wherein shall be deposited the proceeds of the
569 bonds issued under this chapter and all monies received by the
570 authority to carry out the purposes of this chapter. Expenditures
571 authorized herein shall be paid by the State Treasurer upon

572 warrants drawn from the fund, and the Department of Finance and
573 Administration shall issue warrants upon requisitions signed by
574 the director of the authority.

575 (17) (a) There is hereby created the Mississippi Economic
576 Impact Authority Sinking Fund from which the principal of and
577 interest on such bonds shall be paid by appropriation. All monies
578 paid into the sinking fund not appropriated to pay accruing bonds
579 and interest shall be invested by the State Treasurer in such
580 securities as are provided by law for the investment of the
581 sinking funds of the state.

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

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

603 (d) Any monies repaid to the state from loans
604 authorized in Section 57-75-11(hh) shall be deposited into the

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

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

621 (18) (a) Upon receipt of a declaration by the authority
622 that it has determined that the state is a potential site for a
623 project, the State Bond Commission is authorized and directed to
624 authorize the State Treasurer to borrow money from any special
625 fund in the State Treasury not otherwise appropriated to be
626 utilized by the authority for the purposes provided for in this
627 subsection.

628 (b) The proceeds of the money borrowed under this
629 subsection may be utilized by the authority for the purpose of
630 defraying all or a portion of the costs incurred by the authority
631 with respect to acquisition options and planning, design and
632 environmental impact studies with respect to a project defined in
633 Section 57-75-5(f)(xi). The authority may escalate its budget and
634 expend the proceeds of the money borrowed under this subsection in
635 accordance with rules and regulations of the Department of Finance
636 and Administration in a manner consistent with the escalation of
637 federal funds.

638 (c) The authority shall request an appropriation or
639 additional authority to issue general obligation bonds to repay
640 the borrowed funds and establish a date for the repayment of the
641 funds so borrowed.

642 (d) Borrowings made under the provisions of this
643 subsection shall not exceed Five Hundred Thousand Dollars
644 (\$500,000.00) at any one time.

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

647 69-27-345. The State Soil and Water Conservation Commission
648 is authorized, at one time or from time to time, to declare by
649 resolution the necessity for issuance of negotiable general
650 obligation bonds of the State of Mississippi to provide funds for
651 the revolving fund established in Section 69-27-343. Upon the
652 adoption of a resolution by the commission, declaring the
653 necessity for the issuance of any part or all of the general
654 obligation bonds authorized by Sections 69-27-345 through
655 69-27-365, the commission shall deliver a certified copy of its
656 resolution or resolutions to the State Bond Commission. Upon
657 receipt of same, the State Bond Commission, in its discretion,
658 shall act as the issuing agent, prescribe the form of the bonds,
659 advertise for and accept bids, issue and sell the bonds so
660 authorized to be sold, and do any and all other things necessary
661 and advisable in connection with the issuance and sale of such
662 bonds. The amount of bonds issued under Sections 69-27-345
663 through 69-27-365 shall not exceed Five Hundred Thousand Dollars
664 (\$500,000.00) in the aggregate.

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

667 69-27-347. For the payment of such bonds and the interest
668 thereon, the full faith, credit, and taxing power of the State of
669 Mississippi are hereby irrevocably pledged. If the Legislature
670 finds that there are sufficient funds available in the General

671 Fund of the State Treasury to pay maturing principal and accruing
672 interest of the bonds, and if the Legislature appropriates such
673 available funds for the purpose of paying such maturing principal
674 and accruing interest, then the maturing principal and accruing
675 interest of the bonds shall be paid from appropriations made by
676 the Legislature from the General Fund of the State Treasury.

677 * * *

678 All monies in such revolving fund which are not necessary to
679 pay accruing bonds and interest shall be invested by the State
680 Treasurer in such securities as are provided by law for the
681 investment of funds of the state, and the earnings on such
682 investments shall be transferred by the Treasurer into the
683 revolving fund created in Section 69-27-343.

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

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

694 Upon the adoption of a resolution by the bureau declaring the
695 necessity for the issuance of any part or all of the bonds
696 authorized by this section, the bureau shall deliver a certified
697 copy of its resolution or resolutions to the State Bond
698 Commission. Upon the receipt of same, the State Bond Commission
699 shall act as the issuing agent, prescribe the form of the bonds or
700 notes, issue and sell the bonds or notes so authorized to be sold,
701 and do any and all other things necessary and advisable in
702 connection with the issuance and sale of such bonds. For the
703 payment of such bonds or notes and the interest thereon, the

704 revenue derived from the taxes levied in Section 45-11-5(3),
705 Mississippi Code of 1972, are hereby irrevocably pledged. Such
706 bonds or notes shall bear such date or dates, be in such
707 denomination or denominations, bear interest at such rate or rates
708 not to exceed a maximum rate to maturity than that allowed in
709 Section 75-17-103, Mississippi Code of 1972, be payable at such
710 place or places within or without the State of Mississippi, shall
711 mature absolutely at such time or times not to exceed twenty (20)
712 years, be redeemable prior to maturity at such time or times and
713 upon such terms, with or without premium, shall bear such
714 registration privileges, and shall be substantially in such form,
715 all as shall be determined by resolution of the State Bond
716 Commission. Such bonds or notes shall be signed by the Chairman
717 of the State Bond Commission or by his facsimile signature, and
718 the official seal of the State Bond Commission shall be affixed
719 thereto, attested by the Secretary of the State Bond Commission.
720 Whenever any such bonds shall have been signed by the officials
721 herein designated to sign the bonds who were in office at the time
722 of such signing but who may have ceased to be such officers prior
723 to the sale and delivery of such bonds or who may not have been in
724 office on the date such bonds may bear, the signatures of such
725 officers upon such bonds and coupons shall nevertheless be valid
726 and sufficient for all purposes and have the same effect as if the
727 person so officially signing such bonds had remained in office
728 until the delivery of the same to the purchaser or had been in
729 office on the date such bonds may bear.

730 Upon the issuance and sale of such bonds, the State Bond
731 Commission shall transfer the proceeds of any such sale or sales
732 to a special fund hereby created in the State Treasury to be known
733 as the "State Fire Academy Construction Bond Fund". The proceeds
734 of such bonds shall be used by the bureau for capital improvement
735 projects but may also be used to pay costs incident to the
736 issuance and sale of such bonds, and shall be disbursed solely

737 upon the order of the bureau under such restrictions, if any, as
738 may be contained in the resolution providing for the issuance of
739 the bonds.

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

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

754 Section 1. As used in this act, the following words shall
755 have the meanings ascribed herein unless the context clearly
756 requires otherwise:

757 (a) "Office of General Services" shall mean the
758 Governor's Office of General Services, acting through its Bureau
759 of Building, Grounds and Real Property Management, or any
760 successor thereto.

761 (b) "Board" shall mean the State Fiscal Management
762 Board or its successor.

763 (c) "Public facility" shall mean any building or other
764 facility owned by the State of Mississippi, or by any agency,
765 department or political subdivision of the State of Mississippi,
766 which is occupied, used or under the control of the State of
767 Mississippi, or any agency or department of the State of
768 Mississippi.

769 Section 2. (1) A special fund, to be designated the
 770 "Mississippi Public Facilities Asbestos Abatement Fund," is hereby
 771 created within the State Treasury. Monies deposited into such
 772 fund shall be allocated and disbursed, in the discretion of the
 773 Office of General Services, to pay costs of and relating to
 774 asbestos abatement (removal of friable asbestos) in public
 775 facilities.

776 (2) A special fund, to be designated the "Mississippi Public
 777 Facilities Roofing and Waterproofing Fund," is hereby created
 778 within the State Treasury. Amounts deposited into such fund shall
 779 be allocated and disbursed, in the discretion of the Office of
 780 General Services, to pay costs of and relating to the repair and
 781 replacement of roofs of public facilities and the waterproofing of
 782 foundations and other parts of public facilities.

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

		AMOUNT
<u>AGENCY NAME</u>	<u>PROJECT</u>	<u>ALLOCATED</u>
790 Dept/Public	Construct main forensic laboratory.....	\$1,255,000
791 Safety	Construct and renovate dormitory/ academic building.....	\$2,622,200
793	Construct buildings to comply with the Mississippi Commercial Driver's License Law created by House Bill 646, 1989 Regular Session.....	\$ 622,000
797 Dept/Youth	Construct cafeteria and cold storage and purchase equipment.....	\$1,200,000
799 Services	Clinic addition - Columbia campus... The Fiscal Management Board and the Office of General Services	\$ 205,000

802 shall first study and evaluate
803 this property and determine whether
804 or not the purchase of such property
805 is a prudent investment to provide
806 state-owned facilities in which
807 to locate state offices. No part
808 of this allocation may be expended
809 to purchase such property unless
810 the board and office find it in the
811 best interest of the state to do so.

812 Governor's Renovate electrical system -
813 Office of General Woolfolk Building.....\$ 865,000
814 Services
815 Dept. of
816 Mental Health

817 Boswell RC New community group home.....\$ 280,000
818 New sewer system.....\$ 511,000
819 East MS SH New community group home.....\$ 280,000
820 Renovate care unit.....\$ 950,000
821 Ellisville SS Update fire alarm system.....\$ 242,000
822 New community group home.....\$ 280,000
823 Hudspeth RC Emergency power source.....\$ 232,000
824 New community group home.....\$ 280,000
825 Replace floor coverings.....\$ 246,420
826 North MS RC New community group home.....\$ 280,000
827 South MS RC New community group home (Two).....\$ 560,000
828 Mississippi SH Life safety upgrade-
829 Renovate Bldg 33 \$ 745,000
830 Life safety upgrade-
831 Renovate Bldg 23 \$ 124,674
832 New community group home.....\$ 280,000
833 The Department of Health may issue
834 certificates of need for the new

835 construction of, addition to,
836 or expansion of any such projects
837 described above for the Department
838 of Mental Health.

839 Educational TV Transmitters and antennae.....\$ 3,950,000

840 Dept/Public Acquire "Weems property".....\$ 1,350,000

841 Health Underwood Building - Labs.....\$ 419,500

842 Underwood Building - Offices.....\$ 833,125

843 The Fiscal Management Board
844 and the Office of General Services
845 shall first study and evaluate
846 this property and determine whether
847 or not the purchase of such property
848 is a prudent investment to provide
849 state-owned facilities in which
850 to locate state offices. No part
851 of this allocation may be expended
852 to purchase such property unless
853 the board and office find it in the
854 best interest of the state to do so.

855 Dept/Rehab Construction on state-owned land
856 Services of new facilities to house the
857 department.....\$ 6,575,000

858 Math and Science School
859 facilities at Mississippi
860 University for Women
861 Repair and renovation.....\$ 1,415,000

862 Purchase of land and structures
863 thereon located north of Griffith
864 Street, west of West Street, east
865 of Lamar Street, and south of
866 Hamilton Street.....\$ 3,000,000

867 The Fiscal Management Board

868 and the Office of General Services
869 shall first study and evaluate
870 this property and determine whether
871 or not the purchase of such property
872 is a prudent investment to provide
873 state-owned facilities in which
874 to locate state offices. No part
875 of this allocation may be expended
876 to purchase such property unless
877 the board and office find it in the
878 best interest of the state to do so.

879 Dept/Natural
880 Resources New Laboratory Bldg\$ 500,000
881 Capital improvements and
882 repair and renovation at
883 state parks\$ 1,500,000
884 Matching local and federal funds
885 made available to acquire and
886 improve property necessary for the
887 development of and access to the
888 Natchez National Historical Park,
889 if the creation of such national
890 park is approved by the United
891 States Congress\$ 1,000,000

892 Dept/Corrections Construction or purchase and
893 renovation of Community Work
894 Center.....\$ 500,000

895 Inst. of Higher
896 Learning

897 Alcorn State U. Stadium and track - Phase IV.....\$ 4,300,000
898 U of MS Med Ctr New laundry facility.....\$ 2,700,000

899 The Office of General Services
900 shall conduct a study of the

901 necessity for and feasibility of a
 902 central laundry facility for state
 903 agencies and institutions located
 904 in the Jackson, Mississippi,
 905 metropolitan area. The Office of
 906 General Services shall consult
 907 with the State Department of
 908 Corrections regarding the
 909 practicality of using inmate labor
 910 to work in such facility. The
 911 Office of General Services shall
 912 report its findings to the
 913 Legislature not later than January
 914 15, 1990.

915 MS State U. School of Forest Resources.....\$ 500,000
 916 University Repair, renovation and new
 917 System construction.....\$ 12,500,000
 918 Community and
 919 Junior Colleges Repair and renovation.....\$ 10,000,000

920 Of this allocation, the
 921 State Board for Community
 922 and Junior Colleges shall
 923 determine where such funds
 924 shall be expended; provided,
 925 however, \$2,000,000
 926 shall be expended for the
 927 General Assembly Bldg. at
 928 Coahoma Junior College.

929 * * *

930 TOTAL\$ 6,102,919

931 The Office of General Services is authorized to pay up to the
 932 amounts stipulated in this section for the purchase of land and
 933 buildings. In no case shall the Office of General Services pay an

934 amount in excess of the appraised value of the property to be
935 acquired. The appraised value shall be determined by taking the
936 average of two (2) appraisals performed by different competent
937 appraisers, one (1) to be selected by the Office of General
938 Services and one (1) to be selected by the Department of Audit.

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

961 (5) Each of the funds created pursuant to subsections (1),
962 (2), (3) and (4) above shall be maintained by the State Treasurer
963 as a separate and special fund, separate and apart from the
964 General Fund of the state, and investment earnings on amounts in
965 each such fund shall be deposited into such fund. The expenditure
966 of monies deposited into such special funds shall be under the

967 direction of the Office of General Services, and such funds shall
968 be paid by the State Treasurer upon warrants issued by the board,
969 which warrants shall be issued upon requisitions signed by the
970 Executive Director of the Office of General Services.

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

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

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

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

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

991 (d) From the balance of the proceeds of such bonds, all
992 costs incident to the issuance and sale of such bonds shall be
993 paid as authorized in Section 7 of this act, and the remaining
994 funds shall be deposited into the Mississippi Public Facilities
995 Capital Improvement Contingency Revolving Fund created pursuant to
996 Section 2 of this act.

997 (3) The proceeds of such bonds shall be used solely for the
998 purposes herein provided, including the costs incident to the
999 issuance and sale of such bonds. The costs incident to the

1000 issuance and sale of such bonds shall be disbursed by warrant upon
1001 requisition of the State Bond Commission, signed by the Governor.

1002 (4) In the event that the amount allocated to any project as
1003 set forth in Section 2(3) of this act above shall exceed the
1004 actual cost of such project, such excess shall, upon completion of
1005 such project, be deposited into the Mississippi Public Facilities
1006 Capital Improvement Contingency Revolving Fund. In the event that
1007 any project specified in Section 2(3) of this act shall be
1008 abandoned, the amount allocated to such project as set forth in
1009 Section 2(3) of this act shall, upon receipt by the board of a
1010 certificate executed by the chief executive officer of the agency
1011 which would have been responsible for administration of such
1012 project, and a certificate executed by the Executive Director of
1013 the Office of General Services, each certifying that such project
1014 has been abandoned, be transferred to the Mississippi Public
1015 Facilities Capital Improvement Contingency Revolving Fund.

1016 (5) Any investment earnings on amounts deposited into the
1017 1990 Capital Improvement Fund shall be used to pay debt service on
1018 bonds issued pursuant to this act, in accordance with the
1019 proceedings authorizing issuance of such bonds.

1020 (6) Upon completion or abandonment of all projects described
1021 in Section 2(3) of this act, as evidenced by a resolution adopted
1022 by the State Bond Commission certifying that all such projects
1023 have been completed or abandoned, the balance, if any, remaining
1024 in the 1990 Capital Improvement Fund shall be promptly applied to
1025 pay debt service on bonds issued pursuant to this act, in
1026 accordance with the proceedings authorizing issuance of such
1027 bonds.

1028 (7) All funds allocated under this act for the construction
1029 of projects shall be deemed to be sufficient to complete such
1030 projects.

1031 Section 4. The principal of and interest on such bonds shall
1032 be payable in the manner hereinafter set forth. Such bonds shall

1033 bear such date or dates, be in such denomination or denominations,
1034 bear interest at such rate or rates (not to exceed the limits set
1035 forth in Section 75-17-101, Mississippi Code of 1972), be payable
1036 at such place or places within or without the State of
1037 Mississippi, shall mature absolutely at such time or times, not to
1038 exceed twenty (20) years, be redeemable prior to maturity at such
1039 time or times and upon such terms, with or without premium, shall
1040 bear such registration privileges, and shall be substantially in
1041 such form, all as shall be determined by resolution of the State
1042 Bond Commission.

1043 Section 5. Such bonds shall be signed by the Chairman of the
1044 State Bond Commission, or by his facsimile signature, and the
1045 official seal of the State Bond Commission shall be affixed
1046 thereto, attested by the Secretary of the State Bond Commission.
1047 The interest coupons, if any, to be attached to such bonds may be
1048 executed by the facsimile signatures of such officers. Whenever
1049 any such bonds shall have been signed by the officials herein
1050 designated to sign the bonds who were in office at the time of
1051 such signing but who may have ceased to be such officers prior to
1052 the sale and delivery of such bonds, or who may not have been in
1053 office on the date such bonds may bear, the signatures of such
1054 officers upon such bonds and coupons shall nevertheless be valid
1055 and sufficient for all purposes and have the same effect as if the
1056 person so officially signing such bonds had remained in office
1057 until the delivery of the same to the purchaser, or had been in
1058 office on the date such bonds may bear. Provided, however,
1059 notwithstanding anything herein to the contrary, such bonds may be
1060 issued as provided in the Registered Bond Act of the State of
1061 Mississippi.

1062 Section 6. All bonds and interest coupons issued under the
1063 provisions of this act shall be and are hereby declared to have
1064 all the qualities and incidents of negotiable instruments under
1065 the provisions of the Mississippi Uniform Commercial Code, and in

1066 exercising the powers granted by this act, the State Bond
1067 Commission shall not be required to and need not comply with the
1068 provisions of the Mississippi Uniform Commercial Code.

1069 Section 7. The State Bond Commission shall act as the
1070 issuing agent for such bonds, prescribe the form of the bonds,
1071 advertise for and accept bids, issue and sell the bonds so
1072 authorized to be sold, pay all fees and costs incurred in such
1073 issuance and sale, and do any and all other things necessary and
1074 advisable in connection with the issuance and sale of such bonds.
1075 The State Bond Commission is authorized and empowered to pay the
1076 costs that are incident to the sale, issuance and delivery of the
1077 bonds authorized under this act from the proceeds derived from the
1078 sale of such bonds. The State Bond Commission shall sell such
1079 bonds on sealed bids at public sale, and for such price as it may
1080 determine to be for the best interest of the State of Mississippi,
1081 but no such sale shall be made at a price less than par plus
1082 accrued interest to the date of delivery of the bonds to the
1083 purchaser. All interest accruing on such bonds so issued shall be
1084 payable semiannually or annually; provided that the first interest
1085 payment may be for any period of not more than one (1) year.

1086 Each interest rate specified in any bid must be in a multiple
1087 of one-eighth of one percent (1/8 of 1%) or one-tenth of one
1088 percent (1/10 of 1%) and a zero rate of interest cannot be named.

1089 Notice of the sale of any such bond shall be published at
1090 least one (1) time, not less than ten (10) days prior to the date
1091 of sale, and shall be so published in one or more newspapers
1092 published or having a general circulation in the City of Jackson,
1093 Mississippi, and in one or more other newspapers or financial
1094 journals with a national circulation, to be selected by the State
1095 Bond Commission.

1096 The State Bond Commission, when issuing any bonds under the
1097 authority of this act, may provide that bonds, at the option of
1098 the State of Mississippi, may be called in for payment and

1099 redemption in reverse order of maturity at the call price named
1100 therein and accrued interest on such date or dates named therein.

1101 Section 8. The bonds issued under the provisions of this act
1102 shall be general obligations of the State of Mississippi, and for
1103 the payment thereof the full faith and credit of the State of
1104 Mississippi is hereby irrevocably pledged. If the funds
1105 appropriated by the Legislature be insufficient to pay the
1106 principal of and the interest on such bonds as they become due,
1107 then the deficiency shall be paid by the State Treasurer from any
1108 funds in the State Treasury not otherwise appropriated. All such
1109 bonds shall contain recitals on their faces substantially covering
1110 the foregoing provisions of this section.

1111 Section 9. The State Treasurer is hereby authorized, without
1112 further process of law, to certify to the board the necessity for
1113 warrants, and the board is hereby authorized and directed to issue
1114 such warrants payable out of any funds authorized by this act for
1115 such purpose, in such amounts as may be necessary to pay when due
1116 the principal of and interest on all bonds issued under the
1117 provisions of this act; and the State Treasurer shall forward the
1118 necessary amount to the designated place or places of payment of
1119 such bonds in ample time to discharge such bonds, or the interest
1120 thereon, on the due dates thereof.

1121 Section 10. Such general obligation bonds may be issued
1122 without any other proceedings or the happening of any other
1123 conditions or things other than those proceedings, conditions and
1124 things which are specified or required by this act. Any
1125 resolution providing for the issuance of general obligation bonds
1126 under the provisions of this act shall become effective
1127 immediately upon its adoption by the State Bond Commission, and
1128 any such resolution may be adopted at any regular or special
1129 meeting of the State Bond Commission by a majority of its members.

1130 Section 11. The bonds authorized under the authority of this
1131 act may be validated in the Chancery Court of the First Judicial

1132 District of Hinds County, Mississippi, in the manner and with the
1133 force and effect provided now or hereafter by Chapter 13, Title
1134 31, Mississippi Code of 1972, for the validation of county,
1135 municipal, school district and other bonds. The notice to
1136 taxpayers required by the aforesaid statutes shall be published in
1137 a newspaper published or having a general circulation in the City
1138 of Jackson, Mississippi.

1139 Section 12. Any holder of bonds issued under the provisions
1140 of this act or of any of the interest coupons pertaining thereto
1141 may, either at law or in equity, by suit, action, mandamus or
1142 other proceeding, protect and enforce any and all rights granted
1143 hereunder, or under such resolution, and may enforce and compel
1144 performance of all duties required by this act to be performed, in
1145 order to provide for the payment of bonds and interest thereon.

1146 Section 13. All bonds issued under the provisions of this
1147 act shall be legal investments for trustees and other fiduciaries,
1148 and for savings banks, trust companies and insurance companies
1149 organized under the laws of the State of Mississippi, and such
1150 bonds shall be legal securities which may be deposited with and
1151 shall be received by all public officers and bodies of this state
1152 and all municipalities and political subdivisions for the purpose
1153 of securing the deposit of public funds.

1154 Section 14. Bonds issued under the provisions of this act
1155 and income therefrom shall be exempt from all taxation in the
1156 State of Mississippi.

1157 Section 15. After occupation by a state agency of any
1158 building constructed, purchased, renovated or repaired with the
1159 proceeds of bonds issued pursuant to this act, with the exception
1160 of any building at an institution of higher learning or a junior
1161 or community college, all rents paid therefor by the occupying
1162 agency shall be used for the retirement of the bonds issued under
1163 this act and to pay utilities and other necessary expenses.

1164 Section 16. The Office of General Services shall study and
1165 preplan necessary projects for the construction and/or acquisition
1166 of state office buildings and the installation of an energy
1167 management system for public facilities owned by the state,
1168 excepting any project at the Central High Legislative Services
1169 Buildings. Such study and preplanning shall include but not be
1170 limited to the facility space needs, the most efficient
1171 utilization of space required, the most economical method of
1172 design and construction within the bounds of good business
1173 judgment, and the approximate cost of such project.

1174 It is the intention of the Legislature that the cost of the
1175 study be defrayed out of State Treasury Fund No. 3901.

1176 Section 17. The Department of Natural Resources, and its
1177 successor having authority over the state park system, shall
1178 cooperate with counties and municipalities in the preparation and
1179 implementation of studies for developing and improving the state
1180 parks located in the vicinity of an interested municipality or
1181 county.

1182 Section 18. (1) No member of the Legislature, elected
1183 official or appointed official, or any partner or associate of any
1184 member of the Legislature, elected official or appointed official,
1185 shall derive any income from the issuance of any bonds or the
1186 disposition of any property under this act contrary to the
1187 provisions of Section 109, Mississippi Constitution of 1890, or
1188 Article 3, Chapter 4, Title 25, Mississippi Code of 1972.

1189 (2) In connection with the issuance and sale of bonds
1190 authorized under this act, the State Bond Commission shall select
1191 a bond attorney or attorneys who are listed in the "Directory of
1192 Municipal Bond Dealers of the United States" and who are members
1193 in good standing of the Mississippi State Bar Association and
1194 licensed to practice law in the State of Mississippi; however,
1195 upon a finding by the commission spread on its official minutes
1196 that the public interest will best be served thereby, the

1197 commission may select any bond attorney or attorneys listed in the
1198 "Directory of Municipal Bond Dealers of the United States."

1199 **SECTION 8.** Sections 37-101-401, 37-101-403, 37-101-405,
1200 37-101-407, 37-101-409, 37-101-411, 37-101-413, 37-101-415,
1201 37-101-417, 37-101-419, 37-101-421, 37-101-423, 37-101-425,
1202 37-101-427, 37-101-429 and 37-101-431, Mississippi Code of 1972,
1203 which authorize the issuance of state general obligation bonds in
1204 the amount of Fifteen Million Dollars (\$15,000,000.00) for the
1205 purchase of equipment necessary to the operations of the
1206 institutions of higher learning, is repealed.

1207 **SECTION 9.** Sections 37-151-27, 37-151-29, 37-151-31,
1208 37-151-33, 37-151-35, 37-151-37, 37-151-39, 37-151-41, 37-151-43,
1209 37-151-45, 37-151-47, 37-151-49, 37-151-51, 37-151-53, 37-151-55
1210 and 37-151-57, Mississippi Code of 1972, which authorize the
1211 issuance of State Education Technology bonds in the amount of
1212 Sixty Million Dollars (\$60,000,000.00) for the State Public School
1213 Education Technology Fund and the Tech-Prep Fund, are repealed.

1214 **SECTION 10.** Section 1, Chapter 501, Laws of 1985, which
1215 authorizes the issuance of state revenue bonds in the amount of
1216 Twenty Million Dollars (\$20,000,000.00) for use by the Veterans'
1217 Farm and Home Board to finance homes for veterans, is repealed.

1218 **SECTION 11.** Chapter 474, Laws of 1995, which provides for
1219 the issuance of state revenue bonds in the amount of Eight Hundred
1220 Thousand Dollars (\$800,000.00) for the purpose of renovating and
1221 expanding and improving a building on the campus of Mississippi
1222 State University for the housing of the State Seed Testing
1223 Laboratory and the Division of Plant Industry of the Mississippi
1224 Department of Agriculture and Commerce, is repealed.

1225 **SECTION 12.** Chapter 532, Laws of 2000, which authorizes the
1226 issuance of state general obligation bonds in the amount of Three
1227 Million Dollars (\$3,000,000.00) for the purpose of assisting
1228 public utility districts established by the county for the
1229 construction for master planned communities of water production

1230 and distribution facilities and wastewater treatment and
1231 collection facilities, is repealed.

1232 **SECTION 13.** This act shall take effect and be in force from
1233 and after its passage.