

By: Senator(s) Simmons, Gordon, Morgan, Posey, Gollott, Wilemon, Albritton, Williamson, Hewes, King, Tollison, Mettetal, White, Jackson (11th), Doxey, Clarke, Harden, Harvey, Horhn, Little, Kirby, Nunnelee, Davis, Lee (47th), Moffatt, Huggins, Thomas, Dawkins, Walls, Butler, Jordan, Brown

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3101

1 AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS
2 OF THE STATE OF MISSISSIPPI IN THE AMOUNT OF \$2,000,000.00 FOR THE
3 PURPOSE OF PROVIDING FUNDS FOR THE B.B. KING MUSEUM; TO AUTHORIZE
4 THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE OF
5 MISSISSIPPI IN THE AMOUNT OF \$2,000,000.00 FOR THE SOUTHERN ARTS
6 AND ENTERTAINMENT CENTER; TO AUTHORIZE THE ISSUANCE OF
7 \$16,000,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS
8 FOR CAPITAL IMPROVEMENTS AT AN ECONOMIC DEVELOPMENT AND TOURISM
9 DESTINATION FACILITY IN HANCOCK COUNTY, MISSISSIPPI, THAT FEATURES
10 A SPACE, SCIENCE AND EDUCATION CENTER; TO REQUIRE THE COMMITMENT
11 OF A CERTAIN AMOUNT OF PRIVATE, LOCAL OR FEDERAL FUNDS FOR SUCH
12 PROJECTS AS A CONDITION PRECEDENT TO THE ISSUANCE OF BONDS UNDER
13 THIS ACT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** As used in Sections 1 through 17 of this act, the
16 following words shall have the meanings ascribed herein unless the
17 context clearly requires otherwise:

18 (a) "Accreted value" of any bond means, as of any date
19 of computation, an amount equal to the sum of (i) the stated
20 initial value of such bond, plus (ii) the interest accrued thereon
21 from the issue date to the date of computation at the rate,
22 compounded semiannually, that is necessary to produce the
23 approximate yield to maturity shown for bonds of the same
24 maturity.

25 (b) "Act" means Sections 1 through 17 of this act.

26 (c) "State" means the State of Mississippi.

27 (d) "Commission" means the State Bond Commission.

28 **SECTION 2.** (1) (a) A special fund, to be designated as the
29 "2005 B.B. King Museum Fund" is created within the State Treasury.
30 The fund shall be maintained by the State Treasurer as a separate
31 and special fund, separate and apart from the General Fund of the
32 state. Unexpended amounts remaining in the fund at the end of a

33 fiscal year shall not lapse into the State General Fund, and any
34 interest earned or investment earnings on amounts in the fund
35 shall be deposited into such fund.

36 (b) Money deposited into the fund shall be disbursed,
37 in the discretion of the Department of Finance and Administration,
38 to pay the costs of:

39 (i) Construction, furnishing, equipping and
40 repairs and renovations at the B.B. King Museum in Indianola,
41 Mississippi; and

42 (ii) Production and development of exhibits and
43 audiovisual for such museum.

44 (2) Amounts deposited into such special fund shall be
45 disbursed to pay the costs of the projects described in subsection
46 (1) of this section. Promptly after the commission has certified,
47 by resolution duly adopted, that the projects described in
48 subsection (1) shall have been completed, abandoned, or cannot be
49 completed in a timely fashion, any amounts remaining in such
50 special fund shall be applied to pay debt service on the bonds
51 issued under this act, in accordance with the proceedings
52 authorizing the issuance of such bonds and as directed by the
53 commission.

54 (3) The Department of Finance and Administration, acting
55 through the Bureau of Building, Grounds and Real Property
56 Management, is expressly authorized and empowered to receive and
57 expend any local or other source funds in connection with the
58 expenditure of funds provided for in this section. The
59 expenditure of monies deposited into the special fund shall be
60 under the direction of the Department of Finance and
61 Administration, and such funds shall be paid by the State
62 Treasurer upon warrants issued by such department, which warrants
63 shall be issued upon requisitions signed by the Executive Director
64 of the Department of Finance and Administration, or his designee.

65 **SECTION 3.** (1) The commission, at one time, or from time to
66 time, may declare by resolution the necessity for issuance of
67 general obligation bonds of the State of Mississippi to provide
68 funds for all costs incurred or to be incurred for the purposes
69 described in Section 2 of this act. No bonds shall be issued
70 under this act until the Department of Finance and Administration
71 is provided proof that the funds from private, local or federal
72 sources have been irrevocably dedicated and are readily available
73 to the project in the amount of not less than Six Million Dollars
74 (\$6,000,000.00). Upon the adoption of a resolution by the
75 Department of Finance and Administration, declaring that funds
76 have been irrevocably dedicated and are readily available in the
77 required amount and declaring the necessity for the issuance of
78 any part or all of the general obligation bonds authorized by this
79 section, the department shall deliver a certified copy of its
80 resolution or resolutions to the commission. Upon receipt of such
81 resolution, the commission, in its discretion, may act as the
82 issuing agent, prescribe the form of the bonds, advertise for and
83 accept bids, issue and sell the bonds so authorized to be sold and
84 do any and all other things necessary and advisable in connection
85 with the issuance and sale of such bonds. The total amount of
86 bonds issued under this act shall not exceed Two Million Dollars
87 (\$2,000,000.00). No bonds shall be issued under this act from and
88 after July 1, 2008.

89 (2) Any investment earnings on amounts deposited into the
90 special fund created in Section 2 of this act shall be used to pay
91 debt service on bonds issued under this act, in accordance with
92 the proceedings authorizing issuance of such bonds.

93 **SECTION 4.** The principal of and interest on the bonds
94 authorized under this act shall be payable in the manner provided
95 in this section. Such bonds shall bear such date or dates, be in
96 such denomination or denominations, bear interest at such rate or
97 rates (not to exceed the limits set forth in Section 75-17-101,

98 Mississippi Code of 1972), be payable at such place or places
99 within or without the State of Mississippi, shall mature
100 absolutely at such time or times not to exceed twenty-five (25)
101 years from date of issue, be redeemable before maturity at such
102 time or times and upon such terms, with or without premium, shall
103 bear such registration privileges, and shall be substantially in
104 such form, all as shall be determined by resolution of the
105 commission.

106 **SECTION 5.** The bonds authorized by this act shall be signed
107 by the chairman of the commission, or by his facsimile signature,
108 and the official seal of the commission shall be affixed thereto,
109 attested by the secretary of the commission. The interest
110 coupons, if any, to be attached to such bonds may be executed by
111 the facsimile signatures of such officers. Whenever any such
112 bonds shall have been signed by the officials designated to sign
113 the bonds who were in office at the time of such signing but who
114 may have ceased to be such officers before the sale and delivery
115 of such bonds, or who may not have been in office on the date such
116 bonds may bear, the signatures of such officers upon such bonds
117 and coupons shall nevertheless be valid and sufficient for all
118 purposes and have the same effect as if the person so officially
119 signing such bonds had remained in office until their delivery to
120 the purchaser, or had been in office on the date such bonds may
121 bear. However, notwithstanding anything herein to the contrary,
122 such bonds may be issued as provided in the Registered Bond Act of
123 the State of Mississippi.

124 **SECTION 6.** All bonds and interest coupons issued under the
125 provisions of this act have all the qualities and incidents of
126 negotiable instruments under the provisions of the Uniform
127 Commercial Code, and in exercising the powers granted by this act,
128 the commission shall not be required to and need not comply with
129 the provisions of the Uniform Commercial Code.

130 **SECTION 7.** The commission shall act as the issuing agent for
131 the bonds authorized under this act, prescribe the form of the
132 bonds, advertise for and accept bids, issue and sell the bonds so
133 authorized to be sold, pay all fees and costs incurred in such
134 issuance and sale, and do any and all other things necessary and
135 advisable in connection with the issuance and sale of such bonds.
136 The commission is authorized and empowered to pay the costs that
137 are incident to the sale, issuance and delivery of the bonds
138 authorized under this act from the proceeds derived from the sale
139 of such bonds. The commission shall sell such bonds on sealed
140 bids at public sale, and for such price as it may determine to be
141 for the best interest of the State of Mississippi, but no such
142 sale shall be made at a price less than par plus accrued interest
143 to the date of delivery of the bonds to the purchaser. All
144 interest accruing on such bonds so issued shall be payable
145 semiannually or annually; however, the first interest payment may
146 be for any period of not more than one (1) year.

147 Notice of the sale of any such bonds shall be published at
148 least one (1) time, not less than ten (10) days before the date of
149 sale, and shall be so published in one or more newspapers
150 published or having a general circulation in the City of Jackson,
151 Mississippi, and in one or more other newspapers or financial
152 journals with a national circulation, to be selected by the
153 commission.

154 The commission, when issuing any bonds under the authority of
155 this act, may provide that bonds, at the option of the State of
156 Mississippi, may be called in for payment and redemption at the
157 call price named therein and accrued interest on such date or
158 dates named therein.

159 **SECTION 8.** The bonds issued under the provisions of this act
160 are general obligations of the State of Mississippi, and for the
161 payment thereof the full faith and credit of the State of
162 Mississippi is irrevocably pledged. If the funds appropriated by

163 the Legislature are insufficient to pay the principal of and the
164 interest on such bonds as they become due, then the deficiency
165 shall be paid by the State Treasurer from any funds in the State
166 Treasury not otherwise appropriated. All such bonds shall contain
167 recitals on their faces substantially covering the provisions of
168 this section.

169 **SECTION 9.** Upon the issuance and sale of bonds under the
170 provisions of this act, the commission shall transfer the proceeds
171 of any such sale or sales to the special fund created in Section 2
172 of this act. The proceeds of such bonds shall be disbursed solely
173 upon the order of the Department of Finance and Administration
174 under such restrictions, if any, as may be contained in the
175 resolution providing for the issuance of the bonds.

176 **SECTION 10.** The bonds authorized under this act may be
177 issued without any other proceedings or the happening of any other
178 conditions or things other than those proceedings, conditions and
179 things which are specified or required by this act. Any
180 resolution providing for the issuance of bonds under the
181 provisions of this act shall become effective immediately upon its
182 adoption by the commission, and any such resolution may be adopted
183 at any regular or special meeting of the commission by a majority
184 of its members.

185 **SECTION 11.** The bonds authorized under the authority of this
186 act may be validated in the Chancery Court of the First Judicial
187 District of Hinds County, Mississippi, in the manner and with the
188 force and effect provided by Chapter 13, Title 31, Mississippi
189 Code of 1972, for the validation of county, municipal, school
190 district and other bonds. The notice to taxpayers required by
191 such statutes shall be published in a newspaper published or
192 having a general circulation in the City of Jackson, Mississippi.

193 **SECTION 12.** Any holder of bonds issued under the provisions
194 of this act or of any of the interest coupons pertaining thereto
195 may, either at law or in equity, by suit, action, mandamus or

196 other proceeding, protect and enforce any and all rights granted
197 under this act, or under such resolution, and may enforce and
198 compel performance of all duties required by this act to be
199 performed, in order to provide for the payment of bonds and
200 interest thereon.

201 **SECTION 13.** All bonds issued under the provisions of this
202 act shall be legal investments for trustees and other fiduciaries,
203 and for savings banks, trust companies and insurance companies
204 organized under the laws of the State of Mississippi, and such
205 bonds shall be legal securities which may be deposited with and
206 shall be received by all public officers and bodies of this state
207 and all municipalities and political subdivisions for the purpose
208 of securing the deposit of public funds.

209 **SECTION 14.** Bonds issued under the provisions of this act
210 and income therefrom shall be exempt from all taxation in the
211 State of Mississippi.

212 **SECTION 15.** The proceeds of the bonds issued under this act
213 shall be used solely for the purposes herein provided, including
214 the costs incident to the issuance and sale of such bonds.

215 **SECTION 16.** The State Treasurer is authorized, without
216 further process of law, to certify to the Department of Finance
217 and Administration the necessity for warrants, and the Department
218 of Finance and Administration is authorized and directed to issue
219 such warrants, in such amounts as may be necessary to pay when due
220 the principal of, premium, if any, and interest on, or the
221 accreted value of, all bonds issued under this act; and the State
222 Treasurer shall forward the necessary amount to the designated
223 place or places of payment of such bonds in ample time to
224 discharge such bonds, or the interest thereon, on the due dates
225 thereof.

226 **SECTION 17.** This act shall be deemed to be full and complete
227 authority for the exercise of the powers herein granted, but this

228 act shall not be deemed to repeal or to be in derogation of any
229 existing law of this state.

230 **SECTION 18.** As used in Sections 18 through 34 of this act,
231 the following words shall have the meanings ascribed herein unless
232 the context clearly requires otherwise:

233 (a) "Accreted value" of any bond means, as of any date
234 of computation, an amount equal to the sum of (i) the stated
235 initial value of such bond, plus (ii) the interest accrued thereon
236 from the issue date to the date of computation at the rate,
237 compounded semiannually, that is necessary to produce the
238 approximate yield to maturity shown for bonds of the same
239 maturity.

240 (b) "Act" means Sections 18 through 34 of this act.

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

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

243 **SECTION 19.** (1) (a) A special fund, to be designated as
244 the "2005 Southern Arts and Entertainment Center Fund" is created
245 within the State Treasury. The fund shall be maintained by the
246 State Treasurer as a separate and special fund, separate and apart
247 from the General Fund of the state. Unexpended amounts remaining
248 in the fund at the end of a fiscal year shall not lapse into the
249 State General Fund, and any interest earned or investment earnings
250 on amounts in the fund shall be deposited into such fund.

251 (b) Money deposited into the fund shall be disbursed,
252 in the discretion of the Department of Finance and Administration,
253 to pay the costs of construction, furnishing, equipping and
254 repairs and renovations at the Southern Arts and Entertainment
255 Center created in Section 39-25-1.

256 (2) Amounts deposited into such special fund shall be
257 disbursed to pay the costs of the projects described in subsection
258 (1) of this section. Promptly after the commission has certified,
259 by resolution duly adopted, that the projects described in
260 subsection (1) shall have been completed, abandoned, or cannot be

261 completed in a timely fashion, any amounts remaining in such
262 special fund shall be applied to pay debt service on the bonds
263 issued under this act, in accordance with the proceedings
264 authorizing the issuance of such bonds and as directed by the
265 commission.

266 (3) The Department of Finance and Administration, acting
267 through the Bureau of Building, Grounds and Real Property
268 Management, is expressly authorized and empowered to receive and
269 expend any local or other source funds in connection with the
270 expenditure of funds provided for in this section. The
271 expenditure of monies deposited into the special fund shall be
272 under the direction of the Department of Finance and
273 Administration, and such funds shall be paid by the State
274 Treasurer upon warrants issued by such department, which warrants
275 shall be issued upon requisitions signed by the Executive Director
276 of the Department of Finance and Administration, or his designee.

277 **SECTION 20.** (1) The commission, at one time, or from time
278 to time, may declare by resolution the necessity for issuance of
279 general obligation bonds of the State of Mississippi to provide
280 funds for all costs incurred or to be incurred for the purposes
281 described in Section 19 of this act. No bonds shall be issued
282 under this act until the Department of Finance and Administration
283 is provided proof that the funds from private, local or federal
284 sources have been irrevocably dedicated and are readily available
285 to the project in the amount of not less than Two Million Dollars
286 (\$2,000,000.00). Upon the adoption of a resolution by the
287 Department of Finance and Administration, declaring that funds
288 have been irrevocably dedicated and are readily available in the
289 required amount and declaring the necessity for the issuance of
290 any part or all of the general obligation bonds authorized by this
291 section, the department shall deliver a certified copy of its
292 resolution or resolutions to the commission. Upon receipt of such
293 resolution, the commission, in its discretion, may act as the

294 issuing agent, prescribe the form of the bonds, advertise for and
295 accept bids, issue and sell the bonds so authorized to be sold and
296 do any and all other things necessary and advisable in connection
297 with the issuance and sale of such bonds. The total amount of
298 bonds issued under this act shall not exceed Two Million Dollars
299 (\$2,000,000.00). No bonds shall be issued under this act from and
300 after July 1, 2008.

301 (2) Any investment earnings on amounts deposited into the
302 special fund created in Section 19 of this act shall be used to
303 pay debt service on bonds issued under this act, in accordance
304 with the proceedings authorizing issuance of such bonds.

305 **SECTION 21.** The principal of and interest on the bonds
306 authorized under this act shall be payable in the manner provided
307 in this section. Such bonds shall bear such date or dates, be in
308 such denomination or denominations, bear interest at such rate or
309 rates (not to exceed the limits set forth in Section 75-17-101,
310 Mississippi Code of 1972), be payable at such place or places
311 within or without the State of Mississippi, shall mature
312 absolutely at such time or times not to exceed twenty-five (25)
313 years from date of issue, be redeemable before maturity at such
314 time or times and upon such terms, with or without premium, shall
315 bear such registration privileges, and shall be substantially in
316 such form, all as shall be determined by resolution of the
317 commission.

318 **SECTION 22.** The bonds authorized by this act shall be signed
319 by the chairman of the commission, or by his facsimile signature,
320 and the official seal of the commission shall be affixed thereto,
321 attested by the secretary of the commission. The interest
322 coupons, if any, to be attached to such bonds may be executed by
323 the facsimile signatures of such officers. Whenever any such
324 bonds shall have been signed by the officials designated to sign
325 the bonds who were in office at the time of such signing but who
326 may have ceased to be such officers before the sale and delivery

327 of such bonds, or who may not have been in office on the date such
328 bonds may bear, the signatures of such officers upon such bonds
329 and coupons shall nevertheless be valid and sufficient for all
330 purposes and have the same effect as if the person so officially
331 signing such bonds had remained in office until their delivery to
332 the purchaser, or had been in office on the date such bonds may
333 bear. However, notwithstanding anything herein to the contrary,
334 such bonds may be issued as provided in the Registered Bond Act of
335 the State of Mississippi.

336 **SECTION 23.** All bonds and interest coupons issued under the
337 provisions of this act have all the qualities and incidents of
338 negotiable instruments under the provisions of the Uniform
339 Commercial Code, and in exercising the powers granted by this act,
340 the commission shall not be required to and need not comply with
341 the provisions of the Uniform Commercial Code.

342 **SECTION 24.** The commission shall act as the issuing agent
343 for the bonds authorized under this act, prescribe the form of the
344 bonds, advertise for and accept bids, issue and sell the bonds so
345 authorized to be sold, pay all fees and costs incurred in such
346 issuance and sale, and do any and all other things necessary and
347 advisable in connection with the issuance and sale of such bonds.
348 The commission is authorized and empowered to pay the costs that
349 are incident to the sale, issuance and delivery of the bonds
350 authorized under this act from the proceeds derived from the sale
351 of such bonds. The commission shall sell such bonds on sealed
352 bids at public sale, and for such price as it may determine to be
353 for the best interest of the State of Mississippi, but no such
354 sale shall be made at a price less than par plus accrued interest
355 to the date of delivery of the bonds to the purchaser. All
356 interest accruing on such bonds so issued shall be payable
357 semiannually or annually; however, the first interest payment may
358 be for any period of not more than one (1) year.

359 Notice of the sale of any such bonds shall be published at
360 least one (1) time, not less than ten (10) days before the date of
361 sale, and shall be so published in one or more newspapers
362 published or having a general circulation in the City of Jackson,
363 Mississippi, and in one or more other newspapers or financial
364 journals with a national circulation, to be selected by the
365 commission.

366 The commission, when issuing any bonds under the authority of
367 this act, may provide that bonds, at the option of the State of
368 Mississippi, may be called in for payment and redemption at the
369 call price named therein and accrued interest on such date or
370 dates named therein.

371 **SECTION 25.** The bonds issued under the provisions of this
372 act are general obligations of the State of Mississippi, and for
373 the payment thereof the full faith and credit of the State of
374 Mississippi is irrevocably pledged. If the funds appropriated by
375 the Legislature are insufficient to pay the principal of and the
376 interest on such bonds as they become due, then the deficiency
377 shall be paid by the State Treasurer from any funds in the State
378 Treasury not otherwise appropriated. All such bonds shall contain
379 recitals on their faces substantially covering the provisions of
380 this section.

381 **SECTION 26.** Upon the issuance and sale of bonds under the
382 provisions of this act, the commission shall transfer the proceeds
383 of any such sale or sales to the special fund created in Section
384 19 of this act. The proceeds of such bonds shall be disbursed
385 solely upon the order of the Department of Finance and
386 Administration under such restrictions, if any, as may be
387 contained in the resolution providing for the issuance of the
388 bonds.

389 **SECTION 27.** The bonds authorized under this act may be
390 issued without any other proceedings or the happening of any other
391 conditions or things other than those proceedings, conditions and

392 things which are specified or required by this act. Any
393 resolution providing for the issuance of bonds under the
394 provisions of this act shall become effective immediately upon its
395 adoption by the commission, and any such resolution may be adopted
396 at any regular or special meeting of the commission by a majority
397 of its members.

398 **SECTION 28.** The bonds authorized under the authority of this
399 act may be validated in the Chancery Court of the First Judicial
400 District of Hinds County, Mississippi, in the manner and with the
401 force and effect provided by Chapter 13, Title 31, Mississippi
402 Code of 1972, for the validation of county, municipal, school
403 district and other bonds. The notice to taxpayers required by
404 such statutes shall be published in a newspaper published or
405 having a general circulation in the City of Jackson, Mississippi.

406 **SECTION 29.** Any holder of bonds issued under the provisions
407 of this act or of any of the interest coupons pertaining thereto
408 may, either at law or in equity, by suit, action, mandamus or
409 other proceeding, protect and enforce any and all rights granted
410 under this act, or under such resolution, and may enforce and
411 compel performance of all duties required by this act to be
412 performed, in order to provide for the payment of bonds and
413 interest thereon.

414 **SECTION 30.** All bonds issued under the provisions of this
415 act shall be legal investments for trustees and other fiduciaries,
416 and for savings banks, trust companies and insurance companies
417 organized under the laws of the State of Mississippi, and such
418 bonds shall be legal securities which may be deposited with and
419 shall be received by all public officers and bodies of this state
420 and all municipalities and political subdivisions for the purpose
421 of securing the deposit of public funds.

422 **SECTION 31.** Bonds issued under the provisions of this act
423 and income therefrom shall be exempt from all taxation in the
424 State of Mississippi.

425 **SECTION 32.** The proceeds of the bonds issued under this act
426 shall be used solely for the purposes herein provided, including
427 the costs incident to the issuance and sale of such bonds.

428 **SECTION 33.** The State Treasurer is authorized, without
429 further process of law, to certify to the Department of Finance
430 and Administration the necessity for warrants, and the Department
431 of Finance and Administration is authorized and directed to issue
432 such warrants, in such amounts as may be necessary to pay when due
433 the principal of, premium, if any, and interest on, or the
434 accreted value of, all bonds issued under this act; and the State
435 Treasurer shall forward the necessary amount to the designated
436 place or places of payment of such bonds in ample time to
437 discharge such bonds, or the interest thereon, on the due dates
438 thereof.

439 **SECTION 34.** This act shall be deemed to be full and complete
440 authority for the exercise of the powers herein granted, but this
441 act shall not be deemed to repeal or to be in derogation of any
442 existing law of this state.

443 **SECTION 35.** As used in Sections 35 through 52 of this act,
444 the following words shall have the meanings ascribed herein unless
445 the context clearly requires otherwise:

446 (a) "Accreted value" of any bond means, as of any date
447 of computation, an amount equal to the sum of (i) the stated
448 initial value of such bond, plus (ii) the interest accrued thereon
449 from the issue date to the date of computation at the rate,
450 compounded semiannually, that is necessary to produce the
451 approximate yield to maturity shown for bonds of the same
452 maturity.

453 (b) "Act" means Sections 35 through 52.

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

455 (d) "Project" means an economic development and tourism
456 destination facility in Hancock County, Mississippi, that will
457 feature a space, science and education center. The title to the

458 project facilities is to be vested in the National Aeronautics and
459 Space Administration.

460 (e) "State" means the State of Mississippi.

461 (f) "Authority" means the Mississippi Development
462 Authority.

463 **SECTION 36.** (1) The authority may use the proceeds from
464 general obligation bonds issued under this act for the project as
465 it considers necessary to further the project.

466 (2) The authority may enter into any agreements regarding
467 the project as it considers necessary and may require that the
468 state be granted an equity interest in the project as a condition
469 upon the issuance of bonds under this act.

470 **SECTION 37.** (1) (a) A special fund, to be designated as
471 the "Infinity Space, Science and Education Center Fund," is
472 created within the State Treasury. The fund shall be maintained
473 by the State Treasurer as a separate and special fund, separate
474 and apart from the General Fund of the state. Unexpended amounts
475 remaining in the fund at the end of a fiscal year shall not lapse
476 into the State General Fund, and any interest earned or investment
477 earnings on amounts in the fund shall be deposited into such fund.

478 (b) Monies deposited into the fund shall be disbursed,
479 in the discretion of the authority, to pay the costs incurred for
480 the construction, furnishing and equipping the project.

481 (2) Amounts deposited into such special fund shall be
482 disbursed to pay the costs of the project. If any monies in the
483 special fund are not used within four (4) years after the date the
484 proceeds of the bonds authorized under this act are deposited into
485 such fund, then the authority shall provide an accounting of such
486 unused monies to the commission. Promptly after the commission
487 has certified, by resolution duly adopted, that the project shall
488 have been completed, abandoned, or cannot be completed in a timely
489 fashion, any amounts remaining in such special fund shall be
490 applied to pay debt service on the bonds issued under this act, in

491 accordance with the proceedings authorizing the issuance of such
492 bonds and as directed by the commission. Before monies in the
493 special fund may be used for the project, the authority shall
494 require that the developer and operator of the project enter into
495 binding commitments regarding at least the following:

496 (a) That a certain minimum number of jobs will be
497 created over a certain period of time as determined by the
498 authority (which jobs must be held by persons eligible for
499 employment in the United States under applicable state and federal
500 law); and

501 (b) That if any such commitments are not satisfied, an
502 amount equal to all or a portion of the funds provided by the
503 state under this act as determined by the authority shall be
504 repaid.

505 **SECTION 38.** (1) The commission, at one time, or from time
506 to time, may declare by resolution the necessity for issuance of
507 general obligation bonds of the State of Mississippi to provide
508 funds for all costs incurred or to be incurred for the purposes
509 described in Section 37 of this act. No bonds shall be issued
510 under this act until the authority is provided proof that the
511 funds from private, local or federal sources have been irrevocably
512 dedicated and are readily available to the project in the amount
513 of not less than Twenty-eight Million Dollars (\$28,000,000.00).
514 Upon the adoption of a resolution by the authority, declaring that
515 funds have been irrevocably dedicated and are readily available in
516 the required amount and declaring the necessity for the issuance
517 of any part or all of the general obligation bonds authorized by
518 this section, the authority shall deliver a certified copy of its
519 resolution or resolutions to the commission. Upon receipt of such
520 resolution, the commission, in its discretion, may act as the
521 issuing agent, prescribe the form of the bonds, advertise for and
522 accept bids, issue and sell the bonds so authorized to be sold and
523 do any and all other things necessary and advisable in connection

524 with the issuance and sale of such bonds. The total amount of
525 bonds issued under this act shall not exceed Sixteen Million
526 Dollars (\$16,000,000.00); however, not more than Eight Million
527 Dollars (\$8,000,000.00) may be issued in any one (1) fiscal year.
528 No bonds shall be issued under this act after July 1, 2008.

529 (2) Any investment earnings on amounts deposited into the
530 special fund created in Section 37 of this act shall be used to
531 pay debt service on bonds issued under this act, in accordance
532 with the proceedings authorizing issuance of such bonds.

533 **SECTION 39.** The principal of and interest on the bonds
534 authorized under this act shall be payable in the manner provided
535 in this section. Such bonds shall bear such date or dates, be in
536 such denomination or denominations, bear interest at such rate or
537 rates (not to exceed the limits set forth in Section 75-17-101,
538 Mississippi Code of 1972), be payable at such place or places
539 within or without the State of Mississippi, shall mature
540 absolutely at such time or times not to exceed twenty (20) years
541 from date of issue, be redeemable before maturity at such time or
542 times and upon such terms, with or without premium, shall bear
543 such registration privileges, and shall be substantially in such
544 form, all as shall be determined by resolution of the commission.

545 **SECTION 40.** The bonds authorized by this act shall be signed
546 by the chairman of the commission, or by his facsimile signature,
547 and the official seal of the commission shall be affixed thereto,
548 attested by the secretary of the commission. The interest
549 coupons, if any, to be attached to such bonds may be executed by
550 the facsimile signatures of such officers. Whenever any such
551 bonds shall have been signed by the officials designated to sign
552 the bonds who were in office at the time of such signing but who
553 may have ceased to be such officers before the sale and delivery
554 of such bonds, or who may not have been in office on the date such
555 bonds may bear, the signatures of such officers upon such bonds
556 and coupons shall nevertheless be valid and sufficient for all

557 purposes and have the same effect as if the person so officially
558 signing such bonds had remained in office until their delivery to
559 the purchaser, or had been in office on the date such bonds may
560 bear. However, notwithstanding anything herein to the contrary,
561 such bonds may be issued as provided in the Registered Bond Act of
562 the State of Mississippi.

563 **SECTION 41.** All bonds and interest coupons issued under the
564 provisions of this act have all the qualities and incidents of
565 negotiable instruments under the provisions of the Uniform
566 Commercial Code, and in exercising the powers granted by this act,
567 the commission shall not be required to and need not comply with
568 the provisions of the Uniform Commercial Code.

569 **SECTION 42.** The commission shall act as the issuing agent
570 for the bonds authorized under this act, prescribe the form of the
571 bonds, advertise for and accept bids, issue and sell the bonds so
572 authorized to be sold, pay all fees and costs incurred in such
573 issuance and sale, and do any and all other things necessary and
574 advisable in connection with the issuance and sale of such bonds.
575 The commission is authorized and empowered to pay the costs that
576 are incident to the sale, issuance and delivery of the bonds
577 authorized under this act from the proceeds derived from the sale
578 of such bonds. The commission shall sell such bonds on sealed
579 bids at public sale, and for such price as it may determine to be
580 for the best interest of the State of Mississippi, but no such
581 sale shall be made at a price less than par plus accrued interest
582 to the date of delivery of the bonds to the purchaser. All
583 interest accruing on such bonds so issued shall be payable
584 semiannually or annually; however, the first interest payment may
585 be for any period of not more than one (1) year.

586 Notice of the sale of any such bonds shall be published at
587 least one (1) time, not less than ten (10) days before the date of
588 sale, and shall be so published in one or more newspapers
589 published or having a general circulation in the City of Jackson,

590 Mississippi, and in one or more other newspapers or financial
591 journals with a national circulation, to be selected by the
592 commission.

593 The commission, when issuing any bonds under the authority of
594 this act, may provide that bonds, at the option of the State of
595 Mississippi, may be called in for payment and redemption at the
596 call price named therein and accrued interest on such date or
597 dates named therein.

598 **SECTION 43.** The bonds issued under the provisions of this
599 act are general obligations of the State of Mississippi, and for
600 the payment thereof the full faith and credit of the State of
601 Mississippi is irrevocably pledged. If the funds appropriated by
602 the Legislature for such purposes are insufficient to pay the
603 principal of and the interest on such bonds as they become due,
604 then the deficiency shall be paid by the State Treasurer from any
605 funds in the State Treasury not otherwise appropriated. All such
606 bonds shall contain recitals on their faces substantially covering
607 the provisions of this section.

608 **SECTION 44.** Upon the issuance and sale of bonds under the
609 provisions of this act, the commission shall transfer the proceeds
610 of any such sale or sales to the special fund created in Section
611 37 of this act. The proceeds of such bonds shall be disbursed
612 solely upon the order of the authority under such restrictions, if
613 any, as may be contained in the resolution providing for the
614 issuance of the bonds.

615 **SECTION 45.** The bonds authorized under this act may be
616 issued without any other proceedings or the happening of any other
617 conditions or things other than those proceedings, conditions and
618 things which are specified or required by this act. Any
619 resolution providing for the issuance of bonds under the
620 provisions of this act shall become effective immediately upon its
621 adoption by the commission, and any such resolution may be adopted

622 at any regular or special meeting of the commission by a majority
623 of its members.

624 **SECTION 46.** The bonds authorized under the authority of this
625 act may be validated in the Chancery Court of the First Judicial
626 District of Hinds County, Mississippi, in the manner and with the
627 force and effect provided by Chapter 13, Title 31, Mississippi
628 Code of 1972, for the validation of county, municipal, school
629 district and other bonds. The notice to taxpayers required by
630 such statutes shall be published in a newspaper published or
631 having a general circulation in the City of Jackson, Mississippi.

632 **SECTION 47.** Any holder of bonds issued under the provisions
633 of this act or of any of the interest coupons pertaining thereto
634 may, either at law or in equity, by suit, action, mandamus or
635 other proceeding, protect and enforce any and all rights granted
636 under this act, or under such resolution, and may enforce and
637 compel performance of all duties required by this act to be
638 performed, in order to provide for the payment of bonds and
639 interest thereon.

640 **SECTION 48.** All bonds issued under the provisions of this
641 act shall be legal investments for trustees and other fiduciaries,
642 and for savings banks, trust companies and insurance companies
643 organized under the laws of the State of Mississippi, and such
644 bonds shall be legal securities which may be deposited with and
645 shall be received by all public officers and bodies of this state
646 and all municipalities and political subdivisions for the purpose
647 of securing the deposit of public funds.

648 **SECTION 49.** Bonds issued under the provisions of this act
649 and income therefrom shall be exempt from all taxation in the
650 State of Mississippi.

651 **SECTION 50.** The proceeds of the bonds issued under this act
652 shall be used solely for the purposes provided in this act,
653 including the costs incident to the issuance and sale of such
654 bonds.

655 **SECTION 51.** The State Treasurer is authorized, without
656 further process of law, to certify to the Department of Finance
657 and Administration the necessity for warrants, and the Department
658 of Finance and Administration is authorized and directed to issue
659 such warrants, in such amounts as may be necessary to pay when due
660 the principal of, premium, if any, and interest on, or the
661 accreted value of, all bonds issued under this act; and the State
662 Treasurer shall forward the necessary amount to the designated
663 place or places of payment of such bonds in ample time to
664 discharge such bonds, or the interest thereon, on the due dates
665 thereof.

666 **SECTION 52.** This act shall be deemed to be full and complete
667 authority for the exercise of the powers herein granted, but this
668 act shall not be deemed to repeal or to be in derogation of any
669 existing law of this state.

670 **SECTION 53.** This act shall take effect and be in force from
671 and after its passage.