

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2002

1 AN ACT TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE AMOUNT OF ASSISTANCE THE MISSISSIPPI MAJOR ECONOMIC
3 IMPACT AUTHORITY MAY PROVIDE THROUGH GRANT AND LOAN FUNDS TO
4 ENTERPRISES OWNING OR OPERATING CERTAIN PROJECTS UNDER THE
5 MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-15,
6 MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF BONDS THAT MAY
7 BE ISSUED FOR CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR
8 ECONOMIC IMPACT ACT; TO AUTHORIZE THE ISSUANCE OF \$56,000,000.00
9 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR CAPITAL
10 IMPROVEMENTS AT THE STATE-OWNED SHIPYARD LOCATED IN JACKSON
11 COUNTY, MISSISSIPPI; TO PROVIDE THAT THE ISSUANCE OF SUCH BONDS
12 SHALL BE CONDITIONED ON THE LESSEE INCURRING A CERTAIN AMOUNT OF
13 DEBT FOR CAPITAL IMPROVEMENTS, CAPITAL INVESTMENTS OR CAPITAL
14 UPGRADES TO SHIPYARDS IN MISSISSIPPI OWNED OR LEASED BY SUCH
15 LESSEE; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF
16 THE STATE OF MISSISSIPPI IN THE AMOUNT OF \$2,000,000.00 FOR THE
17 PURPOSE OF PROVIDING FUNDS FOR THE B.B. KING MUSEUM; TO AUTHORIZE
18 THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE OF
19 MISSISSIPPI IN THE AMOUNT OF \$2,000,000.00 FOR THE SOUTHERN ARTS
20 AND ENTERTAINMENT CENTER; TO AUTHORIZE THE ISSUANCE OF
21 \$16,000,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS
22 FOR CAPITAL IMPROVEMENTS AT AN ECONOMIC DEVELOPMENT AND TOURISM
23 DESTINATION FACILITY IN HANCOCK COUNTY, MISSISSIPPI, THAT FEATURES
24 A SPACE, SCIENCE AND EDUCATION CENTER; TO REQUIRE THE COMMITMENT
25 OF A CERTAIN AMOUNT OF PRIVATE, LOCAL OR FEDERAL FUNDS FOR SUCH
26 PROJECTS AS A CONDITION PRECEDENT TO THE ISSUANCE OF BONDS UNDER
27 THIS ACT; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
28 BONDS IN THE AMOUNT OF \$2,000,000.00 FOR THE PURPOSE OF PROVIDING
29 FUNDS FOR THE CONSTRUCTION AND IMPROVEMENT OF ROADS FOR ECONOMIC
30 DEVELOPMENT FOR THE CITY OF HOLLY SPRINGS, MISSISSIPPI; TO PROVIDE
31 THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL ADMINISTER THE
32 PROJECT AND FUNDS AUTHORIZED UNDER THIS ACT; TO AUTHORIZE THE
33 ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF
34 \$400,000.00 FOR THE PURPOSE OF PROVIDING FUNDS FOR REPAIR,
35 REHABILITATION, UPGRADES, AND OTHER IMPROVEMENTS TO RAILROAD LINES
36 IN JASPER AND NEWTON COUNTIES; TO AUTHORIZE THE ISSUANCE OF STATE
37 GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$2,000,000.00 FOR THE
38 FORKS OF THE ROAD INTERPRETIVE CENTER TO BE LOCATED IN THE CITY OF
39 NATCHEZ, MISSISSIPPI; TO REQUIRE THE COMMITMENT OF A CERTAIN
40 AMOUNT OF PRIVATE, LOCAL OR FEDERAL FUNDS FOR SUCH PROJECT AS A
41 CONDITION PRECEDENT TO THE ISSUANCE OF BONDS UNDER THIS ACT; TO
42 PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL
43 ADMINISTER THE PROJECT AND FUNDS AUTHORIZED UNDER THIS ACT; TO
44 AMEND CHAPTER 534, LAWS OF 1998, TO AUTHORIZE GENERAL OBLIGATION
45 BONDS ISSUED FOR CERTAIN WORK AT THE PORT OF PASCAGOULA,
46 MISSISSIPPI, TO BE UTILIZED FOR CERTAIN ADDITIONAL PURPOSES; TO
47 AUTHORIZE AN INCOME TAX CREDIT FOR TAXPAYERS WHO INCUR COSTS AND
48 EXPENSES FOR THE REHABILITATION OF ELIGIBLE PROPERTY WHICH IS A
49 CERTIFIED HISTORIC STRUCTURE OR A STRUCTURE IN A CERTIFIED
50 HISTORIC DISTRICT IN AN AMOUNT EQUAL TO 5% OF THE TOTAL COSTS AND
51 EXPENSES OF REHABILITATION INCURRED, IF THE COSTS AND EXPENSES
52 ASSOCIATED WITH REHABILITATION EXCEED 50% OF THE TOTAL BASIS IN

53 THE PROPERTY AND THE REHABILITATION IS CONSISTENT WITH THE
54 STANDARDS OF THE SECRETARY OF THE UNITED STATES DEPARTMENT OF THE
55 INTERIOR AS DETERMINED BY THE MISSISSIPPI DEPARTMENT OF ARCHIVES
56 AND HISTORY; TO PROVIDE THAT IF THE AMOUNT OF THE TAX CREDIT
57 EXCEEDS THE TOTAL STATE INCOME TAX LIABILITY FOR THE YEAR IN WHICH
58 THE REHABILITATED PROPERTY IS PLACED IN SERVICE, THE AMOUNT THAT
59 EXCEEDS THE TOTAL STATE INCOME TAX LIABILITY MAY BE CARRIED
60 FORWARD FOR THE 10 SUCCEEDING TAX YEARS; TO PROVIDE THE MANNER IN
61 WHICH SUCH CREDIT MAY BE CLAIMED; TO PROVIDE FOR THE MISSISSIPPI
62 DEVELOPMENT AUTHORITY TO DETERMINE THE AMOUNT OF THE ELIGIBLE TAX
63 CREDIT, CONSISTENT WITH THE STANDARDS OF THE SECRETARY OF THE
64 UNITED STATES DEPARTMENT OF THE INTERIOR; TO REQUIRE THAT THE
65 EXPENDITURES HAVE A POSITIVE ECONOMIC, FISCAL OR TAX IMPACT ON THE
66 STATE OR LOCAL GOVERNMENTS; TO PROVIDE FOR A DECEMBER 31, 2010,
67 REPEAL DATE ON THE INCOME TAX CREDIT AUTHORIZED UNDER THIS ACT;
68 AND FOR RELATED PURPOSES.

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

70 **SECTION 1.** Section 57-75-11, Mississippi Code of 1972, is
71 amended as follows:

72 57-75-11. The authority, in addition to any and all powers
73 now or hereafter granted to it, is empowered and shall exercise
74 discretion and the use of these powers depending on the
75 circumstances of the project or projects:

76 (a) To maintain an office at a place or places within
77 the state.

78 (b) To employ or contract with architects, engineers,
79 attorneys, accountants, construction and financial experts and
80 such other advisors, consultants and agents as may be necessary in
81 its judgment and to fix and pay their compensation.

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

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

89 (e) (i) To acquire by purchase, lease, gift, or in
90 other manner, including quick-take eminent domain, or obtain
91 options to acquire, and to own, maintain, use, operate and convey
92 any and all property of any kind, real, personal, or mixed, or any
93 interest or estate therein, within the project area, necessary for

94 the project or any facility related to the project. The
95 provisions of this paragraph that allow the acquisition of
96 property by quick-take eminent domain shall be repealed by
97 operation of law on July 1, 1994; and

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

105 (f) To acquire by purchase or lease any public lands
106 and public property, including sixteenth section lands and lieu
107 lands, within the project area, which are necessary for the
108 project. Sixteenth section lands or lieu lands acquired under
109 this act shall be deemed to be acquired for the purposes of
110 industrial development thereon and such acquisition will serve a
111 higher public interest in accordance with the purposes of this
112 act.

113 (g) If the authority identifies any land owned by the
114 state as being necessary, for the location or use of the project,
115 or any facility related to the project, to recommend to the
116 Legislature the conveyance of such land or any interest therein,
117 as the Legislature deems appropriate.

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

121 (i) From and after the date of notification to the
122 authority by the enterprise that the state has been finally
123 selected as the site of the project, to acquire by condemnation
124 and to own, maintain, use, operate and convey or otherwise dispose
125 of any and all property of any kind, real, personal or mixed, or
126 any interest or estate therein, within the project area, necessary

127 for the project or any facility related to the project, with the
128 concurrence of the affected public agency, and the exercise of the
129 powers granted by this act, according to the procedures provided
130 by Chapter 27, Title 11, Mississippi Code of 1972, except as
131 modified by this act.

132 (i) Except as otherwise provided in subparagraph
133 (iii) of this paragraph (i), in acquiring lands by condemnation,
134 the authority shall not acquire minerals or royalties in minerals
135 unless a competent registered professional engineer shall have
136 certified that the acquisition of such minerals and royalties in
137 minerals is necessary for purposes of the project; provided that
138 limestone, clay, chalk, sand and gravel shall not be considered as
139 minerals for the purposes of subparagraphs (i) and (ii) of this
140 paragraph (i);

141 (ii) Unless minerals or royalties in minerals have
142 been acquired by condemnation or otherwise, no person or persons
143 owning the drilling rights or the right to share in production of
144 minerals shall be prevented from exploring, developing, or
145 producing oil or gas with necessary rights-of-way for ingress and
146 egress, pipelines and other means of transporting interests on any
147 land or interest therein of the authority held or used for the
148 purposes of this act; but any such activities shall be under such
149 reasonable regulation by the authority as will adequately protect
150 the project contemplated by this act as provided in paragraph (r)
151 of this section; and

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

156 (j) To negotiate the necessary relocation or rerouting
157 of roads and highways, railroad, telephone and telegraph lines and
158 properties, electric power lines, pipelines and related
159 facilities, or to require the anchoring or other protection of any

160 of these, provided due compensation is paid to the owners thereof
161 or agreement is had with such owners regarding the payment of the
162 cost of such relocation, and to acquire by condemnation or
163 otherwise easements or rights-of-way for such relocation or
164 rerouting and to convey the same to the owners of the facilities
165 being relocated or rerouted in connection with the purposes of
166 this act.

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

169 (l) To perform or have performed any and all acts and
170 make all payments necessary to comply with all applicable federal
171 laws, rules or regulations including, but not limited to, the
172 Uniform Relocation Assistance and Real Property Acquisition
173 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
174 to 4655) and relocation rules and regulations promulgated by any
175 agency or department of the federal government.

176 (m) To construct, extend, improve, maintain, and
177 reconstruct, to cause to be constructed, extended, improved,
178 maintained, and reconstructed, and to use and operate any and all
179 components of the project or any facility related to the project,
180 with the concurrence of the affected public agency, within the
181 project area, necessary to the project and to the exercise of such
182 powers, rights, and privileges granted the authority.

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

186 (o) (i) To lease, sell or convey any or all property
187 acquired by the authority under the provisions of this act to the
188 enterprise, its successors or assigns, and in connection therewith
189 to pay the costs of title search, perfection of title, title
190 insurance and recording fees as may be required. The authority
191 may provide in the instrument conveying such property a provision

192 that such property shall revert to the authority if, as and when
193 the property is declared by the enterprise to be no longer needed.

194 (ii) To lease, sell, transfer or convey on any
195 terms agreed upon by the authority any or all real and personal
196 property, improvements, leases, funds and contractual obligations
197 of a project as defined in Section 57-75-5(f)(vi) and conveyed to
198 the State of Mississippi by a Quitclaim Deed from the United
199 States of America dated February 23, 1996, filed of record at
200 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,
201 Tishomingo County, Mississippi, to any governmental authority
202 located within the geographic boundaries of the county wherein
203 such project exists upon agreement of such governmental authority
204 to undertake and assume from the State of Mississippi all
205 obligations and responsibilities in connection with ownership and
206 operation of the project. Property leased, sold, transferred or
207 otherwise conveyed by the authority under this paragraph (o) shall
208 be used only for economic development purposes.

209 (p) To enter into contracts with any person or public
210 agency, including, but not limited to, contracts authorized by
211 Section 57-75-17, in furtherance of any of the purposes authorized
212 by this act upon such consideration as the authority and such
213 person or public agency may agree. Any such contract may extend
214 over any period of time, notwithstanding any rule of law to the
215 contrary, may be upon such terms as the parties thereto shall
216 agree, and may provide that it shall continue in effect until
217 bonds specified therein, refunding bonds issued in lieu of such
218 bonds, and all other obligations specified therein are paid or
219 terminated. Any such contract shall be binding upon the parties
220 thereto according to its terms. Such contracts may include an
221 agreement to reimburse the enterprise, its successors and assigns
222 for any assistance provided by the enterprise in the acquisition
223 of real property for the project or any facility related to the
224 project.

225 (q) To establish and maintain reasonable rates and
226 charges for the use of any facility within the project area owned
227 or operated by the authority, and from time to time, to adjust
228 such rates and to impose penalties for failure to pay such rates
229 and charges when due.

230 (r) To adopt and enforce with the concurrence of the
231 affected public agency all necessary and reasonable rules and
232 regulations to carry out and effectuate the implementation of the
233 project and any land use plan or zoning classification adopted for
234 the project area, including, but not limited to, rules,
235 regulations, and restrictions concerning mining, construction,
236 excavation or any other activity the occurrence of which may
237 endanger the structure or operation of the project. Such rules
238 may be enforced within the project area and without the project
239 area as necessary to protect the structure and operation of the
240 project. The authority is authorized to plan or replan, zone or
241 rezone, and make exceptions to any regulations, whether local or
242 state, with the concurrence of the affected public agency which
243 are inconsistent with the design, planning, construction or
244 operation of the project and facilities related to the project.

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

248 (t) To develop plans for technology transfer activities
249 to ensure private sector conduits for exchange of information,
250 technology and expertise related to the project to generate
251 opportunities for commercial development within the state.

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

255 (v) To consult with the State Board of Health and other
256 public agencies for the purpose of improving medical centers,

257 hospitals and public health centers in order to provide
258 appropriate health care facilities within the project area.

259 (w) To consult with the Office of Minority Business
260 Enterprise Development and other public agencies for the purpose
261 of developing plans for technical assistance and loan programs to
262 maximize the economic impact related to the project for minority
263 business enterprises within the State of Mississippi.

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

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

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

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

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

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

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

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

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

290 (ii) To lease such surface water transmission
291 lines to a public agency or public utility to provide water to
292 such project and to certificated water providers.

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

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

301 (gg) To establish such guidelines, rules and
302 regulations as the authority may deem necessary and appropriate
303 from time to time in its sole discretion, to promote the purposes
304 of this act.

305 (hh) In connection with projects defined in Section
306 57-75-5(f)(ii):

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

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

313 (iii) To requisition money in the Mississippi
314 Major Economic Impact Authority Revolving Loan Fund in connection
315 with such loans.

316 (ii) In connection with projects defined under Section
317 57-75-5(f)(xiv):

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

321 1. During fiscal year 2005, the amount of any
322 such loan under this paragraph (ii) shall not exceed Eight Million

323 Dollars (\$8,000,000.00) and the amount of any such grant under
324 this paragraph (ii) shall not exceed Two Million Dollars
325 (\$2,000,000.00);

326 2. During fiscal year 2006, the amount of any
327 such loan under this paragraph (ii) shall not exceed Eight Million
328 Dollars (\$8,000,000.00) and the amount of any such grant under
329 this paragraph (ii) shall not exceed Two Million Dollars
330 (\$2,000,000.00); and

331 3. During fiscal year 2007, the amount of any
332 such loan under this paragraph (ii) shall not exceed Two Million
333 Dollars (\$2,000,000.00) and the amount of any such grant under
334 this paragraph (ii) shall not exceed Two Million Dollars
335 (\$2,000,000.00);

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

338 (iii) Notwithstanding any provision of this act to
339 the contrary, such loans shall be for a term not to exceed twenty
340 (20) years as may be determined by the authority, shall bear
341 interest at such rates as may be determined by the authority,
342 shall, in the sole discretion of the authority, be secured in an
343 amount and a manner as may be determined by the authority.

344 (jj) In connection with projects defined under Section
345 57-75-5(f)(xviii):

346 (i) To provide grant funds of Twenty-five Million
347 Dollars (\$25,000,000.00) to an enterprise owning or operating a
348 project defined in Section 57-75-5(f)(xviii) to be used for real
349 estate improvements and which may be disbursed as determined by
350 the authority.

351 (ii) To provide loans to an enterprise owning or
352 operating a project defined in Section 57-75-5(f)(xviii); subject
353 to the following provisions:

354 1. Not more than Ten Million Dollars
355 (\$10,000,000.00) may be loaned to such an enterprise for the

356 purpose of defraying costs incurred by the enterprise for site
357 preparation and real property improvements during the construction
358 of the project in excess of budgeted costs; however, the amount of
359 any such loan shall not exceed fifty percent (50%) of such excess
360 costs;

361 2. Not more than Seventy-five Million Dollars
362 (\$75,000,000.00) may be loaned to such an enterprise for purposes
363 determined appropriate by the authority; however, no such loan may
364 be made to the enterprise before the beginning of the fifth year
365 after issuance by the enterprise of debt in like amount the
366 proceeds of which are to be used in connection with the project;

367 (iii) To supervise the use of all such loan funds;

368 (iv) Loans under this paragraph (jj) may be for
369 any term determined appropriate by the authority provided that the
370 payments on any loan must be in an amount sufficient to pay the
371 state's debt service on bonds issued for the purpose of providing
372 funds for such a loan; and

373 (v) Any loan under this paragraph (jj) shall, in
374 the discretion of the authority, be secured in an amount and a
375 manner as may be determined by the authority.

376 (kk) It is the policy of the authority and the
377 authority is authorized to accommodate and support any enterprise
378 owning or operating a project defined in Section 57-75-5(f)(xviii)
379 that wishes to have a program of diversity in contracting, and/or
380 that wishes to do business with or cause its prime contractor to
381 do business with Mississippi companies, including those companies
382 that are small business concerns owned and controlled by socially
383 and economically disadvantaged individuals. The term "socially
384 and economically disadvantaged individuals" shall have the meaning
385 ascribed to such term under Section 8(d) of the Small Business Act
386 (15 USCS 637(d)) and relevant subcontracting regulations
387 promulgated pursuant thereto; except that women shall be presumed

388 to be socially and economically disadvantaged individuals for the
389 purposes of this paragraph.

390 (11) (i) In addition to any other requirements or
391 conditions under this chapter, the authority shall require that
392 any application for assistance regarding a project under this
393 chapter include, at a minimum:

394 1. A two-year business plan (which shall
395 include pro forma balance sheets, income statements and monthly
396 cash flow statements);

397 2. Financial statements or tax returns for
398 the three (3) years immediately prior to the application (if the
399 project is a new company or enterprise, personal financial
400 statements or tax returns will be required);

401 3. Credit reports on all persons or entities
402 with a twenty percent (20%) or greater interest in the project;

403 4. Data supporting the expertise of the
404 project's principals;

405 5. A cost benefit analysis of the project
406 performed by a state institution of higher learning or other
407 entity selected by the authority; and

408 6. Any other information required by the
409 authority.

410 (ii) The authority shall require that binding
411 commitments be entered into requiring that:

412 1. The applicable minimum requirements of
413 this chapter and such other requirements as the authority
414 considers proper shall be met; and

415 2. If the agreed upon commitments are not
416 met, all or a portion of the funds provided under this chapter as
417 determined by the authority shall be repaid.

418 (iii) Where appropriate, in the discretion of the
419 authority, the authority shall acquire a security interest in or
420 other lien upon any applicable collateral.

421 **SECTION 2.** Section 57-75-15, Mississippi Code of 1972, is
422 amended as follows:

423 57-75-15. (1) Upon notification to the authority by the
424 enterprise that the state has been finally selected as the site
425 for the project, the State Bond Commission shall have the power
426 and is hereby authorized and directed, upon receipt of a
427 declaration from the authority as hereinafter provided, to borrow
428 money and issue general obligation bonds of the state in one or
429 more series for the purposes herein set out. Upon such
430 notification, the authority may thereafter from time to time
431 declare the necessity for the issuance of general obligation bonds
432 as authorized by this section and forward such declaration to the
433 State Bond Commission, provided that before such notification, the
434 authority may enter into agreements with the United States
435 government, private companies and others that will commit the
436 authority to direct the State Bond Commission to issue bonds for
437 eligible undertakings set out in subsection (4) of this section,
438 conditioned on the siting of the project in the state.

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

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

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

454 financing projects as then defined in Section 57-75-5(f)(ii) or
455 for any other projects as defined in Section 57-75-5(f)(ii), as it
456 may be amended from time to time. If there are any monetary
457 proceeds derived from the disposition of any improvements located
458 on real property in Kemper County purchased pursuant to this act
459 for projects related to the NAAS and if there are any monetary
460 proceeds derived from the disposition of any timber located on
461 real property in Kemper County purchased pursuant to this act for
462 projects related to the NAAS, all of such proceeds (both from the
463 disposition of improvements and the disposition of timber)
464 commencing July 1, 1996, through June 30, 2010, shall be paid to
465 the Board of Education of Kemper County, Mississippi, for
466 expenditure by such board of education to benefit the public
467 schools of Kemper County. No bonds shall be issued under this
468 paragraph (b) until the State Bond Commission by resolution adopts
469 a finding that the issuance of such bonds will improve, expand or
470 otherwise enhance the military installation, its support areas or
471 military operations, or will provide employment opportunities to
472 replace those lost by closure or reductions in operations at the
473 military installation or will support critical studies or
474 investigations authorized by Section 57-75-5(f)(ii).

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

479 (d) Bonds issued under the authority of this section
480 for projects defined in Section 57-75-5(f)(iv) shall not exceed
481 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
482 additional amount of bonds in an amount not to exceed Twelve
483 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
484 issued under the authority of this section for the purpose of
485 defraying costs associated with the construction of surface water
486 transmission lines for a project defined in Section 57-75-5(f)(iv)

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

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

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

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

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

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

510 (j) Bonds issued under the authority of this section
511 for projects defined in Section 57-75-5(f)(xii) shall not exceed
512 Twenty-three Million Seven Hundred Thousand Dollars
513 (\$23,700,000.00). No bonds shall be issued under this paragraph
514 until local governments in or near the county in which the project
515 is located have irrevocably committed funds to the project in an
516 amount of not less than Two Million Five Hundred Thousand Dollars
517 (\$2,500,000.00) in the aggregate. No bonds shall be issued under
518 this paragraph after June 30, 2008.

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

523 (l) Bonds issued under the authority of this section
524 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
525 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
526 issued under this paragraph until local governments in the county
527 in which the project is located have irrevocably committed funds
528 to the project in an amount of not less than Two Million Dollars
529 (\$2,000,000.00). No bonds shall be issued under this paragraph
530 after June 30, 2009.

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

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

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

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

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

549 (i) Defraying all or any designated portion of the
550 costs incurred with respect to acquisition, planning, design,
551 construction, installation, rehabilitation, improvement,

552 relocation and with respect to state-owned property, operation and
553 maintenance of the project and any facility related to the project
554 located within the project area, including costs of design and
555 engineering, all costs incurred to provide land, easements and
556 rights-of-way, relocation costs with respect to the project and
557 with respect to any facility related to the project located within
558 the project area, and costs associated with mitigation of
559 environmental impacts and environmental impact studies;

560 (ii) Defraying the cost of providing for the
561 recruitment, screening, selection, training or retraining of
562 employees, candidates for employment or replacement employees of
563 the project and any related activity;

564 (iii) Reimbursing the Mississippi Development
565 Authority for expenses it incurred in regard to projects defined
566 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
567 Mississippi Development Authority shall submit an itemized list of
568 expenses it incurred in regard to such projects to the Chairmen of
569 the Finance and Appropriations Committees of the Senate and the
570 Chairmen of the Ways and Means and Appropriations Committees of
571 the House of Representatives;

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

574 (v) Paying any warranty made by the authority
575 regarding site work for a project defined in Section
576 57-75-5(f)(iv)1;

577 (vi) Defraying the cost of marketing and promotion
578 of a project as defined in Section 57-75-5(f)(iv)1. The authority
579 shall submit an itemized list of costs incurred for marketing and
580 promotion of such project to the Chairmen of the Finance and
581 Appropriations Committees of the Senate and the Chairmen of the
582 Ways and Means and Appropriations Committees of the House of
583 Representatives;

584 (vii) Providing for the payment of interest on the
585 bonds;

586 (viii) Providing debt service reserves;

587 (ix) Paying underwriters' discount, original issue
588 discount, accountants' fees, engineers' fees, attorneys' fees,
589 rating agency fees and other fees and expenses in connection with
590 the issuance of the bonds;

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

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

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

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

604 (xiv) Providing grants and loans to an enterprise
605 owning or operating a project defined in Section
606 57-75-5(f)(xviii); and

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

610 Such bonds shall be issued from time to time and in such
611 principal amounts as shall be designated by the authority, not to
612 exceed in aggregate principal amounts the amount authorized in
613 subsection (3) of this section. Proceeds from the sale of the
614 bonds issued under this section may be invested, subject to
615 federal limitations, pending their use, in such securities as may
616 be specified in the resolution authorizing the issuance of the

617 bonds or the trust indenture securing them, and the earning on
618 such investment applied as provided in such resolution or trust
619 indenture.

620 (b) (i) The proceeds of bonds issued after June 21,
621 2002, under this section for projects described in Section
622 57-75-5(f)(iv) may be used to reimburse reasonable actual and
623 necessary costs incurred by the Mississippi Development Authority
624 in providing assistance related to a project for which funding is
625 provided from the use of proceeds of such bonds. The Mississippi
626 Development Authority shall maintain an accounting of actual costs
627 incurred for each project for which reimbursements are sought.
628 Reimbursements under this paragraph (b)(i) shall not exceed Three
629 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
630 Reimbursements under this paragraph (b)(i) shall satisfy any
631 applicable federal tax law requirements.

632 (ii) The proceeds of bonds issued after June 21,
633 2002, under this section for projects described in Section
634 57-75-5(f)(iv) may be used to reimburse reasonable actual and
635 necessary costs incurred by the Department of Audit in providing
636 services related to a project for which funding is provided from
637 the use of proceeds of such bonds. The Department of Audit shall
638 maintain an accounting of actual costs incurred for each project
639 for which reimbursements are sought. The Department of Audit may
640 escalate its budget and expend such funds in accordance with rules
641 and regulations of the Department of Finance and Administration in
642 a manner consistent with the escalation of federal funds.
643 Reimbursements under this paragraph (b)(ii) shall not exceed One
644 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
645 Reimbursements under this paragraph (b)(ii) shall satisfy any
646 applicable federal tax law requirements.

647 (c) (i) The proceeds of bonds issued under this
648 section for projects described in Section 57-75-5(f)(ix) may be
649 used to reimburse reasonable actual and necessary costs incurred

650 by the Mississippi Development Authority in providing assistance
651 related to a project for which funding is provided for the use of
652 proceeds of such bonds. The Mississippi Development Authority
653 shall maintain an accounting of actual costs incurred for each
654 project for which reimbursements are sought. Reimbursements under
655 this paragraph shall not exceed Twenty-five Thousand Dollars
656 (\$25,000.00) in the aggregate.

657 (ii) The proceeds of bonds issued under this
658 section for projects described in Section 57-75-5(f)(ix) may be
659 used to reimburse reasonable actual and necessary costs incurred
660 by the Department of Audit in providing services related to a
661 project for which funding is provided from the use of proceeds of
662 such bonds. The Department of Audit shall maintain an accounting
663 of actual costs incurred for each project for which reimbursements
664 are sought. The Department of Audit may escalate its budget and
665 expend such funds in accordance with rules and regulations of the
666 Department of Finance and Administration in a manner consistent
667 with the escalation of federal funds. Reimbursements under this
668 paragraph shall not exceed Twenty-five Thousand Dollars
669 (\$25,000.00) in the aggregate. Reimbursements under this
670 paragraph shall satisfy any applicable federal tax law
671 requirements.

672 (d) (i) The proceeds of bonds issued under this
673 section for projects described in Section 57-75-5(f)(x) may be
674 used to reimburse reasonable actual and necessary costs incurred
675 by the Mississippi Development Authority in providing assistance
676 related to a project for which funding is provided for the use of
677 proceeds of such bonds. The Mississippi Development Authority
678 shall maintain an accounting of actual costs incurred for each
679 project for which reimbursements are sought. Reimbursements under
680 this paragraph shall not exceed Twenty-five Thousand Dollars
681 (\$25,000.00) in the aggregate.

682 (ii) The proceeds of bonds issued under this
683 section for projects described in Section 57-75-5(f)(x) may be
684 used to reimburse reasonable actual and necessary costs incurred
685 by the Department of Audit in providing services related to a
686 project for which funding is provided from the use of proceeds of
687 such bonds. The Department of Audit shall maintain an accounting
688 of actual costs incurred for each project for which reimbursements
689 are sought. The Department of Audit may escalate its budget and
690 expend such funds in accordance with rules and regulations of the
691 Department of Finance and Administration in a manner consistent
692 with the escalation of federal funds. Reimbursements under this
693 paragraph shall not exceed Twenty-five Thousand Dollars
694 (\$25,000.00) in the aggregate. Reimbursements under this
695 paragraph shall satisfy any applicable federal tax law
696 requirements.

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

707 (ii) The proceeds of bonds issued under this
708 section for projects described in Section 57-75-5(f)(xii) may be
709 used to reimburse reasonable actual and necessary costs incurred
710 by the Department of Audit in providing services related to a
711 project for which funding is provided from the use of proceeds of
712 such bonds. The Department of Audit shall maintain an accounting
713 of actual costs incurred for each project for which reimbursements
714 are sought. The Department of Audit may escalate its budget and

715 expend such funds in accordance with rules and regulations of the
716 Department of Finance and Administration in a manner consistent
717 with the escalation of federal funds. Reimbursements under this
718 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars
719 (\$25,000.00) in the aggregate. Reimbursements under this
720 paragraph (e)(ii) shall satisfy any applicable federal tax law
721 requirements.

722 (f) (i) The proceeds of bonds issued under this
723 section for projects described in Section 57-75-5(f)(xiii),
724 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used
725 to reimburse reasonable actual and necessary costs incurred by the
726 Mississippi Development Authority in providing assistance related
727 to a project for which funding is provided from the use of
728 proceeds of such bonds. The Mississippi Development Authority
729 shall maintain an accounting of actual costs incurred for each
730 project for which reimbursements are sought. Reimbursements under
731 this paragraph (f)(i) shall not exceed Twenty-five Thousand
732 Dollars (\$25,000.00) for each project.

733 (ii) The proceeds of bonds issued under this
734 section for projects described in Section 57-75-5(f)(xiii),
735 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used
736 to reimburse reasonable actual and necessary costs incurred by the
737 Department of Audit in providing services related to a project for
738 which funding is provided from the use of proceeds of such bonds.
739 The Department of Audit shall maintain an accounting of actual
740 costs incurred for each project for which reimbursements are
741 sought. The Department of Audit may escalate its budget and
742 expend such funds in accordance with rules and regulations of the
743 Department of Finance and Administration in a manner consistent
744 with the escalation of federal funds. Reimbursements under this
745 paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars
746 (\$25,000.00) for each project. Reimbursements under this

747 paragraph (f)(ii) shall satisfy any applicable federal tax law
748 requirements.

749 (5) The principal of and the interest on the bonds shall be
750 payable in the manner hereinafter set forth. The bonds shall bear
751 date or dates; be in such denomination or denominations; bear
752 interest at such rate or rates; be payable at such place or places
753 within or without the state; mature absolutely at such time or
754 times; be redeemable before maturity at such time or times and
755 upon such terms, with or without premium; bear such registration
756 privileges; and be substantially in such form; all as shall be
757 determined by resolution of the State Bond Commission except that
758 such bonds shall mature or otherwise be retired in annual
759 installments beginning not more than five (5) years from the date
760 thereof and extending not more than twenty-five (25) years from
761 the date thereof. The bonds shall be signed by the Chairman of
762 the State Bond Commission, or by his facsimile signature, and the
763 official seal of the State Bond Commission shall be imprinted on
764 or affixed thereto, attested by the manual or facsimile signature
765 of the Secretary of the State Bond Commission. Whenever any such
766 bonds have been signed by the officials herein designated to sign
767 the bonds, who were in office at the time of such signing but who
768 may have ceased to be such officers before the sale and delivery
769 of such bonds, or who may not have been in office on the date such
770 bonds may bear, the signatures of such officers upon such bonds
771 shall nevertheless be valid and sufficient for all purposes and
772 have the same effect as if the person so officially signing such
773 bonds had remained in office until the delivery of the same to the
774 purchaser, or had been in office on the date such bonds may bear.

775 (6) All bonds issued under the provisions of this section
776 shall be and are hereby declared to have all the qualities and
777 incidents of negotiable instruments under the provisions of the
778 Uniform Commercial Code and in exercising the powers granted by
779 this chapter, the State Bond Commission shall not be required to

780 and need not comply with the provisions of the Uniform Commercial
781 Code.

782 (7) The State Bond Commission shall sell the bonds on sealed
783 bids at public sale, and for such price as it may determine to be
784 for the best interest of the State of Mississippi, but no such
785 sale shall be made at a price less than par plus accrued interest
786 to date of delivery of the bonds to the purchaser. The bonds
787 shall bear interest at such rate or rates not exceeding the limits
788 set forth in Section 75-17-101 as shall be fixed by the State Bond
789 Commission. All interest accruing on such bonds so issued shall
790 be payable semiannually or annually; provided that the first
791 interest payment may be for any period of not more than one (1)
792 year.

793 Notice of the sale of any bonds shall be published at least
794 one time, the first of which shall be made not less than ten (10)
795 days prior to the date of sale, and shall be so published in one
796 or more newspapers having a general circulation in the City of
797 Jackson and in one or more other newspapers or financial journals
798 with a large national circulation, to be selected by the State
799 Bond Commission.

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

805 (8) State bonds issued under the provisions of this section
806 shall be the general obligations of the state and backed by the
807 full faith and credit of the state. The Legislature shall
808 appropriate annually an amount sufficient to pay the principal of
809 and the interest on such bonds as they become due. All bonds
810 shall contain recitals on their faces substantially covering the
811 foregoing provisions of this section.

812 (9) The State Treasurer is authorized to certify to the
813 Department of Finance and Administration the necessity for
814 warrants, and the Department of Finance and Administration is
815 authorized and directed to issue such warrants payable out of any
816 funds appropriated by the Legislature under this section for such
817 purpose, in such amounts as may be necessary to pay when due the
818 principal of and interest on all bonds issued under the provisions
819 of this section. The State Treasurer shall forward the necessary
820 amount to the designated place or places of payment of such bonds
821 in ample time to discharge such bonds, or the interest thereon, on
822 the due dates thereof.

823 (10) The bonds may be issued without any other proceedings
824 or the happening of any other conditions or things other than
825 those proceedings, conditions and things which are specified or
826 required by this chapter. Any resolution providing for the
827 issuance of general obligation bonds under the provisions of this
828 section shall become effective immediately upon its adoption by
829 the State Bond Commission, and any such resolution may be adopted
830 at any regular or special meeting of the State Bond Commission by
831 a majority of its members.

832 (11) In anticipation of the issuance of bonds hereunder, the
833 State Bond Commission is authorized to negotiate and enter into
834 any purchase, loan, credit or other agreement with any bank, trust
835 company or other lending institution or to issue and sell interim
836 notes for the purpose of making any payments authorized under this
837 section. All borrowings made under this provision shall be
838 evidenced by notes of the state which shall be issued from time to
839 time, for such amounts not exceeding the amount of bonds
840 authorized herein, in such form and in such denomination and
841 subject to such terms and conditions of sale and issuance,
842 prepayment or redemption and maturity, rate or rates of interest
843 not to exceed the maximum rate authorized herein for bonds, and
844 time of payment of interest as the State Bond Commission shall

845 agree to in such agreement. Such notes shall constitute general
846 obligations of the state and shall be backed by the full faith and
847 credit of the state. Such notes may also be issued for the
848 purpose of refunding previously issued notes. No note shall
849 mature more than three (3) years following the date of its
850 issuance. The State Bond Commission is authorized to provide for
851 the compensation of any purchaser of the notes by payment of a
852 fixed fee or commission and for all other costs and expenses of
853 issuance and service, including paying agent costs. Such costs
854 and expenses may be paid from the proceeds of the notes.

855 (12) The bonds and interim notes authorized under the
856 authority of this section may be validated in the First Judicial
857 District of the Chancery Court of Hinds County, Mississippi, in
858 the manner and with the force and effect provided now or hereafter
859 by Chapter 13, Title 31, Mississippi Code of 1972, for the
860 validation of county, municipal, school district and other bonds.
861 The necessary papers for such validation proceedings shall be
862 transmitted to the State Bond Attorney, and the required notice
863 shall be published in a newspaper published in the City of
864 Jackson, Mississippi.

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

871 (14) All bonds issued under this chapter shall be legal
872 investments for trustees, other fiduciaries, savings banks, trust
873 companies and insurance companies organized under the laws of the
874 State of Mississippi; and such bonds shall be legal securities
875 which may be deposited with and shall be received by all public
876 officers and bodies of the state and all municipalities and other

877 political subdivisions thereof for the purpose of securing the
878 deposit of public funds.

879 (15) The Attorney General of the State of Mississippi shall
880 represent the State Bond Commission in issuing, selling and
881 validating bonds herein provided for, and the Bond Commission is
882 hereby authorized and empowered to expend from the proceeds
883 derived from the sale of the bonds authorized hereunder all
884 necessary administrative, legal and other expenses incidental and
885 related to the issuance of bonds authorized under this chapter.

886 (16) There is hereby created a special fund in the State
887 Treasury to be known as the Mississippi Major Economic Impact
888 Authority Fund wherein shall be deposited the proceeds of the
889 bonds issued under this chapter and all monies received by the
890 authority to carry out the purposes of this chapter. Expenditures
891 authorized herein shall be paid by the State Treasurer upon
892 warrants drawn from the fund, and the Department of Finance and
893 Administration shall issue warrants upon requisitions signed by
894 the director of the authority.

895 (17) (a) There is hereby created the Mississippi Economic
896 Impact Authority Sinking Fund from which the principal of and
897 interest on such bonds shall be paid by appropriation. All monies
898 paid into the sinking fund not appropriated to pay accruing bonds
899 and interest shall be invested by the State Treasurer in such
900 securities as are provided by law for the investment of the
901 sinking funds of the state.

902 (b) In the event that all or any part of the bonds and
903 notes are purchased, they shall be cancelled and returned to the
904 loan and transfer agent as cancelled and paid bonds and notes and
905 thereafter all payments of interest thereon shall cease and the
906 cancelled bonds, notes and coupons, together with any other
907 cancelled bonds, notes and coupons, shall be destroyed as promptly
908 as possible after cancellation but not later than two (2) years
909 after cancellation. A certificate evidencing the destruction of

910 the cancelled bonds, notes and coupons shall be provided by the
911 loan and transfer agent to the seller.

912 (c) The State Treasurer shall determine and report to
913 the Department of Finance and Administration and Legislative
914 Budget Office by September 1 of each year the amount of money
915 necessary for the payment of the principal of and interest on
916 outstanding obligations for the following fiscal year and the
917 times and amounts of the payments. It shall be the duty of the
918 Governor to include in every executive budget submitted to the
919 Legislature full information relating to the issuance of bonds and
920 notes under the provisions of this chapter and the status of the
921 sinking fund for the payment of the principal of and interest on
922 the bonds and notes.

923 (d) Any monies repaid to the state from loans
924 authorized in Section 57-75-11(hh) shall be deposited into the
925 Mississippi Major Economic Impact Authority Sinking Fund unless
926 the State Bond Commission, at the request of the authority, shall
927 determine that such loan repayments are needed to provide
928 additional loans as authorized under Section 57-75-11(hh). For
929 purposes of providing additional loans, there is hereby created
930 the Mississippi Major Economic Impact Authority Revolving Loan
931 Fund and loan repayments shall be deposited into the fund. The
932 fund shall be maintained for such period as determined by the
933 State Bond Commission for the sole purpose of making additional
934 loans as authorized by Section 57-75-11(hh). Unexpended amounts
935 remaining in the fund at the end of a fiscal year shall not lapse
936 into the State General Fund and any interest earned on amounts in
937 such fund shall be deposited to the credit of the fund.

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

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

944 (18) (a) Upon receipt of a declaration by the authority
945 that it has determined that the state is a potential site for a
946 project, the State Bond Commission is authorized and directed to
947 authorize the State Treasurer to borrow money from any special
948 fund in the State Treasury not otherwise appropriated to be
949 utilized by the authority for the purposes provided for in this
950 subsection.

951 (b) The proceeds of the money borrowed under this
952 subsection may be utilized by the authority for the purpose of
953 defraying all or a portion of the costs incurred by the authority
954 with respect to acquisition options and planning, design and
955 environmental impact studies with respect to a project defined in
956 Section 57-75-5(f)(xi). The authority may escalate its budget and
957 expend the proceeds of the money borrowed under this subsection in
958 accordance with rules and regulations of the Department of Finance
959 and Administration in a manner consistent with the escalation of
960 federal funds.

961 (c) The authority shall request an appropriation or
962 additional authority to issue general obligation bonds to repay
963 the borrowed funds and establish a date for the repayment of the
964 funds so borrowed.

965 (d) Borrowings made under the provisions of this
966 subsection shall not exceed Five Hundred Thousand Dollars
967 (\$500,000.00) at any one time.

968 **SECTION 3.** As used in Sections 3 through 21 of this act, the
969 following words shall have the meanings ascribed herein unless the
970 context clearly requires otherwise:

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

974 thereon from the issue date to the date of computation at the
975 rate, compounded semiannually, that is necessary to produce the
976 approximate yield to maturity shown for bonds of the same
977 maturity.

978 (b) "This act" means Sections 3 through 21 of this act.

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

980 (d) "State shipyard" means the shipyard property owned
981 by the state and located in Jackson County, Mississippi.

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

983 (f) "Authority" means the Mississippi Development
984 Authority.

985 **SECTION 4.** (1) The authority may use the proceeds from
986 general obligation bonds issued under this act for the purpose of
987 such capital improvements at the state shipyard as it considers
988 necessary to modernize the facility and keep it competitive with
989 other shipyards.

990 (2) The authority, in its discretion, may set aside for
991 minority businesses not more than twenty percent (20%) of its
992 contracts for making such capital improvements at the state
993 shipyard. For the purposes of this subsection (2), the term
994 "minority business" means a business which is owned by a majority
995 of persons who are United States citizens or permanent resident
996 aliens (as defined by the Immigration and Naturalization Service)
997 of the United States, and who are Asian, Black, Hispanic or Native
998 American, according to the following definitions:

999 (a) "Asian" means persons having origins in any of the
1000 original people of the Far East, Southeast Asia, the Indian
1001 subcontinent, or the Pacific Islands.

1002 (b) "Black" means persons having origins in any black
1003 racial group of Africa.

1004 (c) "Hispanic" means persons of Spanish or Portuguese
1005 culture with origins in Mexico, South or Central America, or the
1006 Caribbean Islands, regardless of race.

1007 (d) "Native American" means persons having origins in
1008 any of the original people of North America, including American
1009 Indians, Eskimos and Aleuts.

1010 **SECTION 5.** (1) (a) A special fund, to be designated as the
1011 "2005 State Shipyard Improvement Fund," is created within the
1012 State Treasury. The fund shall be maintained by the State
1013 Treasurer as a separate and special fund, separate and apart from
1014 the General Fund of the state. Unexpended amounts remaining in
1015 the fund at the end of a fiscal year shall not lapse into the
1016 State General Fund, and any interest earned or investment earnings
1017 on amounts in the fund shall be deposited into such fund.

1018 (b) Monies deposited into the fund shall be disbursed,
1019 in the discretion of the authority, to pay the costs incurred by
1020 the authority in making capital improvements to the state
1021 shipyard.

1022 (c) Monies in the special fund may be used to reimburse
1023 reasonable actual and necessary costs incurred by the authority in
1024 providing assistance related to a project for which funding is
1025 provided under this act. The authority shall maintain an
1026 accounting of actual costs incurred for each project for which
1027 reimbursements are sought. Reimbursements under this paragraph
1028 (c) shall not exceed Three Hundred Thousand Dollars (\$300,000.00)
1029 in the aggregate. Reimbursements under this paragraph (c) shall
1030 satisfy any applicable federal tax law requirements.

1031 (d) Monies in the special fund may be used to reimburse
1032 reasonable actual and necessary costs incurred by the Department
1033 of Audit in providing services related to a project for which
1034 funding is provided under this act. The Department of Audit shall
1035 maintain an accounting of actual costs incurred for each project
1036 for which reimbursements are sought. The Department of Audit may
1037 escalate its budget and expend such funds in accordance with rules
1038 and regulations of the Department of Finance and Administration in
1039 a manner consistent with the escalation of federal funds.

1040 Reimbursements under this paragraph (d) shall not exceed One
1041 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
1042 Reimbursements under this paragraph (d) shall satisfy any
1043 applicable federal tax law requirements.

1044 (2) Amounts deposited into such special fund shall be
1045 disbursed to pay the costs of the projects described in subsection
1046 (1) of this section. If any monies in the special fund are not
1047 used within four (4) years after the date the proceeds of the
1048 bonds authorized under this act are deposited into such fund, then
1049 the authority shall provide an accounting of such unused monies to
1050 the commission. Promptly after the commission has certified, by
1051 resolution duly adopted, that the projects described in subsection
1052 (1) of this section shall have been completed, abandoned, or
1053 cannot be completed in a timely fashion, any amounts remaining in
1054 such special fund shall be applied to pay debt service on the
1055 bonds issued under this act, in accordance with the proceedings
1056 authorizing the issuance of such bonds and as directed by the
1057 commission. Before monies in the special fund may be used for the
1058 projects described in subsection (1) of this section, the
1059 authority shall require that the lessee of the shipyard enter into
1060 binding commitments regarding at least the following:

1061 (a) That such lessee shall create a certain minimum
1062 number of jobs over a certain period of time as determined by the
1063 authority (which jobs must be held by persons eligible for
1064 employment in the United States under applicable state and federal
1065 law); and

1066 (b) That if such lessee fails to satisfy any such
1067 commitments, the lessee must repay an amount equal to all or a
1068 portion of the funds provided by the state under this act as
1069 determined by the authority.

1070 **SECTION 6.** (1) The commission, at one time, or from time to
1071 time, may declare by resolution the necessity for issuance of
1072 general obligation bonds of the State of Mississippi to provide

1073 funds for all costs incurred or to be incurred for the purposes
1074 described in Section 5 of this act. No bonds shall be issued
1075 under this act until the authority is provided proof that the
1076 lessee of the shipyard has incurred debt or has otherwise
1077 irrevocably dedicated funds or a combination of debt and funds in
1078 the amount of not less than One Hundred Twelve Million Dollars
1079 (\$112,000,000.00) used by the lessee in calendar year 2003, or
1080 thereafter, for capital improvements, capital investments or
1081 capital upgrades at shipyards in Mississippi owned or leased by
1082 the lessee. The debt or dedication of funds or combination of
1083 debt and funds required of the lessee under this section shall be
1084 in addition to any debt or funds required of the lessee under
1085 Section 4 of Chapter 501, Laws of 2003, and Section 4 of Chapter
1086 1, Laws of 2004 Third Extraordinary Session. Upon the adoption of
1087 a resolution by the authority, declaring that the lessee has
1088 incurred the required amount of debt and/or irrevocable dedication
1089 of funds and declaring the necessity for the issuance of any part
1090 or all of the general obligation bonds authorized by this section,
1091 the authority shall deliver a certified copy of its resolution or
1092 resolutions to the commission. Upon receipt of such resolution,
1093 the commission, in its discretion, may act as the issuing agent,
1094 prescribe the form of the bonds, advertise for and accept bids,
1095 issue and sell the bonds so authorized to be sold and do any and
1096 all other things necessary and advisable in connection with the
1097 issuance and sale of such bonds. The total amount of bonds issued
1098 under this act shall not exceed Fifty-six Million Dollars
1099 (\$56,000,000.00). No bonds shall be issued under this act after
1100 July 1, 2008.

1101 (2) Any investment earnings on amounts deposited into the
1102 special fund created in Section 5 of this act shall be used to pay
1103 debt service on bonds issued under this act, in accordance with
1104 the proceedings authorizing issuance of such bonds.

1105 **SECTION 7.** The principal of and interest on the bonds
1106 authorized under this act shall be payable in the manner provided
1107 in this section. Such bonds shall bear such date or dates, be in
1108 such denomination or denominations, bear interest at such rate or
1109 rates (not to exceed the limits set forth in Section 75-17-101,
1110 Mississippi Code of 1972), be payable at such place or places
1111 within or without the State of Mississippi, shall mature
1112 absolutely at such time or times not to exceed twenty (20) years
1113 from date of issue, be redeemable before maturity at such time or
1114 times and upon such terms, with or without premium, shall bear
1115 such registration privileges, and shall be substantially in such
1116 form, all as shall be determined by resolution of the commission.

1117 **SECTION 8.** The bonds authorized by this act shall be signed
1118 by the chairman of the commission, or by his facsimile signature,
1119 and the official seal of the commission shall be affixed thereto,
1120 attested by the secretary of the commission. The interest
1121 coupons, if any, to be attached to such bonds may be executed by
1122 the facsimile signatures of such officers. Whenever any such
1123 bonds shall have been signed by the officials designated to sign
1124 the bonds who were in office at the time of such signing but who
1125 may have ceased to be such officers before the sale and delivery
1126 of such bonds, or who may not have been in office on the date such
1127 bonds may bear, the signatures of such officers upon such bonds
1128 and coupons shall nevertheless be valid and sufficient for all
1129 purposes and have the same effect as if the person so officially
1130 signing such bonds had remained in office until their delivery to
1131 the purchaser, or had been in office on the date such bonds may
1132 bear. However, notwithstanding anything herein to the contrary,
1133 such bonds may be issued as provided in the Registered Bond Act of
1134 the State of Mississippi.

1135 **SECTION 9.** All bonds and interest coupons issued under the
1136 provisions of this act shall have all the qualities and incidents
1137 of negotiable instruments under the provisions of the Uniform

1138 Commercial Code, and in exercising the powers granted by this act,
1139 the commission shall not be required to and need not comply with
1140 the provisions of the Uniform Commercial Code.

1141 **SECTION 10.** The commission shall act as the issuing agent
1142 for the bonds authorized under this act, prescribe the form of the
1143 bonds, advertise for and accept bids, issue and sell the bonds so
1144 authorized to be sold, pay all fees and costs incurred in such
1145 issuance and sale, and do any and all other things necessary and
1146 advisable in connection with the issuance and sale of such bonds.
1147 The commission is authorized and empowered to pay the costs that
1148 are incident to the sale, issuance and delivery of the bonds
1149 authorized under this act from the proceeds derived from the sale
1150 of such bonds. The commission shall sell such bonds on sealed
1151 bids at public sale, and for such price as it may determine to be
1152 for the best interest of the State of Mississippi, but no such
1153 sale shall be made at a price less than par plus accrued interest
1154 to the date of delivery of the bonds to the purchaser. All
1155 interest accruing on such bonds so issued shall be payable
1156 semiannually or annually; however, the first interest payment may
1157 be for any period of not more than one (1) year.

1158 Notice of the sale of any such bonds shall be published at
1159 least one time, not less than ten (10) days before the date of
1160 sale, and shall be so published in one or more newspapers
1161 published or having a general circulation in the City of Jackson,
1162 Mississippi, and in one or more other newspapers or financial
1163 journals with a national circulation, to be selected by the
1164 commission.

1165 The commission, when issuing any bonds under the authority of
1166 this act, may provide that bonds, at the option of the State of
1167 Mississippi, may be called in for payment and redemption at the
1168 call price named therein and accrued interest on such date or
1169 dates named therein.

1170 **SECTION 11.** The bonds issued under the provisions of this
1171 act are general obligations of the State of Mississippi, and for
1172 the payment thereof the full faith and credit of the State of
1173 Mississippi is irrevocably pledged. If the funds appropriated by
1174 the Legislature for such purposes are insufficient to pay the
1175 principal of and the interest on such bonds as they become due,
1176 then the deficiency shall be paid by the State Treasurer from any
1177 funds in the State Treasury not otherwise appropriated. All such
1178 bonds shall contain recitals on their faces substantially covering
1179 the provisions of this section.

1180 **SECTION 12.** Upon the issuance and sale of bonds under the
1181 provisions of this act, the commission shall transfer the proceeds
1182 of any such sale or sales to the special fund created in Section 5
1183 of this act. The proceeds of such bonds shall be disbursed solely
1184 upon the order of the authority under such restrictions, if any,
1185 as may be contained in the resolution providing for the issuance
1186 of the bonds.

1187 **SECTION 13.** The bonds authorized under this act may be
1188 issued without any other proceedings or the happening of any other
1189 conditions or things other than those proceedings, conditions and
1190 things which are specified or required by this act. Any
1191 resolution providing for the issuance of bonds under the
1192 provisions of this act shall become effective immediately upon its
1193 adoption by the commission, and any such resolution may be adopted
1194 at any regular or special meeting of the commission by a majority
1195 of its members.

1196 **SECTION 14.** The bonds authorized under the authority of this
1197 act may be validated in the Chancery Court of the First Judicial
1198 District of Hinds County, Mississippi, in the manner and with the
1199 force and effect provided by Chapter 13, Title 31, Mississippi
1200 Code of 1972, for the validation of county, municipal, school
1201 district and other bonds. The notice to taxpayers required by

1202 such statutes shall be published in a newspaper published or
1203 having a general circulation in the City of Jackson, Mississippi.

1204 **SECTION 15.** Any holder of bonds issued under the provisions
1205 of this act or of any of the interest coupons pertaining thereto
1206 may, either at law or in equity, by suit, action, mandamus or
1207 other proceeding, protect and enforce any and all rights granted
1208 under this act, or under such resolution, and may enforce and
1209 compel performance of all duties required by this act to be
1210 performed, in order to provide for the payment of bonds and
1211 interest thereon.

1212 **SECTION 16.** All bonds issued under the provisions of this
1213 act shall be legal investments for trustees and other fiduciaries,
1214 and for savings banks, trust companies and insurance companies
1215 organized under the laws of the State of Mississippi, and such
1216 bonds shall be legal securities which may be deposited with and
1217 shall be received by all public officers and bodies of this state
1218 and all municipalities and political subdivisions for the purpose
1219 of securing the deposit of public funds.

1220 **SECTION 17.** Bonds issued under the provisions of this act
1221 and income therefrom shall be exempt from all taxation in the
1222 State of Mississippi.

1223 **SECTION 18.** The proceeds of the bonds issued under this act
1224 shall be used solely for the purposes provided in this act,
1225 including the costs incident to the issuance and sale of such
1226 bonds.

1227 **SECTION 19.** The State Treasurer is authorized, without
1228 further process of law, to certify to the Department of Finance
1229 and Administration the necessity for warrants, and the Department
1230 of Finance and Administration is authorized and directed to issue
1231 such warrants, in such amounts as may be necessary to pay when due
1232 the principal of, premium, if any, and interest on, or the
1233 accreted value of, all bonds issued under this act; and the State
1234 Treasurer shall forward the necessary amount to the designated

1235 place or places of payment of such bonds in ample time to
1236 discharge such bonds, or the interest thereon, on the due dates
1237 thereof.

1238 **SECTION 20.** All improvements made to the state shipyard with
1239 the proceeds of bonds issued pursuant to this act shall, as
1240 state-owned property, be exempt from ad valorem taxation, except
1241 ad valorem taxation for school district purposes.

1242 **SECTION 21.** This act shall be deemed to be full and complete
1243 authority for the exercise of the powers herein granted, but this
1244 act shall not be deemed to repeal or to be in derogation of any
1245 existing law of this state.

1246 **SECTION 22.** As used in Sections 22 through 38 of this act,
1247 the following words shall have the meanings ascribed herein unless
1248 the context clearly requires otherwise:

1249 (a) "Accreted value" of any bond means, as of any date
1250 of computation, an amount equal to the sum of (i) the stated
1251 initial value of such bond, plus (ii) the interest accrued thereon
1252 from the issue date to the date of computation at the rate,
1253 compounded semiannually, that is necessary to produce the
1254 approximate yield to maturity shown for bonds of the same
1255 maturity.

1256 (b) "This act" means Sections 22 through 38 of this
1257 act.

1258 (c) "State" means the State of Mississippi.

1259 (d) "Commission" means the State Bond Commission.

1260 **SECTION 23.** (1) (a) A special fund, to be designated as
1261 the "2005 B.B. King Museum Fund" is created within the State
1262 Treasury. The fund shall be maintained by the State Treasurer as
1263 a separate and special fund, separate and apart from the General
1264 Fund of the state. Unexpended amounts remaining in the fund at
1265 the end of a fiscal year shall not lapse into the State General
1266 Fund, and any interest earned or investment earnings on amounts in
1267 the fund shall be deposited into such fund.

1268 (b) Money deposited into the fund shall be disbursed,
1269 in the discretion of the Department of Finance and Administration,
1270 to pay the costs of:

1271 (i) Construction, furnishing, equipping and
1272 repairs and renovations at the B.B. King Museum in Indianola,
1273 Mississippi; and

1274 (ii) Production and development of exhibits and
1275 audiovisual for such museum.

1276 (2) Amounts deposited into such special fund shall be
1277 disbursed to pay the costs of the projects described in subsection
1278 (1) of this section. Promptly after the commission has certified,
1279 by resolution duly adopted, that the projects described in
1280 subsection (1) shall have been completed, abandoned, or cannot be
1281 completed in a timely fashion, any amounts remaining in such
1282 special fund shall be applied to pay debt service on the bonds
1283 issued under this act, in accordance with the proceedings
1284 authorizing the issuance of such bonds and as directed by the
1285 commission.

1286 (3) The Department of Finance and Administration, acting
1287 through the Bureau of Building, Grounds and Real Property
1288 Management, is expressly authorized and empowered to receive and
1289 expend any local or other source funds in connection with the
1290 expenditure of funds provided for in this section. The
1291 expenditure of monies deposited into the special fund shall be
1292 under the direction of the Department of Finance and
1293 Administration, and such funds shall be paid by the State
1294 Treasurer upon warrants issued by such department, which warrants
1295 shall be issued upon requisitions signed by the Executive Director
1296 of the Department of Finance and Administration, or his designee.

1297 **SECTION 24.** (1) The commission, at one time, or from time
1298 to time, may declare by resolution the necessity for issuance of
1299 general obligation bonds of the State of Mississippi to provide
1300 funds for all costs incurred or to be incurred for the purposes

1301 described in Section 23 of this act. No bonds shall be issued
1302 under this act until the Department of Finance and Administration
1303 is provided proof that the funds from private, local or federal
1304 sources have been irrevocably dedicated and are readily available
1305 to the project in the amount of not less than Six Million Dollars
1306 (\$6,000,000.00). Upon the adoption of a resolution by the
1307 Department of Finance and Administration, declaring that funds
1308 have been irrevocably dedicated and are readily available in the
1309 required amount and declaring the necessity for the issuance of
1310 any part or all of the general obligation bonds authorized by this
1311 section, the department shall deliver a certified copy of its
1312 resolution or resolutions to the commission. Upon receipt of such
1313 resolution, the commission, in its discretion, may act as the
1314 issuing agent, prescribe the form of the bonds, advertise for and
1315 accept bids, issue and sell the bonds so authorized to be sold and
1316 do any and all other things necessary and advisable in connection
1317 with the issuance and sale of such bonds. The total amount of
1318 bonds issued under this act shall not exceed Two Million Dollars
1319 (\$2,000,000.00). No bonds shall be issued under this act from and
1320 after July 1, 2008.

1321 (2) Any investment earnings on amounts deposited into the
1322 special fund created in Section 23 of this act shall be used to
1323 pay debt service on bonds issued under this act, in accordance
1324 with the proceedings authorizing issuance of such bonds.

1325 **SECTION 25.** The principal of and interest on the bonds
1326 authorized under this act shall be payable in the manner provided
1327 in this section. Such bonds shall bear such date or dates, be in
1328 such denomination or denominations, bear interest at such rate or
1329 rates (not to exceed the limits set forth in Section 75-17-101,
1330 Mississippi Code of 1972), be payable at such place or places
1331 within or without the State of Mississippi, shall mature
1332 absolutely at such time or times not to exceed twenty-five (25)
1333 years from date of issue, be redeemable before maturity at such

1334 time or times and upon such terms, with or without premium, shall
1335 bear such registration privileges, and shall be substantially in
1336 such form, all as shall be determined by resolution of the
1337 commission.

1338 **SECTION 26.** The bonds authorized by this act shall be signed
1339 by the chairman of the commission, or by his facsimile signature,
1340 and the official seal of the commission shall be affixed thereto,
1341 attested by the secretary of the commission. The interest
1342 coupons, if any, to be attached to such bonds may be executed by
1343 the facsimile signatures of such officers. Whenever any such
1344 bonds shall have been signed by the officials designated to sign
1345 the bonds who were in office at the time of such signing but who
1346 may have ceased to be such officers before the sale and delivery
1347 of such bonds, or who may not have been in office on the date such
1348 bonds may bear, the signatures of such officers upon such bonds
1349 and coupons shall nevertheless be valid and sufficient for all
1350 purposes and have the same effect as if the person so officially
1351 signing such bonds had remained in office until their delivery to
1352 the purchaser, or had been in office on the date such bonds may
1353 bear. However, notwithstanding anything herein to the contrary,
1354 such bonds may be issued as provided in the Registered Bond Act of
1355 the State of Mississippi.

1356 **SECTION 27.** All bonds and interest coupons issued under the
1357 provisions of this act have all the qualities and incidents of
1358 negotiable instruments under the provisions of the Uniform
1359 Commercial Code, and in exercising the powers granted by this act,
1360 the commission shall not be required to and need not comply with
1361 the provisions of the Uniform Commercial Code.

1362 **SECTION 28.** The commission shall act as the issuing agent
1363 for the bonds authorized under this act, prescribe the form of the
1364 bonds, advertise for and accept bids, issue and sell the bonds so
1365 authorized to be sold, pay all fees and costs incurred in such
1366 issuance and sale, and do any and all other things necessary and

1367 advisable in connection with the issuance and sale of such bonds.
1368 The commission is authorized and empowered to pay the costs that
1369 are incident to the sale, issuance and delivery of the bonds
1370 authorized under this act from the proceeds derived from the sale
1371 of such bonds. The commission shall sell such bonds on sealed
1372 bids at public sale, and for such price as it may determine to be
1373 for the best interest of the State of Mississippi, but no such
1374 sale shall be made at a price less than par plus accrued interest
1375 to the date of delivery of the bonds to the purchaser. All
1376 interest accruing on such bonds so issued shall be payable
1377 semiannually or annually; however, the first interest payment may
1378 be for any period of not more than one (1) year.

1379 Notice of the sale of any such bonds shall be published at
1380 least one (1) time, not less than ten (10) days before the date of
1381 sale, and shall be so published in one or more newspapers
1382 published or having a general circulation in the City of Jackson,
1383 Mississippi, and in one or more other newspapers or financial
1384 journals with a national circulation, to be selected by the
1385 commission.

1386 The commission, when issuing any bonds under the authority of
1387 this act, may provide that bonds, at the option of the State of
1388 Mississippi, may be called in for payment and redemption at the
1389 call price named therein and accrued interest on such date or
1390 dates named therein.

1391 **SECTION 29.** The bonds issued under the provisions of this
1392 act are general obligations of the State of Mississippi, and for
1393 the payment thereof the full faith and credit of the State of
1394 Mississippi is irrevocably pledged. If the funds appropriated by
1395 the Legislature are insufficient to pay the principal of and the
1396 interest on such bonds as they become due, then the deficiency
1397 shall be paid by the State Treasurer from any funds in the State
1398 Treasury not otherwise appropriated. All such bonds shall contain

1399 recitals on their faces substantially covering the provisions of
1400 this section.

1401 **SECTION 30.** Upon the issuance and sale of bonds under the
1402 provisions of this act, the commission shall transfer the proceeds
1403 of any such sale or sales to the special fund created in Section
1404 23 of this act. The proceeds of such bonds shall be disbursed
1405 solely upon the order of the Department of Finance and
1406 Administration under such restrictions, if any, as may be
1407 contained in the resolution providing for the issuance of the
1408 bonds.

1409 **SECTION 31.** The bonds authorized under this act may be
1410 issued without any other proceedings or the happening of any other
1411 conditions or things other than those proceedings, conditions and
1412 things which are specified or required by this act. Any
1413 resolution providing for the issuance of bonds under the
1414 provisions of this act shall become effective immediately upon its
1415 adoption by the commission, and any such resolution may be adopted
1416 at any regular or special meeting of the commission by a majority
1417 of its members.

1418 **SECTION 32.** The bonds authorized under the authority of this
1419 act may be validated in the Chancery Court of the First Judicial
1420 District of Hinds County, Mississippi, in the manner and with the
1421 force and effect provided by Chapter 13, Title 31, Mississippi
1422 Code of 1972, for the validation of county, municipal, school
1423 district and other bonds. The notice to taxpayers required by
1424 such statutes shall be published in a newspaper published or
1425 having a general circulation in the City of Jackson, Mississippi.

1426 **SECTION 33.** Any holder of bonds issued under the provisions
1427 of this act or of any of the interest coupons pertaining thereto
1428 may, either at law or in equity, by suit, action, mandamus or
1429 other proceeding, protect and enforce any and all rights granted
1430 under this act, or under such resolution, and may enforce and
1431 compel performance of all duties required by this act to be

1432 performed, in order to provide for the payment of bonds and
1433 interest thereon.

1434 **SECTION 34.** All bonds issued under the provisions of this
1435 act shall be legal investments for trustees and other fiduciaries,
1436 and for savings banks, trust companies and insurance companies
1437 organized under the laws of the State of Mississippi, and such
1438 bonds shall be legal securities which may be deposited with and
1439 shall be received by all public officers and bodies of this state
1440 and all municipalities and political subdivisions for the purpose
1441 of securing the deposit of public funds.

1442 **SECTION 35.** Bonds issued under the provisions of this act
1443 and income therefrom shall be exempt from all taxation in the
1444 State of Mississippi.

1445 **SECTION 36.** The proceeds of the bonds issued under this act
1446 shall be used solely for the purposes herein provided, including
1447 the costs incident to the issuance and sale of such bonds.

1448 **SECTION 37.** The State Treasurer is authorized, without
1449 further process of law, to certify to the Department of Finance
1450 and Administration the necessity for warrants, and the Department
1451 of Finance and Administration is authorized and directed to issue
1452 such warrants, in such amounts as may be necessary to pay when due
1453 the principal of, premium, if any, and interest on, or the
1454 accreted value of, all bonds issued under this act; and the State
1455 Treasurer shall forward the necessary amount to the designated
1456 place or places of payment of such bonds in ample time to
1457 discharge such bonds, or the interest thereon, on the due dates
1458 thereof.

1459 **SECTION 38.** This act shall be deemed to be full and complete
1460 authority for the exercise of the powers herein granted, but this
1461 act shall not be deemed to repeal or to be in derogation of any
1462 existing law of this state.

1463 **SECTION 39.** As used in Sections 39 through 55 of this act,
1464 the following words shall have the meanings ascribed herein unless
1465 the context clearly requires otherwise:

1466 (a) "Accreted value" of any bond means, as of any date
1467 of computation, an amount equal to the sum of (i) the stated
1468 initial value of such bond, plus (ii) the interest accrued thereon
1469 from the issue date to the date of computation at the rate,
1470 compounded semiannually, that is necessary to produce the
1471 approximate yield to maturity shown for bonds of the same
1472 maturity.

1473 (b) "This act" means Sections 39 through 55 of this
1474 act.

1475 (b) "State" means the State of Mississippi.

1476 (c) "Commission" means the State Bond Commission.

1477 **SECTION 40.** (1) (a) A special fund, to be designated as
1478 the "2005 Southern Arts and Entertainment Center Fund" is created
1479 within the State Treasury. The fund shall be maintained by the
1480 State Treasurer as a separate and special fund, separate and apart
1481 from the General Fund of the state. Unexpended amounts remaining
1482 in the fund at the end of a fiscal year shall not lapse into the
1483 State General Fund, and any interest earned or investment earnings
1484 on amounts in the fund shall be deposited into such fund.

1485 (b) Money deposited into the fund shall be disbursed,
1486 in the discretion of the Department of Finance and Administration,
1487 to pay the costs of construction, furnishing, equipping and
1488 repairs and renovations at the Southern Arts and Entertainment
1489 Center created in Section 39-25-1.

1490 (2) Amounts deposited into such special fund shall be
1491 disbursed to pay the costs of the projects described in subsection
1492 (1) of this section. Promptly after the commission has certified,
1493 by resolution duly adopted, that the projects described in
1494 subsection (1) shall have been completed, abandoned, or cannot be
1495 completed in a timely fashion, any amounts remaining in such

1496 special fund shall be applied to pay debt service on the bonds
1497 issued under this act, in accordance with the proceedings
1498 authorizing the issuance of such bonds and as directed by the
1499 commission.

1500 (3) The Department of Finance and Administration, acting
1501 through the Bureau of Building, Grounds and Real Property
1502 Management, is expressly authorized and empowered to receive and
1503 expend any local or other source funds in connection with the
1504 expenditure of funds provided for in this section. The
1505 expenditure of monies deposited into the special fund shall be
1506 under the direction of the Department of Finance and
1507 Administration, and such funds shall be paid by the State
1508 Treasurer upon warrants issued by such department, which warrants
1509 shall be issued upon requisitions signed by the Executive Director
1510 of the Department of Finance and Administration, or his designee.

1511 **SECTION 41.** (1) The commission, at one time, or from time
1512 to time, may declare by resolution the necessity for issuance of
1513 general obligation bonds of the State of Mississippi to provide
1514 funds for all costs incurred or to be incurred for the purposes
1515 described in Section 40 of this act. No bonds shall be issued
1516 under this act until the Department of Finance and Administration
1517 is provided proof that the funds from private, local or federal
1518 sources have been irrevocably dedicated and are readily available
1519 to the project in the amount of not less than Six Million Dollars
1520 (\$6,000,000.00). Upon the adoption of a resolution by the
1521 Department of Finance and Administration, declaring that funds
1522 have been irrevocably dedicated and are readily available in the
1523 required amount and declaring the necessity for the issuance of
1524 any part or all of the general obligation bonds authorized by this
1525 section, the department shall deliver a certified copy of its
1526 resolution or resolutions to the commission. Upon receipt of such
1527 resolution, the commission, in its discretion, may act as the
1528 issuing agent, prescribe the form of the bonds, advertise for and

1529 accept bids, issue and sell the bonds so authorized to be sold and
1530 do any and all other things necessary and advisable in connection
1531 with the issuance and sale of such bonds. The total amount of
1532 bonds issued under this act shall not exceed Two Million Dollars
1533 (\$2,000,000.00). No bonds shall be issued under this act from and
1534 after July 1, 2008.

1535 (2) Any investment earnings on amounts deposited into the
1536 special fund created in Section 40 of this act shall be used to
1537 pay debt service on bonds issued under this act, in accordance
1538 with the proceedings authorizing issuance of such bonds.

1539 **SECTION 42.** The principal of and interest on the bonds
1540 authorized under this act shall be payable in the manner provided
1541 in this section. Such bonds shall bear such date or dates, be in
1542 such denomination or denominations, bear interest at such rate or
1543 rates (not to exceed the limits set forth in Section 75-17-101,
1544 Mississippi Code of 1972), be payable at such place or places
1545 within or without the State of Mississippi, shall mature
1546 absolutely at such time or times not to exceed twenty-five (25)
1547 years from date of issue, be redeemable before maturity at such
1548 time or times and upon such terms, with or without premium, shall
1549 bear such registration privileges, and shall be substantially in
1550 such form, all as shall be determined by resolution of the
1551 commission.

1552 **SECTION 43.** The bonds authorized by this act shall be signed
1553 by the chairman of the commission, or by his facsimile signature,
1554 and the official seal of the commission shall be affixed thereto,
1555 attested by the secretary of the commission. The interest
1556 coupons, if any, to be attached to such bonds may be executed by
1557 the facsimile signatures of such officers. Whenever any such
1558 bonds shall have been signed by the officials designated to sign
1559 the bonds who were in office at the time of such signing but who
1560 may have ceased to be such officers before the sale and delivery
1561 of such bonds, or who may not have been in office on the date such

1562 bonds may bear, the signatures of such officers upon such bonds
1563 and coupons shall nevertheless be valid and sufficient for all
1564 purposes and have the same effect as if the person so officially
1565 signing such bonds had remained in office until their delivery to
1566 the purchaser, or had been in office on the date such bonds may
1567 bear. However, notwithstanding anything herein to the contrary,
1568 such bonds may be issued as provided in the Registered Bond Act of
1569 the State of Mississippi.

1570 **SECTION 44.** All bonds and interest coupons issued under the
1571 provisions of this act have all the qualities and incidents of
1572 negotiable instruments under the provisions of the Uniform
1573 Commercial Code, and in exercising the powers granted by this act,
1574 the commission shall not be required to and need not comply with
1575 the provisions of the Uniform Commercial Code.

1576 **SECTION 45.** The commission shall act as the issuing agent
1577 for the bonds authorized under this act, prescribe the form of the
1578 bonds, advertise for and accept bids, issue and sell the bonds so
1579 authorized to be sold, pay all fees and costs incurred in such
1580 issuance and sale, and do any and all other things necessary and
1581 advisable in connection with the issuance and sale of such bonds.
1582 The commission is authorized and empowered to pay the costs that
1583 are incident to the sale, issuance and delivery of the bonds
1584 authorized under this act from the proceeds derived from the sale
1585 of such bonds. The commission shall sell such bonds on sealed
1586 bids at public sale, and for such price as it may determine to be
1587 for the best interest of the State of Mississippi, but no such
1588 sale shall be made at a price less than par plus accrued interest
1589 to the date of delivery of the bonds to the purchaser. All
1590 interest accruing on such bonds so issued shall be payable
1591 semiannually or annually; however, the first interest payment may
1592 be for any period of not more than one (1) year.

1593 Notice of the sale of any such bonds shall be published at
1594 least one (1) time, not less than ten (10) days before the date of

1595 sale, and shall be so published in one or more newspapers
1596 published or having a general circulation in the City of Jackson,
1597 Mississippi, and in one or more other newspapers or financial
1598 journals with a national circulation, to be selected by the
1599 commission.

1600 The commission, when issuing any bonds under the authority of
1601 this act, may provide that bonds, at the option of the State of
1602 Mississippi, may be called in for payment and redemption at the
1603 call price named therein and accrued interest on such date or
1604 dates named therein.

1605 **SECTION 46.** The bonds issued under the provisions of this
1606 act are general obligations of the State of Mississippi, and for
1607 the payment thereof the full faith and credit of the State of
1608 Mississippi is irrevocably pledged. If the funds appropriated by
1609 the Legislature are insufficient to pay the principal of and the
1610 interest on such bonds as they become due, then the deficiency
1611 shall be paid by the State Treasurer from any funds in the State
1612 Treasury not otherwise appropriated. All such bonds shall contain
1613 recitals on their faces substantially covering the provisions of
1614 this section.

1615 **SECTION 47.** Upon the issuance and sale of bonds under the
1616 provisions of this act, the commission shall transfer the proceeds
1617 of any such sale or sales to the special fund created in Section
1618 40 of this act. The proceeds of such bonds shall be disbursed
1619 solely upon the order of the Department of Finance and
1620 Administration under such restrictions, if any, as may be
1621 contained in the resolution providing for the issuance of the
1622 bonds.

1623 **SECTION 48.** The bonds authorized under this act may be
1624 issued without any other proceedings or the happening of any other
1625 conditions or things other than those proceedings, conditions and
1626 things which are specified or required by this act. Any
1627 resolution providing for the issuance of bonds under the

1628 provisions of this act shall become effective immediately upon its
1629 adoption by the commission, and any such resolution may be adopted
1630 at any regular or special meeting of the commission by a majority
1631 of its members.

1632 **SECTION 49.** The bonds authorized under the authority of this
1633 act may be validated in the Chancery Court of the First Judicial
1634 District of Hinds County, Mississippi, in the manner and with the
1635 force and effect provided by Chapter 13, Title 31, Mississippi
1636 Code of 1972, for the validation of county, municipal, school
1637 district and other bonds. The notice to taxpayers required by
1638 such statutes shall be published in a newspaper published or
1639 having a general circulation in the City of Jackson, Mississippi.

1640 **SECTION 50.** Any holder of bonds issued under the provisions
1641 of this act or of any of the interest coupons pertaining thereto
1642 may, either at law or in equity, by suit, action, mandamus or
1643 other proceeding, protect and enforce any and all rights granted
1644 under this act, or under such resolution, and may enforce and
1645 compel performance of all duties required by this act to be
1646 performed, in order to provide for the payment of bonds and
1647 interest thereon.

1648 **SECTION 51.** All bonds issued under the provisions of this
1649 act shall be legal investments for trustees and other fiduciaries,
1650 and for savings banks, trust companies and insurance companies
1651 organized under the laws of the State of Mississippi, and such
1652 bonds shall be legal securities which may be deposited with and
1653 shall be received by all public officers and bodies of this state
1654 and all municipalities and political subdivisions for the purpose
1655 of securing the deposit of public funds.

1656 **SECTION 52.** Bonds issued under the provisions of this act
1657 and income therefrom shall be exempt from all taxation in the
1658 State of Mississippi.

1659 **SECTION 53.** The proceeds of the bonds issued under this act
1660 shall be used solely for the purposes herein provided, including
1661 the costs incident to the issuance and sale of such bonds.

1662 **SECTION 54.** The State Treasurer is authorized, without
1663 further process of law, to certify to the Department of Finance
1664 and Administration the necessity for warrants, and the Department
1665 of Finance and Administration is authorized and directed to issue
1666 such warrants, in such amounts as may be necessary to pay when due
1667 the principal of, premium, if any, and interest on, or the
1668 accreted value of, all bonds issued under this act; and the State
1669 Treasurer shall forward the necessary amount to the designated
1670 place or places of payment of such bonds in ample time to
1671 discharge such bonds, or the interest thereon, on the due dates
1672 thereof.

1673 **SECTION 55.** This act shall be deemed to be full and complete
1674 authority for the exercise of the powers herein granted, but this
1675 act shall not be deemed to repeal or to be in derogation of any
1676 existing law of this state.

1677 **SECTION 56.** As used in Sections 56 through 73 of this act,
1678 the following words shall have the meanings ascribed herein unless
1679 the context clearly requires otherwise:

1680 (a) "Accreted value" of any bond means, as of any date
1681 of computation, an amount equal to the sum of (i) the stated
1682 initial value of such bond, plus (ii) the interest accrued thereon
1683 from the issue date to the date of computation at the rate,
1684 compounded semiannually, that is necessary to produce the
1685 approximate yield to maturity shown for bonds of the same
1686 maturity.

1687 (b) "This act" means Sections 56 through 73.

1688 (c) "Commission" means the State Bond Commission.

1689 (d) "Project" means an economic development and tourism
1690 destination facility in Hancock County, Mississippi, that will
1691 feature a space, science and education center. The title to the

1692 project facilities is to be vested in the National Aeronautics and
1693 Space Administration.

1694 (e) "State" means the State of Mississippi.

1695 (f) "Authority" means the Mississippi Development
1696 Authority.

1697 **SECTION 57.** (1) The authority may use the proceeds from
1698 general obligation bonds issued under this act for the project as
1699 it considers necessary to further the project.

1700 (2) The authority may enter into any agreements regarding
1701 the project as it considers necessary and may require that the
1702 state be granted an equity interest in the project as a condition
1703 upon the issuance of bonds under this act.

1704 **SECTION 58.** (1) (a) A special fund, to be designated as
1705 the "Infinity Space, Science and Education Center Fund," is
1706 created within the State Treasury. The fund shall be maintained
1707 by the State Treasurer as a separate and special fund, separate
1708 and apart from the General Fund of the state. Unexpended amounts
1709 remaining in the fund at the end of a fiscal year shall not lapse
1710 into the State General Fund, and any interest earned or investment
1711 earnings on amounts in the fund shall be deposited into such fund.

1712 (b) Monies deposited into the fund shall be disbursed,
1713 in the discretion of the authority, to pay the costs incurred for
1714 the construction, furnishing and equipping the project.

1715 (2) Amounts deposited into such special fund shall be
1716 disbursed to pay the costs of the project. If any monies in the
1717 special fund are not used within four (4) years after the date the
1718 proceeds of the bonds authorized under this act are deposited into
1719 such fund, then the authority shall provide an accounting of such
1720 unused monies to the commission. Promptly after the commission
1721 has certified, by resolution duly adopted, that the project shall
1722 have been completed, abandoned, or cannot be completed in a timely
1723 fashion, any amounts remaining in such special fund shall be
1724 applied to pay debt service on the bonds issued under this act, in

1725 accordance with the proceedings authorizing the issuance of such
1726 bonds and as directed by the commission. Before monies in the
1727 special fund may be used for the project, the authority shall
1728 require that the developer and operator of the project enter into
1729 binding commitments regarding at least the following:

1730 (a) That a certain minimum number of jobs will be
1731 created over a certain period of time as determined by the
1732 authority (which jobs must be held by persons eligible for
1733 employment in the United States under applicable state and federal
1734 law); and

1735 (b) That if any such commitments are not satisfied, an
1736 amount equal to all or a portion of the funds provided by the
1737 state under this act as determined by the authority shall be
1738 repaid.

1739 **SECTION 59.** (1) The commission, at one time, or from time
1740 to time, may declare by resolution the necessity for issuance of
1741 general obligation bonds of the State of Mississippi to provide
1742 funds for all costs incurred or to be incurred for the purposes
1743 described in Section 58 of this act. No bonds shall be issued
1744 under this act until the authority is provided proof that the
1745 funds from private, local or federal sources have been irrevocably
1746 dedicated and are readily available to the project in the amount
1747 of not less than Twenty-four Million Dollars (\$24,000,000.00).
1748 Upon the adoption of a resolution by the authority, declaring that
1749 funds have been irrevocably dedicated and are readily available in
1750 the required amount and declaring the necessity for the issuance
1751 of any part or all of the general obligation bonds authorized by
1752 this section, the authority shall deliver a certified copy of its
1753 resolution or resolutions to the commission. Upon receipt of such
1754 resolution, the commission, in its discretion, may act as the
1755 issuing agent, prescribe the form of the bonds, advertise for and
1756 accept bids, issue and sell the bonds so authorized to be sold and
1757 do any and all other things necessary and advisable in connection

1758 with the issuance and sale of such bonds. The total amount of
1759 bonds issued under this act shall not exceed Eight Million Dollars
1760 (\$8,000,000.00); however, not more than Four Million Dollars
1761 (\$4,000,000.00) may be issued in any one (1) fiscal year. No
1762 bonds shall be issued under this act after July 1, 2008.

1763 (2) Any investment earnings on amounts deposited into the
1764 special fund created in Section 58 of this act shall be used to
1765 pay debt service on bonds issued under this act, in accordance
1766 with the proceedings authorizing issuance of such bonds.

1767 **SECTION 60.** The principal of and interest on the bonds
1768 authorized under this act shall be payable in the manner provided
1769 in this section. Such bonds shall bear such date or dates, be in
1770 such denomination or denominations, bear interest at such rate or
1771 rates (not to exceed the limits set forth in Section 75-17-101,
1772 Mississippi Code of 1972), be payable at such place or places
1773 within or without the State of Mississippi, shall mature
1774 absolutely at such time or times not to exceed twenty (20) years
1775 from date of issue, be redeemable before maturity at such time or
1776 times and upon such terms, with or without premium, shall bear
1777 such registration privileges, and shall be substantially in such
1778 form, all as shall be determined by resolution of the commission.

1779 **SECTION 61.** The bonds authorized by this act shall be signed
1780 by the chairman of the commission, or by his facsimile signature,
1781 and the official seal of the commission shall be affixed thereto,
1782 attested by the secretary of the commission. The interest
1783 coupons, if any, to be attached to such bonds may be executed by
1784 the facsimile signatures of such officers. Whenever any such
1785 bonds shall have been signed by the officials designated to sign
1786 the bonds who were in office at the time of such signing but who
1787 may have ceased to be such officers before the sale and delivery
1788 of such bonds, or who may not have been in office on the date such
1789 bonds may bear, the signatures of such officers upon such bonds
1790 and coupons shall nevertheless be valid and sufficient for all

1791 purposes and have the same effect as if the person so officially
1792 signing such bonds had remained in office until their delivery to
1793 the purchaser, or had been in office on the date such bonds may
1794 bear. However, notwithstanding anything herein to the contrary,
1795 such bonds may be issued as provided in the Registered Bond Act of
1796 the State of Mississippi.

1797 **SECTION 62.** All bonds and interest coupons issued under the
1798 provisions of this act have all the qualities and incidents of
1799 negotiable instruments under the provisions of the Uniform
1800 Commercial Code, and in exercising the powers granted by this act,
1801 the commission shall not be required to and need not comply with
1802 the provisions of the Uniform Commercial Code.

1803 **SECTION 63.** The commission shall act as the issuing agent
1804 for the bonds authorized under this act, prescribe the form of the
1805 bonds, advertise for and accept bids, issue and sell the bonds so
1806 authorized to be sold, pay all fees and costs incurred in such
1807 issuance and sale, and do any and all other things necessary and
1808 advisable in connection with the issuance and sale of such bonds.
1809 The commission is authorized and empowered to pay the costs that
1810 are incident to the sale, issuance and delivery of the bonds
1811 authorized under this act from the proceeds derived from the sale
1812 of such bonds. The commission shall sell such bonds on sealed
1813 bids at public sale, and for such price as it may determine to be
1814 for the best interest of the State of Mississippi, but no such
1815 sale shall be made at a price less than par plus accrued interest
1816 to the date of delivery of the bonds to the purchaser. All
1817 interest accruing on such bonds so issued shall be payable
1818 semiannually or annually; however, the first interest payment may
1819 be for any period of not more than one (1) year.

1820 Notice of the sale of any such bonds shall be published at
1821 least one (1) time, not less than ten (10) days before the date of
1822 sale, and shall be so published in one or more newspapers
1823 published or having a general circulation in the City of Jackson,

1824 Mississippi, and in one or more other newspapers or financial
1825 journals with a national circulation, to be selected by the
1826 commission.

1827 The commission, when issuing any bonds under the authority of
1828 this act, may provide that bonds, at the option of the State of
1829 Mississippi, may be called in for payment and redemption at the
1830 call price named therein and accrued interest on such date or
1831 dates named therein.

1832 **SECTION 64.** The bonds issued under the provisions of this
1833 act are general obligations of the State of Mississippi, and for
1834 the payment thereof the full faith and credit of the State of
1835 Mississippi is irrevocably pledged. If the funds appropriated by
1836 the Legislature for such purposes are insufficient to pay the
1837 principal of and the interest on such bonds as they become due,
1838 then the deficiency shall be paid by the State Treasurer from any
1839 funds in the State Treasury not otherwise appropriated. All such
1840 bonds shall contain recitals on their faces substantially covering
1841 the provisions of this section.

1842 **SECTION 65.** Upon the issuance and sale of bonds under the
1843 provisions of this act, the commission shall transfer the proceeds
1844 of any such sale or sales to the special fund created in Section
1845 58 of this act. The proceeds of such bonds shall be disbursed
1846 solely upon the order of the authority under such restrictions, if
1847 any, as may be contained in the resolution providing for the
1848 issuance of the bonds.

1849 **SECTION 66.** The bonds authorized under this act may be
1850 issued without any other proceedings or the happening of any other
1851 conditions or things other than those proceedings, conditions and
1852 things which are specified or required by this act. Any
1853 resolution providing for the issuance of bonds under the
1854 provisions of this act shall become effective immediately upon its
1855 adoption by the commission, and any such resolution may be adopted

1856 at any regular or special meeting of the commission by a majority
1857 of its members.

1858 **SECTION 67.** The bonds authorized under the authority of this
1859 act may be validated in the Chancery Court of the First Judicial
1860 District of Hinds County, Mississippi, in the manner and with the
1861 force and effect provided by Chapter 13, Title 31, Mississippi
1862 Code of 1972, for the validation of county, municipal, school
1863 district and other bonds. The notice to taxpayers required by
1864 such statutes shall be published in a newspaper published or
1865 having a general circulation in the City of Jackson, Mississippi.

1866 **SECTION 68.** Any holder of bonds issued under the provisions
1867 of this act or of any of the interest coupons pertaining thereto
1868 may, either at law or in equity, by suit, action, mandamus or
1869 other proceeding, protect and enforce any and all rights granted
1870 under this act, or under such resolution, and may enforce and
1871 compel performance of all duties required by this act to be
1872 performed, in order to provide for the payment of bonds and
1873 interest thereon.

1874 **SECTION 69.** All bonds issued under the provisions of this
1875 act shall be legal investments for trustees and other fiduciaries,
1876 and for savings banks, trust companies and insurance companies
1877 organized under the laws of the State of Mississippi, and such
1878 bonds shall be legal securities which may be deposited with and
1879 shall be received by all public officers and bodies of this state
1880 and all municipalities and political subdivisions for the purpose
1881 of securing the deposit of public funds.

1882 **SECTION 70.** Bonds issued under the provisions of this act
1883 and income therefrom shall be exempt from all taxation in the
1884 State of Mississippi.

1885 **SECTION 71.** The proceeds of the bonds issued under this act
1886 shall be used solely for the purposes provided in this act,
1887 including the costs incident to the issuance and sale of such
1888 bonds.

1889 **SECTION 72.** The State Treasurer is authorized, without
1890 further process of law, to certify to the Department of Finance
1891 and Administration the necessity for warrants, and the Department
1892 of Finance and Administration is authorized and directed to issue
1893 such warrants, in such amounts as may be necessary to pay when due
1894 the principal of, premium, if any, and interest on, or the
1895 accreted value of, all bonds issued under this act; and the State
1896 Treasurer shall forward the necessary amount to the designated
1897 place or places of payment of such bonds in ample time to
1898 discharge such bonds, or the interest thereon, on the due dates
1899 thereof.

1900 **SECTION 73.** This act shall be deemed to be full and complete
1901 authority for the exercise of the powers herein granted, but this
1902 act shall not be deemed to repeal or to be in derogation of any
1903 existing law of this state.

1904 **SECTION 74.** As used in Sections 74 through 90 of this act,
1905 the following words shall have the meanings ascribed herein unless
1906 the context clearly requires otherwise:

1907 (a) "Accreted value" of any bond means, as of any date
1908 of computation, an amount equal to the sum of (i) the stated
1909 initial value of such bond, plus (ii) the interest accrued thereon
1910 from the issue date to the date of computation at the rate,
1911 compounded semiannually, that is necessary to produce the
1912 approximate yield to maturity shown for bonds of the same
1913 maturity.

1914 (b) "State" means the State of Mississippi.

1915 (c) "Commission" means the State Bond Commission.

1916 (d) "This act" means Sections 74 through 90 of this
1917 act.

1918 **SECTION 75.** (1) (a) A special fund to be designated as the
1919 "City of Holly Springs Highway Project Fund" is created within the
1920 State Treasury. The fund shall be maintained by the State
1921 Treasurer as a separate and special fund, separate and apart from

1922 the General Fund of the state. Unexpended amounts remaining in
1923 the fund at the end of a fiscal year shall not lapse into the
1924 State General Fund, and any interest earned or investment earnings
1925 on amounts in the fund shall be deposited to the credit of the
1926 fund. Monies in the fund may not be used or expended for any
1927 purpose except as authorized under this section.

1928 (b) Monies deposited into the fund shall be disbursed
1929 in the discretion of the Mississippi Development Authority to the
1930 City of Holly Springs, Mississippi, to provide funds to the City
1931 of Holly Springs, Mississippi, to assist in paying costs incurred
1932 for the construction and improvement of roads related to the
1933 location of a proposed economic development project.

1934 (2) Amounts deposited into such special fund shall be
1935 disbursed to pay the costs of projects described in subsection (1)
1936 of this section. Promptly after the commission has certified, by
1937 resolution duly adopted, that the projects described in subsection
1938 (1) of this section shall have been completed, abandoned, or
1939 cannot be completed in a timely fashion, any amounts remaining in
1940 such special fund shall be applied to pay debt service on the
1941 bonds issued under this act, in accordance with the proceedings
1942 authorizing the issuance of such bonds and as directed by the
1943 commission.

1944 (3) Such funds shall be paid by the State Treasurer upon
1945 warrants issued by the Department of Finance and Administration,
1946 which warrants shall be issued upon requisitions signed by the
1947 Executive Director of the Mississippi Development Authority, or
1948 his designee.

1949 (4) The Mississippi Development Authority shall exercise all
1950 powers and duties necessary to implement and administer the
1951 provisions of this act.

1952 **SECTION 76.** (1) The commission, at one time, or from time
1953 to time, may declare by resolution the necessity for issuance of
1954 general obligation bonds of the State of Mississippi to provide

1955 funds for all costs incurred or to be incurred for the purposes
1956 described in Section 75 of this act. Upon the adoption of a
1957 resolution by the Mississippi Development Authority, declaring the
1958 necessity for the issuance of any part or all of the general
1959 obligation bonds authorized by this section, the Mississippi
1960 Development Authority shall deliver a certified copy of its
1961 resolution or resolutions to the commission. Upon receipt of such
1962 resolution, the commission, in its discretion, may act as the
1963 issuing agent, prescribe the form of the bonds, advertise for and
1964 accept bids, issue and sell the bonds so authorized to be sold and
1965 do any and all other things necessary and advisable in connection
1966 with the issuance and sale of such bonds. The total amount of
1967 bonds issued under this act shall not exceed Two Million Dollars
1968 (\$2,000,000.00). No bonds shall be issued under this section
1969 after July 1, 2008.

1970 (2) Any investment earnings on amounts deposited into the
1971 special fund created in Section 75 of this act shall be used to
1972 pay debt service on bonds issued under this act, in accordance
1973 with the proceedings authorizing issuance of such bonds.

1974 **SECTION 77.** The principal of and interest on the bonds
1975 authorized under this act shall be payable in the manner provided
1976 in this section. Such bonds shall bear such date or dates, be in
1977 such denomination or denominations, bear interest at such rate or
1978 rates (not to exceed the limits set forth in Section 75-17-101,
1979 Mississippi Code of 1972), be payable at such place or places
1980 within or without the State of Mississippi, shall mature
1981 absolutely at such time or times not to exceed twenty-five (25)
1982 years from date of issue, be redeemable before maturity at such
1983 time or times and upon such terms, with or without premium, shall
1984 bear such registration privileges, and shall be substantially in
1985 such form, all as shall be determined by resolution of the
1986 commission.

1987 **SECTION 78.** The bonds authorized by this act shall be signed
1988 by the chairman of the commission, or by his facsimile signature,
1989 and the official seal of the commission shall be affixed thereto,
1990 attested by the secretary of the commission. The interest
1991 coupons, if any, to be attached to such bonds may be executed by
1992 the facsimile signatures of such officers. Whenever any such
1993 bonds shall have been signed by the officials designated to sign
1994 the bonds who were in office at the time of such signing but who
1995 may have ceased to be such officers before the sale and delivery
1996 of such bonds, or who may not have been in office on the date such
1997 bonds may bear, the signatures of such officers upon such bonds
1998 and coupons shall nevertheless be valid and sufficient for all
1999 purposes and have the same effect as if the person so officially
2000 signing such bonds had remained in office until their delivery to
2001 the purchaser, or had been in office on the date such bonds may
2002 bear. However, notwithstanding anything herein to the contrary,
2003 such bonds may be issued as provided in the Registered Bond Act of
2004 the State of Mississippi.

2005 **SECTION 79.** All bonds and interest coupons issued under the
2006 provisions of this act have all the qualities and incidents of
2007 negotiable instruments under the provisions of the Uniform
2008 Commercial Code, and in exercising the powers granted by this act,
2009 the commission shall not be required to and need not comply with
2010 the provisions of the Uniform Commercial Code.

2011 **SECTION 80.** The commission shall act as the issuing agent
2012 for the bonds authorized under this act, prescribe the form of the
2013 bonds, advertise for and accept bids, issue and sell the bonds so
2014 authorized to be sold, pay all fees and costs incurred in such
2015 issuance and sale, and do any and all other things necessary and
2016 advisable in connection with the issuance and sale of such bonds.
2017 The commission is authorized and empowered to pay the costs that
2018 are incident to the sale, issuance and delivery of the bonds
2019 authorized under this act from the proceeds derived from the sale

2020 of such bonds. The commission shall sell such bonds on sealed
2021 bids at public sale, and for such price as it may determine to be
2022 for the best interest of the State of Mississippi, but no such
2023 sale shall be made at a price less than par plus accrued interest
2024 to the date of delivery of the bonds to the purchaser. All
2025 interest accruing on such bonds so issued shall be payable
2026 semiannually or annually; however, the first interest payment may
2027 be for any period of not more than one (1) year.

2028 Notice of the sale of any such bonds shall be published at
2029 least one time, not less than ten (10) days before the date of
2030 sale, and shall be so published in one or more newspapers
2031 published or having a general circulation in the City of Jackson,
2032 Mississippi, and in one or more other newspapers or financial
2033 journals with a national circulation, to be selected by the
2034 commission.

2035 The commission, when issuing any bonds under the authority of
2036 this act, may provide that bonds, at the option of the State of
2037 Mississippi, may be called in for payment and redemption at the
2038 call price named therein and accrued interest on such date or
2039 dates named therein.

2040 **SECTION 81.** The bonds issued under the provisions of this
2041 act are general obligations of the State of Mississippi, and for
2042 the payment thereof the full faith and credit of the State of
2043 Mississippi is irrevocably pledged. If the funds appropriated by
2044 the Legislature are insufficient to pay the principal of and the
2045 interest on such bonds as they become due, then the deficiency
2046 shall be paid by the State Treasurer from any funds in the State
2047 Treasury not otherwise appropriated. All such bonds shall contain
2048 recitals on their faces substantially covering the provisions of
2049 this section.

2050 **SECTION 82.** Upon the issuance and sale of bonds under the
2051 provisions of this act, the commission shall transfer the proceeds
2052 of any such sale or sales to the special fund created in Section

2053 75 of this act. The proceeds of such bonds shall be disbursed
2054 solely upon the order of the Mississippi Development Authority
2055 under such restrictions, if any, as may be contained in the
2056 resolution providing for the issuance of the bonds.

2057 **SECTION 83.** The bonds authorized under this act may be
2058 issued without any other proceedings or the happening of any other
2059 conditions or things other than those proceedings, conditions and
2060 things which are specified or required by this act. Any
2061 resolution providing for the issuance of bonds under the
2062 provisions of this act shall become effective immediately upon its
2063 adoption by the commission, and any such resolution may be adopted
2064 at any regular or special meeting of the commission by a majority
2065 of its members.

2066 **SECTION 84.** The bonds authorized under the authority of this
2067 act may be validated in the Chancery Court of the First Judicial
2068 District of Hinds County, Mississippi, in the manner and with the
2069 force and effect provided by Chapter 13, Title 31, Mississippi
2070 Code of 1972, for the validation of county, municipal, school
2071 district and other bonds. The notice to taxpayers required by
2072 such statutes shall be published in a newspaper published or
2073 having a general circulation in the City of Jackson, Mississippi.

2074 **SECTION 85.** Any holder of bonds issued under the provisions
2075 of this act or of any of the interest coupons pertaining thereto
2076 may, either at law or in equity, by suit, action, mandamus or
2077 other proceeding, protect and enforce any and all rights granted
2078 under this act, or under such resolution, and may enforce and
2079 compel performance of all duties required by this act to be
2080 performed, in order to provide for the payment of bonds and
2081 interest thereon.

2082 **SECTION 86.** All bonds issued under the provisions of this
2083 act shall be legal investments for trustees and other fiduciaries,
2084 and for savings banks, trust companies and insurance companies
2085 organized under the laws of the State of Mississippi, and such

2086 bonds shall be legal securities which may be deposited with and
2087 shall be received by all public officers and bodies of this state
2088 and all municipalities and political subdivisions for the purpose
2089 of securing the deposit of public funds.

2090 **SECTION 87.** Bonds issued under the provisions of this act
2091 and income therefrom shall be exempt from all taxation in the
2092 State of Mississippi.

2093 **SECTION 88.** The proceeds of the bonds issued under this act
2094 shall be used solely for the purposes herein provided, including
2095 the costs incident to the issuance and sale of such bonds.

2096 **SECTION 89.** The State Treasurer is authorized, without
2097 further process of law, to certify to the Department of Finance
2098 and Administration the necessity for warrants, and the Department
2099 of Finance and Administration is authorized and directed to issue
2100 such warrants, in such amounts as may be necessary to pay when due
2101 the principal of, premium, if any, and interest on, or the
2102 accreted value of, all bonds issued under this act; and the State
2103 Treasurer shall forward the necessary amount to the designated
2104 place or places of payment of such bonds in ample time to
2105 discharge such bonds, or the interest thereon, on the due dates
2106 thereof.

2107 **SECTION 90.** This act shall be deemed to be full and complete
2108 authority for the exercise of the powers herein granted, but this
2109 act shall not be deemed to repeal or to be in derogation of any
2110 existing law of this state.

2111 **SECTION 91.** As used in Sections 91 through 107 of this act,
2112 the following words shall have the meanings ascribed herein unless
2113 the context clearly requires otherwise:

2114 (a) "Accreted value" of any bond means, as of any date
2115 of computation, an amount equal to the sum of (i) the stated
2116 initial value of such bond, plus (ii) the interest accrued thereon
2117 from the issue date to the date of computation at the rate,
2118 compounded semiannually, that is necessary to produce the

2119 approximate yield to maturity shown for bonds of the same
2120 maturity.

2121 (b) "State" means the State of Mississippi.

2122 (c) "Commission" means the State Bond Commission.

2123 (d) "This act" means Sections 91 through 107 of this
2124 act.

2125 **SECTION 92.** (1) (a) A special fund, to be designated as
2126 the "Jasper and Newton Counties Railroad Lines Improvements Fund"
2127 is created within the State Treasury. The fund shall be
2128 maintained by the State Treasurer as a separate and special fund,
2129 separate and apart from the General Fund of the state. Unexpended
2130 amounts remaining in the fund at the end of a fiscal year shall
2131 not lapse into the State General Fund, and any interest earned or
2132 investment earnings on amounts in the fund shall be deposited into
2133 such fund.

2134 (b) Monies deposited into the fund shall be disbursed,
2135 in the discretion of the Mississippi Development Authority, to
2136 Watco Companies, Inc., to assist in paying costs incurred for
2137 repair, rehabilitation, upgrades and other improvements to
2138 railroad lines and related facilities in Jasper and Newton
2139 Counties.

2140 (2) Amounts deposited into such special fund shall be
2141 disbursed to pay the costs of the projects described in subsection
2142 (1) of this section. Promptly after the commission has certified,
2143 by resolution duly adopted, that the projects described in
2144 subsection (1) of this section shall have been completed,
2145 abandoned, or cannot be completed in a timely fashion, any amounts
2146 remaining in such special fund shall be applied to pay debt
2147 service on the bonds issued under this act, in accordance with the
2148 proceedings authorizing the issuance of such bonds and as directed
2149 by the commission.

2150 (3) Such funds shall be paid by the State Treasurer upon
2151 warrants issued by the Department of Finance and Administration,

2152 which warrants shall be issued upon requisitions signed by the
2153 Executive Director of the Mississippi Development Authority, or
2154 his designee.

2155 **SECTION 93.** (1) The commission, at one time, or from time
2156 to time, may declare by resolution the necessity for issuance of
2157 general obligation bonds of the State of Mississippi to provide
2158 funds for all costs incurred or to be incurred for the purposes
2159 described in Section 92 of this act. Upon the adoption of a
2160 resolution by the Mississippi Development Authority, declaring the
2161 necessity for the issuance of any part or all of the general
2162 obligation bonds authorized by this section, the Mississippi
2163 Development Authority shall deliver a certified copy of its
2164 resolution or resolutions to the commission. Upon receipt of such
2165 resolution, the commission, in its discretion, may act as the
2166 issuing agent, prescribe the form of the bonds, advertise for and
2167 accept bids, issue and sell the bonds so authorized to be sold and
2168 do any and all other things necessary and advisable in connection
2169 with the issuance and sale of such bonds. The total amount of
2170 bonds issued under this act shall not exceed Four Hundred Thousand
2171 Dollars (\$400,000.00).

2172 (2) Any investment earnings on amounts deposited into the
2173 special fund created in Section 92 of this act shall be used to
2174 pay debt service on bonds issued under this act, in accordance
2175 with the proceedings authorizing issuance of such bonds.

2176 **SECTION 94.** The principal of and interest on the bonds
2177 authorized under this act shall be payable in the manner provided
2178 in this section. Such bonds shall bear such date or dates, be in
2179 such denomination or denominations, bear interest at such rate or
2180 rates (not to exceed the limits set forth in Section 75-17-101,
2181 Mississippi Code of 1972), be payable at such place or places
2182 within or without the State of Mississippi, shall mature
2183 absolutely at such time or times not to exceed twenty-five (25)
2184 years from date of issue, be redeemable before maturity at such

2185 time or times and upon such terms, with or without premium, shall
2186 bear such registration privileges, and shall be substantially in
2187 such form, all as shall be determined by resolution of the
2188 commission.

2189 **SECTION 95.** The bonds authorized by this act shall be signed
2190 by the chairman of the commission, or by his facsimile signature,
2191 and the official seal of the commission shall be affixed thereto,
2192 attested by the secretary of the commission. The interest
2193 coupons, if any, to be attached to such bonds may be executed by
2194 the facsimile signatures of such officers. Whenever any such
2195 bonds shall have been signed by the officials designated to sign
2196 the bonds who were in office at the time of such signing but who
2197 may have ceased to be such officers before the sale and delivery
2198 of such bonds, or who may not have been in office on the date such
2199 bonds may bear, the signatures of such officers upon such bonds
2200 and coupons shall nevertheless be valid and sufficient for all
2201 purposes and have the same effect as if the person so officially
2202 signing such bonds had remained in office until their delivery to
2203 the purchaser, or had been in office on the date such bonds may
2204 bear. However, notwithstanding anything herein to the contrary,
2205 such bonds may be issued as provided in the Registered Bond Act of
2206 the State of Mississippi.

2207 **SECTION 96.** All bonds and interest coupons issued under the
2208 provisions of this act have all the qualities and incidents of
2209 negotiable instruments under the provisions of the Uniform
2210 Commercial Code, and in exercising the powers granted by this act,
2211 the commission shall not be required to and need not comply with
2212 the provisions of the Uniform Commercial Code.

2213 **SECTION 97.** The commission shall act as the issuing agent
2214 for the bonds authorized under this act, prescribe the form of the
2215 bonds, advertise for and accept bids, issue and sell the bonds so
2216 authorized to be sold, pay all fees and costs incurred in such
2217 issuance and sale, and do any and all other things necessary and

2218 advisable in connection with the issuance and sale of such bonds.
2219 The commission is authorized and empowered to pay the costs that
2220 are incident to the sale, issuance and delivery of the bonds
2221 authorized under this act from the proceeds derived from the sale
2222 of such bonds. The commission shall sell such bonds on sealed
2223 bids at public sale, and for such price as it may determine to be
2224 for the best interest of the State of Mississippi, but no such
2225 sale shall be made at a price less than par plus accrued interest
2226 to the date of delivery of the bonds to the purchaser. All
2227 interest accruing on such bonds so issued shall be payable
2228 semiannually or annually; however, the first interest payment may
2229 be for any period of not more than one (1) year.

2230 Notice of the sale of any such bonds shall be published at
2231 least one time, not less than ten (10) days before the date of
2232 sale, and shall be so published in one or more newspapers
2233 published or having a general circulation in the City of Jackson,
2234 Mississippi, and in one or more other newspapers or financial
2235 journals with a national circulation, to be selected by the
2236 commission.

2237 The commission, when issuing any bonds under the authority of
2238 this act, may provide that bonds, at the option of the State of
2239 Mississippi, may be called in for payment and redemption at the
2240 call price named therein and accrued interest on such date or
2241 dates named therein.

2242 **SECTION 98.** The bonds issued under the provisions of this
2243 act are general obligations of the State of Mississippi, and for
2244 the payment thereof the full faith and credit of the State of
2245 Mississippi is irrevocably pledged. If the funds appropriated by
2246 the Legislature are insufficient to pay the principal of and the
2247 interest on such bonds as they become due, then the deficiency
2248 shall be paid by the State Treasurer from any funds in the State
2249 Treasury not otherwise appropriated. All such bonds shall contain

2250 recitals on their faces substantially covering the provisions of
2251 this section.

2252 **SECTION 99.** Upon the issuance and sale of bonds under the
2253 provisions of this act, the commission shall transfer the proceeds
2254 of any such sale or sales to the special fund created in Section
2255 92 of this act. The proceeds of such bonds shall be disbursed
2256 solely upon the order of the Mississippi Development Authority
2257 under such restrictions, if any, as may be contained in the
2258 resolution providing for the issuance of the bonds.

2259 **SECTION 100.** The bonds authorized under this act may be
2260 issued without any other proceedings or the happening of any other
2261 conditions or things other than those proceedings, conditions and
2262 things which are specified or required by this act. Any
2263 resolution providing for the issuance of bonds under the
2264 provisions of this act shall become effective immediately upon its
2265 adoption by the commission, and any such resolution may be adopted
2266 at any regular or special meeting of the commission by a majority
2267 of its members.

2268 **SECTION 101.** The bonds authorized under the authority of
2269 this act may be validated in the Chancery Court of the First
2270 Judicial District of Hinds County, Mississippi, in the manner and
2271 with the force and effect provided by Chapter 13, Title 31,
2272 Mississippi Code of 1972, for the validation of county, municipal,
2273 school district and other bonds. The notice to taxpayers required
2274 by such statutes shall be published in a newspaper published or
2275 having a general circulation in the City of Jackson, Mississippi.

2276 **SECTION 102.** Any holder of bonds issued under the provisions
2277 of this act or of any of the interest coupons pertaining thereto
2278 may, either at law or in equity, by suit, action, mandamus or
2279 other proceeding, protect and enforce any and all rights granted
2280 under this act, or under such resolution, and may enforce and
2281 compel performance of all duties required by this act to be

2282 performed, in order to provide for the payment of bonds and
2283 interest thereon.

2284 **SECTION 103.** All bonds issued under the provisions of this
2285 act shall be legal investments for trustees and other fiduciaries,
2286 and for savings banks, trust companies and insurance companies
2287 organized under the laws of the State of Mississippi, and such
2288 bonds shall be legal securities which may be deposited with and
2289 shall be received by all public officers and bodies of this state
2290 and all municipalities and political subdivisions for the purpose
2291 of securing the deposit of public funds.

2292 **SECTION 104.** Bonds issued under the provisions of this act
2293 and income therefrom shall be exempt from all taxation in the
2294 State of Mississippi.

2295 **SECTION 105.** The proceeds of the bonds issued under this act
2296 shall be used solely for the purposes herein provided, including
2297 the costs incident to the issuance and sale of such bonds.

2298 **SECTION 106.** The State Treasurer is authorized, without
2299 further process of law, to certify to the Department of Finance
2300 and Administration the necessity for warrants, and the Department
2301 of Finance and Administration is authorized and directed to issue
2302 such warrants, in such amounts as may be necessary to pay when due
2303 the principal of, premium, if any, and interest on, or the
2304 accreted value of, all bonds issued under this act; and the State
2305 Treasurer shall forward the necessary amount to the designated
2306 place or places of payment of such bonds in ample time to
2307 discharge such bonds, or the interest thereon, on the due dates
2308 thereof.

2309 **SECTION 107.** This act shall be deemed to be full and
2310 complete authority for the exercise of the powers herein granted,
2311 but this act shall not be deemed to repeal or to be in derogation
2312 of any existing law of this state.

2313 **SECTION 108.** As used in Section 108 through 124 of this act,
2314 the following words shall have the meanings ascribed herein unless
2315 the context clearly requires otherwise:

2316 (a) "Accreted value" of any bond means, as of any date
2317 of computation, an amount equal to the sum of (i) the stated
2318 initial value of such bond, plus (ii) the interest accrued thereon
2319 from the issue date to the date of computation at the rate,
2320 compounded semiannually, that is necessary to produce the
2321 approximate yield to maturity shown for bonds of the same
2322 maturity.

2323 (b) "State" means the State of Mississippi.

2324 (c) "Commission" means the State Bond Commission.

2325 (d) "This act" means Sections 108 through 124 of this
2326 act.

2327 **SECTION 109.** (1) (a) A special fund, to be designated as
2328 the "Forks of the Road Interpretive Center" is created within the
2329 State Treasury. The fund shall be maintained by the State
2330 Treasurer as a separate and special fund, separate and apart from
2331 the General Fund of the state. Unexpended amounts remaining in
2332 the fund at the end of a fiscal year shall not lapse into the
2333 State General Fund, and any interest earned or investment earnings
2334 on amounts in the fund shall be deposited into such fund.

2335 (b) Monies deposited into the fund shall be disbursed,
2336 in the discretion of the Mississippi Development Authority, to pay
2337 the costs of construction, furnishing and equipping the Forks of
2338 the Road Interpretive Center to be located in the City of Natchez,
2339 Mississippi.

2340 (2) Amounts deposited into such special fund shall be
2341 disbursed to pay the costs of the projects described in subsection
2342 (1) of this section. Promptly after the commission has certified,
2343 by resolution duly adopted, that the projects described in
2344 subsection (1) shall have been completed, abandoned, or cannot be
2345 completed in a timely fashion, any amounts remaining in such

2346 special fund shall be applied to pay debt service on the bonds
2347 issued under this act, in accordance with the proceedings
2348 authorizing the issuance of such bonds and as directed by the
2349 commission.

2350 (3) The expenditure of monies deposited into the special
2351 fund shall be under the direction of the Mississippi Development
2352 Authority, and such funds shall be paid by the State Treasurer
2353 upon warrants issued by the Department of Finance and
2354 Administration, which warrants shall be issued upon requisitions
2355 signed by the Executive Director of the Mississippi Development
2356 Authority, or his designee.

2357 **SECTION 110.** (1) The commission, at one time, or from time
2358 to time, may declare by resolution the necessity for issuance of
2359 general obligation bonds of the State of Mississippi to provide
2360 funds for all costs incurred or to be incurred for the purposes
2361 described in Section 109 of this act. Upon the adoption of a
2362 resolution by the Department of Finance and Administration,
2363 declaring the necessity for the issuance of any part or all of the
2364 general obligation bonds authorized by this section, the
2365 Department of Finance and Administration shall deliver a certified
2366 copy of its resolution or resolutions to the commission. Upon
2367 receipt of such resolution, the commission, in its discretion, may
2368 act as the issuing agent, prescribe the form of the bonds,
2369 advertise for and accept bids, issue and sell the bonds so
2370 authorized to be sold and do any and all other things necessary
2371 and advisable in connection with the issuance and sale of such
2372 bonds. The total amount of bonds issued under this act shall not
2373 exceed Two Million Dollars (\$2,000,000.00).

2374 (2) Any investment earnings on amounts deposited into the
2375 special fund created in Section 109 of this act shall be used to
2376 pay debt service on bonds issued under this act, in accordance
2377 with the proceedings authorizing issuance of such bonds.

2378 **SECTION 111.** The principal of and interest on the bonds
2379 authorized under this act shall be payable in the manner provided
2380 in this section. Such bonds shall bear such date or dates, be in
2381 such denomination or denominations, bear interest at such rate or
2382 rates (not to exceed the limits set forth in Section 75-17-101,
2383 Mississippi Code of 1972), be payable at such place or places
2384 within or without the State of Mississippi, shall mature
2385 absolutely at such time or times not to exceed twenty-five (25)
2386 years from date of issue, be redeemable before maturity at such
2387 time or times and upon such terms, with or without premium, shall
2388 bear such registration privileges, and shall be substantially in
2389 such form, all as shall be determined by resolution of the
2390 commission.

2391 **SECTION 112.** The bonds authorized by this act shall be
2392 signed by the chairman of the commission, or by his facsimile
2393 signature, and the official seal of the commission shall be
2394 affixed thereto, attested by the secretary of the commission. The
2395 interest coupons, if any, to be attached to such bonds may be
2396 executed by the facsimile signatures of such officers. Whenever
2397 any such bonds shall have been signed by the officials designated
2398 to sign the bonds who were in office at the time of such signing
2399 but who may have ceased to be such officers before the sale and
2400 delivery of such bonds, or who may not have been in office on the
2401 date such bonds may bear, the signatures of such officers upon
2402 such bonds and coupons shall nevertheless be valid and sufficient
2403 for all purposes and have the same effect as if the person so
2404 officially signing such bonds had remained in office until their
2405 delivery to the purchaser, or had been in office on the date such
2406 bonds may bear. However, notwithstanding anything herein to the
2407 contrary, such bonds may be issued as provided in the Registered
2408 Bond Act of the State of Mississippi.

2409 **SECTION 113.** All bonds and interest coupons issued under the
2410 provisions of this act have all the qualities and incidents of

2411 negotiable instruments under the provisions of the Mississippi
2412 Uniform Commercial Code, and in exercising the powers granted by
2413 this act, the commission shall not be required to and need not
2414 comply with the provisions of the Mississippi Uniform Commercial
2415 Code.

2416 **SECTION 114.** The commission shall act as the issuing agent
2417 for the bonds authorized under this act, prescribe the form of the
2418 bonds, advertise for and accept bids, issue and sell the bonds so
2419 authorized to be sold, pay all fees and costs incurred in such
2420 issuance and sale, and do any and all other things necessary and
2421 advisable in connection with the issuance and sale of such bonds.
2422 The commission is authorized and empowered to pay the costs that
2423 are incident to the sale, issuance and delivery of the bonds
2424 authorized under this act from the proceeds derived from the sale
2425 of such bonds. The commission shall sell such bonds on sealed
2426 bids at public sale, and for such price as it may determine to be
2427 for the best interest of the State of Mississippi, but no such
2428 sale shall be made at a price less than par plus accrued interest
2429 to the date of delivery of the bonds to the purchaser. All
2430 interest accruing on such bonds so issued shall be payable
2431 semiannually or annually; however, the first interest payment may
2432 be for any period of not more than one (1) year.

2433 Notice of the sale of any such bonds shall be published at
2434 least one time, not less than ten (10) days before the date of
2435 sale, and shall be so published in one or more newspapers
2436 published or having a general circulation in the City of Jackson,
2437 Mississippi, and in one or more other newspapers or financial
2438 journals with a national circulation, to be selected by the
2439 commission.

2440 The commission, when issuing any bonds under the authority of
2441 this act, may provide that bonds, at the option of the State of
2442 Mississippi, may be called in for payment and redemption at the

2443 call price named therein and accrued interest on such date or
2444 dates named therein.

2445 **SECTION 115.** The bonds issued under the provisions of this
2446 act are general obligations of the State of Mississippi, and for
2447 the payment thereof the full faith and credit of the State of
2448 Mississippi is irrevocably pledged. If the funds appropriated by
2449 the Legislature are insufficient to pay the principal of and the
2450 interest on such bonds as they become due, then the deficiency
2451 shall be paid by the State Treasurer from any funds in the State
2452 Treasury not otherwise appropriated. All such bonds shall contain
2453 recitals on their faces substantially covering the provisions of
2454 this section.

2455 **SECTION 116.** Upon the issuance and sale of bonds under the
2456 provisions of this act, the commission shall transfer the proceeds
2457 of any such sale or sales to the special fund created in Section
2458 109 of this act. The proceeds of such bonds shall be disbursed
2459 solely upon the order of the Mississippi Development Authority
2460 under such restrictions, if any, as may be contained in the
2461 resolution providing for the issuance of the bonds.

2462 **SECTION 117.** The bonds authorized under this act may be
2463 issued without any other proceedings or the happening of any other
2464 conditions or things other than those proceedings, conditions and
2465 things which are specified or required by this act. Any
2466 resolution providing for the issuance of bonds under the
2467 provisions of this act shall become effective immediately upon its
2468 adoption by the commission, and any such resolution may be adopted
2469 at any regular or special meeting of the commission by a majority
2470 of its members.

2471 **SECTION 118.** The bonds authorized under the authority of
2472 this act may be validated in the Chancery Court of the First
2473 Judicial District of Hinds County, Mississippi, in the manner and
2474 with the force and effect provided by Chapter 13, Title 31,
2475 Mississippi Code of 1972, for the validation of county, municipal,

2476 school district and other bonds. The notice to taxpayers required
2477 by such statutes shall be published in a newspaper published or
2478 having a general circulation in the City of Jackson, Mississippi.

2479 **SECTION 119.** Any holder of bonds issued under the provisions
2480 of this act or of any of the interest coupons pertaining thereto
2481 may, either at law or in equity, by suit, action, mandamus or
2482 other proceeding, protect and enforce any and all rights granted
2483 under this act, or under such resolution, and may enforce and
2484 compel performance of all duties required by this act to be
2485 performed, in order to provide for the payment of bonds and
2486 interest thereon.

2487 **SECTION 120.** All bonds issued under the provisions of this
2488 act shall be legal investments for trustees and other fiduciaries,
2489 and for savings banks, trust companies and insurance companies
2490 organized under the laws of the State of Mississippi, and such
2491 bonds shall be legal securities which may be deposited with and
2492 shall be received by all public officers and bodies of this state
2493 and all municipalities and political subdivisions for the purpose
2494 of securing the deposit of public funds.

2495 **SECTION 121.** Bonds issued under the provisions of this act
2496 and income therefrom shall be exempt from all taxation in the
2497 State of Mississippi.

2498 **SECTION 122.** The proceeds of the bonds issued under this act
2499 shall be used solely for the purposes herein provided, including
2500 the costs incident to the issuance and sale of such bonds.

2501 **SECTION 123.** The State Treasurer is authorized, without
2502 further process of law, to certify to the Department of Finance
2503 and Administration the necessity for warrants, and the Department
2504 of Finance and Administration is authorized and directed to issue
2505 such warrants, in such amounts as may be necessary to pay when due
2506 the principal of, premium, if any, and interest on, or the
2507 accreted value of, all bonds issued under this act; and the State
2508 Treasurer shall forward the necessary amount to the designated

2509 place or places of payment of such bonds in ample time to
2510 discharge such bonds, or the interest thereon, on the due dates
2511 thereof.

2512 **SECTION 124.** This act shall be deemed to be full and
2513 complete authority for the exercise of the powers herein granted,
2514 but this act shall not be deemed to repeal or to be in derogation
2515 of any existing law of this state.

2516 **SECTION 125.** Chapter 534, Laws of 1998, is amended as
2517 follows:

2518 Section 1. As used in this act, the following words shall
2519 have the meanings ascribed herein unless the context clearly
2520 requires otherwise:

2521 (a) "Accreted value" of any bond means, as of any date
2522 of computation, an amount equal to the sum of (i) the stated
2523 initial value of such bond, plus (ii) the interest accrued thereon
2524 from the issue date to the date of computation at the rate,
2525 compounded semiannually, that is necessary to produce the
2526 approximate yield to maturity shown for bonds of the same
2527 maturity.

2528 (b) "State" means the State of Mississippi.

2529 (c) "Commission" means the State Bond Commission.

2530 Section 2. (1) A special fund, to be designated the "1998
2531 Port of Pascagoula Improvement Fund," is created within the State
2532 Treasury. The fund shall be maintained by the State Treasurer as
2533 a separate and special fund, separate and apart from the General
2534 Fund of the state, and investment earnings on amounts in the fund
2535 shall be deposited into such fund. The expenditure of monies
2536 deposited into the fund shall be under the direction of the
2537 Department of Finance and Administration, and such funds shall be
2538 paid by the State Treasurer upon warrants issued by the Department
2539 of Finance and Administration. Monies deposited into such fund
2540 shall be allocated and disbursed according to the provisions of
2541 this act.

2542 (2) Monies deposited into the fund shall be disbursed to pay
2543 the costs of the following improvements at the Port of Pascagoula:

2544 (a) Construction of and mitigation for an appropriate
2545 site to manage dredge material;

2546 (b) Dredging and otherwise improving the shipping
2547 channel of the Port of Pascagoula; * * *

2548 (c) Closure of an existing contaminated dredge material
2549 placement site on an island owned by the Port of Pascagoula known
2550 as Greenwood Island; and

2551 (d) Removal of dredged material from an existing
2552 dredged material management site in order to provide additional
2553 capacity at the site.

2554 Section 3. (1) The Department of Finance and
2555 Administration, at one time or from time to time, may declare by
2556 resolution the necessity for issuance of general obligation bonds
2557 of the State of Mississippi to provide funds for all costs
2558 incurred or to be incurred for the purposes described in Section 2
2559 of this act. Upon the adoption of a resolution by the Department
2560 of Finance and Administration declaring the necessity for the
2561 issuance of any part or all of the general obligation bonds
2562 authorized by this section, the Department of Finance and
2563 Administration shall deliver a certified copy of its resolution or
2564 resolutions to the State Bond Commission. Upon receipt of such
2565 resolution the commission, in its discretion, may act as the
2566 issuing agent, prescribe the form of the bonds, advertise for and
2567 accept bids, issue and sell the bonds so authorized to be sold,
2568 and do any and all other things necessary and advisable in
2569 connection with the issuance and sale of such bonds. The amount
2570 of bonds issued under this act shall not exceed Twenty Million
2571 Dollars (\$20,000,000.00).

2572 (2) Any investment earnings on amounts deposited into the
2573 1998 Port of Pascagoula Improvement Fund created in Section 2 of
2574 this act shall be used to pay debt service on bonds issued under

2575 this act, in accordance with the proceedings authorizing issuance
2576 of such bonds.

2577 (3) Upon the completion or abandonment of the projects
2578 described in Section 2 of this act, as evidenced by a resolution
2579 adopted by the Department of Finance and Administration certifying
2580 that all such projects have been completed or abandoned, the
2581 balance, if any, remaining in the 1998 Port of Pascagoula
2582 Improvement Fund shall be promptly applied to pay debt service on
2583 bonds issued under this act, in accordance with the proceedings
2584 authorizing the issuance of such bonds.

2585 Section 4. The principal of and interest on the bonds
2586 authorized under this act shall be payable in the manner provided
2587 in this section. Such bonds shall bear such date or dates, be in
2588 such denomination or denominations, bear interest at such rate or
2589 rates (not to exceed the limits set forth in Section 75-17-101),
2590 be payable at such place or places within or without the State of
2591 Mississippi, shall mature absolutely at such time or times not to
2592 exceed twenty-five (25) years from date of issue, be redeemable
2593 before maturity at such time or times and upon such terms, with or
2594 without premium, shall bear such registration privileges, and
2595 shall be substantially in such form, all as shall be determined by
2596 resolution of the commission.

2597 Section 5. The bonds authorized by this act shall be signed
2598 by the Chairman of the State Bond Commission, or by his facsimile
2599 signature, and the official seal of the commission shall be
2600 affixed thereto, attested by the secretary of the commission. The
2601 interest coupons, if any, to be attached to such bonds may be
2602 executed by the facsimile signatures of such officers. Whenever
2603 any such bonds shall have been signed by the officials designated
2604 to sign the bonds who were in office at the time of such signing
2605 but who may have ceased to be such officers before the sale and
2606 delivery of such bonds, or who may not have been in office on the
2607 date such bonds may bear, the signatures of such officers upon

2608 such bonds and coupons shall nevertheless be valid and sufficient
2609 for all purposes and have the same effect as if the person so
2610 officially signing such bonds had remained in office until their
2611 delivery to the purchaser, or had been in office on the date such
2612 bonds may bear. However, notwithstanding anything herein to the
2613 contrary, such bonds may be issued as provided in the Registered
2614 Bond Act of the State of Mississippi.

2615 Section 6. All bonds and interest coupons issued under the
2616 provisions of this act have all the qualities and incidents of
2617 negotiable instruments under the provisions of the Mississippi
2618 Uniform Commercial Code, and in exercising the powers granted by
2619 this act, the commission shall not be required to and need not
2620 comply with the provisions of the Mississippi Uniform Commercial
2621 Code.

2622 Section 7. The commission shall act as the issuing agent for
2623 the bonds authorized under this act, prescribe the form of the
2624 bonds, advertise for and accept bids, issue and sell the bonds so
2625 authorized to be sold, pay all fees and costs incurred in such
2626 issuance and sale, and do any and all other things necessary and
2627 advisable in connection with the issuance and sale of such bonds.
2628 The commission is authorized and empowered to pay the costs that
2629 are incident to the sale, issuance and delivery of the bonds
2630 authorized under this act from the proceeds derived from the sale
2631 of such bonds. The commission shall sell such bonds on sealed
2632 bids at public sale, and for such price as it may determine to be
2633 for the best interest of the State of Mississippi, but no such
2634 sale shall be made at a price less than par plus accrued interest
2635 to the date of delivery of the bonds to the purchaser. All
2636 interest accruing on such bonds so issued shall be payable
2637 semiannually or annually; however, the first interest payment may
2638 be for any period of not more than one (1) year.

2639 Notice of the sale of any such bonds shall be published at
2640 least one time, not less than ten (10) days before the date of

2641 sale, and shall be so published in one or more newspapers
2642 published or having a general circulation in the City of Jackson,
2643 Mississippi, and in one or more other newspapers or financial
2644 journals with a national circulation, to be selected by the
2645 commission.

2646 The commission, when issuing any bonds under the authority of
2647 this act, may provide that bonds, at the option of the State of
2648 Mississippi, may be called in for payment and redemption at the
2649 call price named therein and accrued interest on such date or
2650 dates named therein.

2651 Section 8. The bonds issued under the provisions of this act
2652 are general obligations of the State of Mississippi, and for the
2653 payment thereof the full faith and credit of the State of
2654 Mississippi is irrevocably pledged. If the funds appropriated by
2655 the Legislature are insufficient to pay the principal of and the
2656 interest on such bonds as they become due, then the deficiency
2657 shall be paid by the State Treasurer from any funds in the State
2658 Treasury not otherwise appropriated. All such bonds shall contain
2659 recitals on their faces substantially covering the provisions of
2660 this section.

2661 Section 9. Upon the issuance and sale of bonds under the
2662 provisions of this act, the commission shall transfer the proceeds
2663 of any such sale or sales to the 1998 Port of Pascagoula
2664 Improvement Fund created in Section 2 of this act. The proceeds
2665 of such bonds shall be disbursed solely upon the order of the
2666 Department of Finance and Administration under such restrictions,
2667 if any, as may be contained in the resolution providing for the
2668 issuance of the bonds.

2669 Section 10. The bonds authorized under this act may be
2670 issued without any other proceedings or the happening of any other
2671 conditions or things other than those proceedings, conditions and
2672 things which are specified or required by this act. Any
2673 resolution providing for the issuance of bonds under the

2674 provisions of this act shall become effective immediately upon its
2675 adoption by the commission, and any such resolution may be adopted
2676 at any regular or special meeting of the commission by a majority
2677 of its members.

2678 Section 11. The bonds authorized under the authority of this
2679 act may be validated in the Chancery Court of the First Judicial
2680 District of Hinds County, Mississippi, in the manner and with the
2681 force and effect provided by Chapter 13, Title 31, Mississippi
2682 Code of 1972, for the validation of county, municipal, school
2683 district and other bonds. The notice to taxpayers required by
2684 such statutes shall be published in a newspaper published or
2685 having a general circulation in the City of Jackson, Mississippi.

2686 Section 12. Any holder of bonds issued under the provisions
2687 of this act or of any of the interest coupons pertaining thereto
2688 may, either at law or in equity, by suit, action, mandamus or
2689 other proceeding, protect and enforce any and all rights granted
2690 under this act, or under such resolution, and may enforce and
2691 compel performance of all duties required by this act to be
2692 performed, in order to provide for the payment of bonds and
2693 interest thereon.

2694 Section 13. All bonds issued under the provisions of this
2695 act shall be legal investments for trustees and other fiduciaries,
2696 and for savings banks, trust companies and insurance companies
2697 organized under the laws of the State of Mississippi, and such
2698 bonds shall be legal securities which may be deposited with and
2699 shall be received by all public officers and bodies of this state
2700 and all municipalities and political subdivisions for the purpose
2701 of securing the deposit of public funds.

2702 Section 14. Bonds issued under the provisions of this act
2703 and income therefrom shall be exempt from all taxation in the
2704 State of Mississippi.

2705 Section 15. The proceeds of the bonds issued under this act
2706 shall be used solely for the purposes herein provided, including
2707 the costs incident to the issuance and sale of such bonds.

2708 Section 16. The State Treasurer is authorized, without
2709 further process of law, to certify to the Department of Finance
2710 and Administration the necessity for warrants, and the Department
2711 of Finance and Administration is authorized and directed to issue
2712 such warrants, in such amounts as may be necessary to pay when due
2713 the principal of, premium, if any, and interest on, or the
2714 accreted value of, all bonds issued under this act; and the State
2715 Treasurer shall forward the necessary amount to the designated
2716 place or places of payment of such bonds in ample time to
2717 discharge such bonds, or the interest thereon, on the due dates
2718 thereof.

2719 Section 17. The provisions of this act shall be deemed to be
2720 full and complete authority for the exercise of the powers therein
2721 granted, but this act shall not be deemed to repeal or to be in
2722 derogation of any existing law of this state.

2723 **SECTION 126.** (1) As used in this section:

2724 (a) "Certified historic structure" means a property
2725 located in Mississippi and listed individually on the National
2726 Register of Historic Places.

2727 (b) "Eligible property" means property located in
2728 Mississippi and offered or used for residential or business
2729 purposes.

2730 (c) "Structure in a certified historic district" means
2731 a structure (and its structural components) located in Mississippi
2732 which is:

2733 (i) Is listed in the National Register of Historic
2734 Places, or

2735 (ii) Is located in a registered historic district
2736 and is certified by the Secretary of the United States Department

2737 of the Interior as being of historic significance to the district;
2738 or

2739 (iii) Certified by the Mississippi Department of
2740 Archives and History as contributing to the historic significance
2741 of a certified historic district listed on the National Register
2742 of Historic Places or a local district that has been certified by
2743 the United States Department of the Interior.

2744 (2) Any taxpayer incurring costs and expenses for the
2745 rehabilitation of eligible property, which is a certified historic
2746 structure or a structure in a certified historic district, shall
2747 be entitled to a credit against the taxes imposed pursuant to this
2748 chapter in an amount equal to five percent (5%) of the total costs
2749 and expenses of rehabilitation incurred after January 1, 2005,
2750 which shall include, but not be limited to, qualified
2751 rehabilitation expenditures as defined under Section 47(c)(2)(A)
2752 of the Internal Revenue Code of 1986, as amended, and the related
2753 regulations thereunder, if the costs and expenses associated with
2754 rehabilitation exceed fifty percent (50%) of the total basis in
2755 the property and the rehabilitation is consistent with the
2756 standards of the Secretary of the United States Department of the
2757 Interior as determined by the Department of Archives and History.
2758 The Board of Trustees of the Department of Archives and History is
2759 authorized to charge a reasonable nonrefundable fee for
2760 administration of this act, said fee not to exceed the actual cost
2761 of providing such services. Any taxpayer desiring to participate
2762 in the tax credits authorized by this section shall pay this fee
2763 to the Department of Archives and History, which shall be used
2764 without appropriation from the Legislature, by the department to
2765 offset said administrative costs.

2766 (3) (a) If the amount of the tax credit established by this
2767 section exceeds the total state income tax liability for the year
2768 in which the rehabilitated property is placed in service, the

2769 amount that exceeds the total state income tax liability may be
2770 carried forward for the ten (10) succeeding tax years.

2771 (b) Not-for-profit entities, including, but not limited
2772 to, nonprofit corporations organized under Section 79-11-101
2773 et seq. shall be ineligible for the credit authorized by this
2774 section. Credits granted to a partnership, a limited liability
2775 company taxed as a partnership or multiple owners of property
2776 shall be passed through to the partners, members or owners on a
2777 pro rata basis or pursuant to an executed agreement among the
2778 partners, members or owners documenting an alternative
2779 distribution method.

2780 (4) To claim the credit authorized pursuant to this section,
2781 the taxpayer shall apply to the Mississippi Development Authority
2782 which shall determine the amount of eligible rehabilitation costs
2783 and expenses and whether the rehabilitation is consistent with the
2784 standards of the Secretary of the United States Department of the
2785 Interior. If the Mississippi Development Authority makes a
2786 determination that the expenditure of eligible rehabilitation
2787 costs has a positive economic, fiscal or tax impact, either direct
2788 or indirect, on the state or on local governments, the Mississippi
2789 Development Authority shall issue a certificate evidencing the
2790 eligible credit if the taxpayer is found to be eligible for the
2791 tax credit. The taxpayer shall attach the certificate to all
2792 income tax returns on which the credit is claimed.

2793 (5) This section shall stand repealed on December 31, 2010.

2794 **SECTION 127.** Section 126 of this act shall take effect and
2795 be in force from and after January 1, 2005, and the remainder of
2796 this act shall take effect and be in force from and after its
2797 passage.