

By: Senator(s) Robertson,
Simmons, Dearing, Butler

To: Finance

SENATE BILL NO. 2002
(As Passed the Senate)

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 \$8,000,000.00 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. Upon the adoption of a
1516 resolution by the Department of Finance and Administration,
1517 declaring that funds have been irrevocably dedicated and are
1518 readily available in the required amount and declaring the
1519 necessity for the issuance of any part or all of the general
1520 obligation bonds authorized by this section, the department shall
1521 deliver a certified copy of its resolution or resolutions to the
1522 commission. Upon receipt of such resolution, the commission, in
1523 its discretion, may act as the issuing agent, prescribe the form
1524 of the bonds, advertise for and accept bids, issue and sell the
1525 bonds so authorized to be sold and do any and all other things
1526 necessary and advisable in connection with the issuance and sale
1527 of such bonds. The total amount of bonds issued under this act

1528 shall not exceed Two Million Dollars (\$2,000,000.00). No bonds
1529 shall be issued under this act from and after July 1, 2008.

1530 (2) Any investment earnings on amounts deposited into the
1531 special fund created in Section 40 of this act shall be used to
1532 pay debt service on bonds issued under this act, in accordance
1533 with the proceedings authorizing issuance of such bonds.

1534 (3) It is the intent of the Legislature that no additional
1535 state general obligation bonds shall be authorized to be issued
1536 for the Southern Arts and Entertainment Center until the
1537 Department of Finance and Administration is provided proof that
1538 expendable funds have been irrevocably dedicated and are readily
1539 available for the project in the amount of not less than Six
1540 Million Dollars (\$6,000,000.00).

1541 **SECTION 42.** The principal of and interest on the bonds
1542 authorized under this act shall be payable in the manner provided
1543 in this section. Such bonds shall bear such date or dates, be in
1544 such denomination or denominations, bear interest at such rate or
1545 rates (not to exceed the limits set forth in Section 75-17-101,
1546 Mississippi Code of 1972), be payable at such place or places
1547 within or without the State of Mississippi, shall mature
1548 absolutely at such time or times not to exceed twenty-five (25)
1549 years from date of issue, be redeemable before maturity at such
1550 time or times and upon such terms, with or without premium, shall
1551 bear such registration privileges, and shall be substantially in
1552 such form, all as shall be determined by resolution of the
1553 commission.

1554 **SECTION 43.** The bonds authorized by this act shall be signed
1555 by the chairman of the commission, or by his facsimile signature,
1556 and the official seal of the commission shall be affixed thereto,
1557 attested by the secretary of the commission. The interest
1558 coupons, if any, to be attached to such bonds may be executed by
1559 the facsimile signatures of such officers. Whenever any such
1560 bonds shall have been signed by the officials designated to sign

1561 the bonds who were in office at the time of such signing but who
1562 may have ceased to be such officers before the sale and delivery
1563 of such bonds, or who may not have been in office on the date such
1564 bonds may bear, the signatures of such officers upon such bonds
1565 and coupons shall nevertheless be valid and sufficient for all
1566 purposes and have the same effect as if the person so officially
1567 signing such bonds had remained in office until their delivery to
1568 the purchaser, or had been in office on the date such bonds may
1569 bear. However, notwithstanding anything herein to the contrary,
1570 such bonds may be issued as provided in the Registered Bond Act of
1571 the State of Mississippi.

1572 **SECTION 44.** All bonds and interest coupons issued under the
1573 provisions of this act have all the qualities and incidents of
1574 negotiable instruments under the provisions of the Uniform
1575 Commercial Code, and in exercising the powers granted by this act,
1576 the commission shall not be required to and need not comply with
1577 the provisions of the Uniform Commercial Code.

1578 **SECTION 45.** The commission shall act as the issuing agent
1579 for the bonds authorized under this act, prescribe the form of the
1580 bonds, advertise for and accept bids, issue and sell the bonds so
1581 authorized to be sold, pay all fees and costs incurred in such
1582 issuance and sale, and do any and all other things necessary and
1583 advisable in connection with the issuance and sale of such bonds.
1584 The commission is authorized and empowered to pay the costs that
1585 are incident to the sale, issuance and delivery of the bonds
1586 authorized under this act from the proceeds derived from the sale
1587 of such bonds. The commission shall sell such bonds on sealed
1588 bids at public sale, and for such price as it may determine to be
1589 for the best interest of the State of Mississippi, but no such
1590 sale shall be made at a price less than par plus accrued interest
1591 to the date of delivery of the bonds to the purchaser. All
1592 interest accruing on such bonds so issued shall be payable

1593 semiannually or annually; however, the first interest payment may
1594 be for any period of not more than one (1) year.

1595 Notice of the sale of any such bonds shall be published at
1596 least one (1) time, not less than ten (10) days before the date of
1597 sale, and shall be so published in one or more newspapers
1598 published or having a general circulation in the City of Jackson,
1599 Mississippi, and in one or more other newspapers or financial
1600 journals with a national circulation, to be selected by the
1601 commission.

1602 The commission, when issuing any bonds under the authority of
1603 this act, may provide that bonds, at the option of the State of
1604 Mississippi, may be called in for payment and redemption at the
1605 call price named therein and accrued interest on such date or
1606 dates named therein.

1607 **SECTION 46.** The bonds issued under the provisions of this
1608 act are general obligations of the State of Mississippi, and for
1609 the payment thereof the full faith and credit of the State of
1610 Mississippi is irrevocably pledged. If the funds appropriated by
1611 the Legislature are insufficient to pay the principal of and the
1612 interest on such bonds as they become due, then the deficiency
1613 shall be paid by the State Treasurer from any funds in the State
1614 Treasury not otherwise appropriated. All such bonds shall contain
1615 recitals on their faces substantially covering the provisions of
1616 this section.

1617 **SECTION 47.** Upon the issuance and sale of bonds under the
1618 provisions of this act, the commission shall transfer the proceeds
1619 of any such sale or sales to the special fund created in Section
1620 40 of this act. The proceeds of such bonds shall be disbursed
1621 solely upon the order of the Department of Finance and
1622 Administration under such restrictions, if any, as may be
1623 contained in the resolution providing for the issuance of the
1624 bonds.

1625 **SECTION 48.** The bonds authorized under this act may be
1626 issued without any other proceedings or the happening of any other
1627 conditions or things other than those proceedings, conditions and
1628 things which are specified or required by this act. Any
1629 resolution providing for the issuance of bonds under the
1630 provisions of this act shall become effective immediately upon its
1631 adoption by the commission, and any such resolution may be adopted
1632 at any regular or special meeting of the commission by a majority
1633 of its members.

1634 **SECTION 49.** The bonds authorized under the authority of this
1635 act may be validated in the Chancery Court of the First Judicial
1636 District of Hinds County, Mississippi, in the manner and with the
1637 force and effect provided by Chapter 13, Title 31, Mississippi
1638 Code of 1972, for the validation of county, municipal, school
1639 district and other bonds. The notice to taxpayers required by
1640 such statutes shall be published in a newspaper published or
1641 having a general circulation in the City of Jackson, Mississippi.

1642 **SECTION 50.** Any holder of bonds issued under the provisions
1643 of this act or of any of the interest coupons pertaining thereto
1644 may, either at law or in equity, by suit, action, mandamus or
1645 other proceeding, protect and enforce any and all rights granted
1646 under this act, or under such resolution, and may enforce and
1647 compel performance of all duties required by this act to be
1648 performed, in order to provide for the payment of bonds and
1649 interest thereon.

1650 **SECTION 51.** All bonds issued under the provisions of this
1651 act shall be legal investments for trustees and other fiduciaries,
1652 and for savings banks, trust companies and insurance companies
1653 organized under the laws of the State of Mississippi, and such
1654 bonds shall be legal securities which may be deposited with and
1655 shall be received by all public officers and bodies of this state
1656 and all municipalities and political subdivisions for the purpose
1657 of securing the deposit of public funds.

1658 **SECTION 52.** Bonds issued under the provisions of this act
1659 and income therefrom shall be exempt from all taxation in the
1660 State of Mississippi.

1661 **SECTION 53.** The proceeds of the bonds issued under this act
1662 shall be used solely for the purposes herein provided, including
1663 the costs incident to the issuance and sale of such bonds.

1664 **SECTION 54.** The State Treasurer is authorized, without
1665 further process of law, to certify to the Department of Finance
1666 and Administration the necessity for warrants, and the Department
1667 of Finance and Administration is authorized and directed to issue
1668 such warrants, in such amounts as may be necessary to pay when due
1669 the principal of, premium, if any, and interest on, or the
1670 accreted value of, all bonds issued under this act; and the State
1671 Treasurer shall forward the necessary amount to the designated
1672 place or places of payment of such bonds in ample time to
1673 discharge such bonds, or the interest thereon, on the due dates
1674 thereof.

1675 **SECTION 55.** This act shall be deemed to be full and complete
1676 authority for the exercise of the powers herein granted, but this
1677 act shall not be deemed to repeal or to be in derogation of any
1678 existing law of this state.

1679 **SECTION 56.** As used in Sections 56 through 73 of this act,
1680 the following words shall have the meanings ascribed herein unless
1681 the context clearly requires otherwise:

1682 (a) "Accreted value" of any bond means, as of any date
1683 of computation, an amount equal to the sum of (i) the stated
1684 initial value of such bond, plus (ii) the interest accrued thereon
1685 from the issue date to the date of computation at the rate,
1686 compounded semiannually, that is necessary to produce the
1687 approximate yield to maturity shown for bonds of the same
1688 maturity.

1689 (b) "This act" means Sections 56 through 73.

1690 (c) "Commission" means the State Bond Commission.

1691 (d) "Project" means an economic development and tourism
1692 destination facility in Hancock County, Mississippi, that will
1693 feature a space, science and education center. The title to the
1694 project facilities is to be vested in the National Aeronautics and
1695 Space Administration.

1696 (e) "State" means the State of Mississippi.

1697 (f) "Authority" means the Mississippi Development
1698 Authority.

1699 **SECTION 57.** (1) The authority may use the proceeds from
1700 general obligation bonds issued under this act for the project as
1701 it considers necessary to further the project.

1702 (2) The authority may enter into any agreements regarding
1703 the project as it considers necessary and may require that the
1704 state be granted an equity interest in the project as a condition
1705 upon the issuance of bonds under this act.

1706 **SECTION 58.** (1) (a) A special fund, to be designated as
1707 the "Infinity Space, Science and Education Center Fund," is
1708 created within the State Treasury. The fund shall be maintained
1709 by the State Treasurer as a separate and special fund, separate
1710 and apart from the General Fund of the state. Unexpended amounts
1711 remaining in the fund at the end of a fiscal year shall not lapse
1712 into the State General Fund, and any interest earned or investment
1713 earnings on amounts in the fund shall be deposited into such fund.

1714 (b) Monies deposited into the fund shall be disbursed,
1715 in the discretion of the authority, to pay the costs incurred for
1716 the construction, furnishing and equipping the project.

1717 (2) Amounts deposited into such special fund shall be
1718 disbursed to pay the costs of the project. If any monies in the
1719 special fund are not used within four (4) years after the date the
1720 proceeds of the bonds authorized under this act are deposited into
1721 such fund, then the authority shall provide an accounting of such
1722 unused monies to the commission. Promptly after the commission
1723 has certified, by resolution duly adopted, that the project shall

1724 have been completed, abandoned, or cannot be completed in a timely
1725 fashion, any amounts remaining in such special fund shall be
1726 applied to pay debt service on the bonds issued under this act, in
1727 accordance with the proceedings authorizing the issuance of such
1728 bonds and as directed by the commission. Before monies in the
1729 special fund may be used for the project, the authority shall
1730 require that the developer and operator of the project enter into
1731 binding commitments regarding at least the following:

1732 (a) That a certain minimum number of jobs will be
1733 created over a certain period of time as determined by the
1734 authority (which jobs must be held by persons eligible for
1735 employment in the United States under applicable state and federal
1736 law); and

1737 (b) That if any such commitments are not satisfied, an
1738 amount equal to all or a portion of the funds provided by the
1739 state under this act as determined by the authority shall be
1740 repaid.

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

1757 issuing agent, prescribe the form of the bonds, advertise for and
1758 accept bids, issue and sell the bonds so authorized to be sold and
1759 do any and all other things necessary and advisable in connection
1760 with the issuance and sale of such bonds. The total amount of
1761 bonds issued under this act shall not exceed Eight Million Dollars
1762 (\$8,000,000.00); however, not more than Four Million Dollars
1763 (\$4,000,000.00) may be issued in any one (1) fiscal year. No
1764 bonds shall be issued under this act after July 1, 2008.

1765 (2) Any investment earnings on amounts deposited into the
1766 special fund created in Section 58 of this act shall be used to
1767 pay debt service on bonds issued under this act, in accordance
1768 with the proceedings authorizing issuance of such bonds.

1769 **SECTION 60.** The principal of and interest on the bonds
1770 authorized under this act shall be payable in the manner provided
1771 in this section. Such bonds shall bear such date or dates, be in
1772 such denomination or denominations, bear interest at such rate or
1773 rates (not to exceed the limits set forth in Section 75-17-101,
1774 Mississippi Code of 1972), be payable at such place or places
1775 within or without the State of Mississippi, shall mature
1776 absolutely at such time or times not to exceed twenty (20) years
1777 from date of issue, be redeemable before maturity at such time or
1778 times and upon such terms, with or without premium, shall bear
1779 such registration privileges, and shall be substantially in such
1780 form, all as shall be determined by resolution of the commission.

1781 **SECTION 61.** The bonds authorized by this act shall be signed
1782 by the chairman of the commission, or by his facsimile signature,
1783 and the official seal of the commission shall be affixed thereto,
1784 attested by the secretary of the commission. The interest
1785 coupons, if any, to be attached to such bonds may be executed by
1786 the facsimile signatures of such officers. Whenever any such
1787 bonds shall have been signed by the officials designated to sign
1788 the bonds who were in office at the time of such signing but who
1789 may have ceased to be such officers before the sale and delivery

1790 of such bonds, or who may not have been in office on the date such
1791 bonds may bear, the signatures of such officers upon such bonds
1792 and coupons shall nevertheless be valid and sufficient for all
1793 purposes and have the same effect as if the person so officially
1794 signing such bonds had remained in office until their delivery to
1795 the purchaser, or had been in office on the date such bonds may
1796 bear. However, notwithstanding anything herein to the contrary,
1797 such bonds may be issued as provided in the Registered Bond Act of
1798 the State of Mississippi.

1799 **SECTION 62.** All bonds and interest coupons issued under the
1800 provisions of this act have all the qualities and incidents of
1801 negotiable instruments under the provisions of the Uniform
1802 Commercial Code, and in exercising the powers granted by this act,
1803 the commission shall not be required to and need not comply with
1804 the provisions of the Uniform Commercial Code.

1805 **SECTION 63.** The commission shall act as the issuing agent
1806 for the bonds authorized under this act, prescribe the form of the
1807 bonds, advertise for and accept bids, issue and sell the bonds so
1808 authorized to be sold, pay all fees and costs incurred in such
1809 issuance and sale, and do any and all other things necessary and
1810 advisable in connection with the issuance and sale of such bonds.
1811 The commission is authorized and empowered to pay the costs that
1812 are incident to the sale, issuance and delivery of the bonds
1813 authorized under this act from the proceeds derived from the sale
1814 of such bonds. The commission shall sell such bonds on sealed
1815 bids at public sale, and for such price as it may determine to be
1816 for the best interest of the State of Mississippi, but no such
1817 sale shall be made at a price less than par plus accrued interest
1818 to the date of delivery of the bonds to the purchaser. All
1819 interest accruing on such bonds so issued shall be payable
1820 semiannually or annually; however, the first interest payment may
1821 be for any period of not more than one (1) year.

1822 Notice of the sale of any such bonds shall be published at
1823 least one (1) time, not less than ten (10) days before the date of
1824 sale, and shall be so published in one or more newspapers
1825 published or having a general circulation in the City of Jackson,
1826 Mississippi, and in one or more other newspapers or financial
1827 journals with a national circulation, to be selected by the
1828 commission.

1829 The commission, when issuing any bonds under the authority of
1830 this act, may provide that bonds, at the option of the State of
1831 Mississippi, may be called in for payment and redemption at the
1832 call price named therein and accrued interest on such date or
1833 dates named therein.

1834 **SECTION 64.** The bonds issued under the provisions of this
1835 act are general obligations of the State of Mississippi, and for
1836 the payment thereof the full faith and credit of the State of
1837 Mississippi is irrevocably pledged. If the funds appropriated by
1838 the Legislature for such purposes are insufficient to pay the
1839 principal of and the interest on such bonds as they become due,
1840 then the deficiency shall be paid by the State Treasurer from any
1841 funds in the State Treasury not otherwise appropriated. All such
1842 bonds shall contain recitals on their faces substantially covering
1843 the provisions of this section.

1844 **SECTION 65.** Upon the issuance and sale of bonds under the
1845 provisions of this act, the commission shall transfer the proceeds
1846 of any such sale or sales to the special fund created in Section
1847 58 of this act. The proceeds of such bonds shall be disbursed
1848 solely upon the order of the authority under such restrictions, if
1849 any, as may be contained in the resolution providing for the
1850 issuance of the bonds.

1851 **SECTION 66.** The bonds authorized under this act may be
1852 issued without any other proceedings or the happening of any other
1853 conditions or things other than those proceedings, conditions and
1854 things which are specified or required by this act. Any

1855 resolution providing for the issuance of bonds under the
1856 provisions of this act shall become effective immediately upon its
1857 adoption by the commission, and any such resolution may be adopted
1858 at any regular or special meeting of the commission by a majority
1859 of its members.

1860 **SECTION 67.** The bonds authorized under the authority of this
1861 act may be validated in the Chancery Court of the First Judicial
1862 District of Hinds County, Mississippi, in the manner and with the
1863 force and effect provided by Chapter 13, Title 31, Mississippi
1864 Code of 1972, for the validation of county, municipal, school
1865 district and other bonds. The notice to taxpayers required by
1866 such statutes shall be published in a newspaper published or
1867 having a general circulation in the City of Jackson, Mississippi.

1868 **SECTION 68.** Any holder of bonds issued under the provisions
1869 of this act or of any of the interest coupons pertaining thereto
1870 may, either at law or in equity, by suit, action, mandamus or
1871 other proceeding, protect and enforce any and all rights granted
1872 under this act, or under such resolution, and may enforce and
1873 compel performance of all duties required by this act to be
1874 performed, in order to provide for the payment of bonds and
1875 interest thereon.

1876 **SECTION 69.** All bonds issued under the provisions of this
1877 act shall be legal investments for trustees and other fiduciaries,
1878 and for savings banks, trust companies and insurance companies
1879 organized under the laws of the State of Mississippi, and such
1880 bonds shall be legal securities which may be deposited with and
1881 shall be received by all public officers and bodies of this state
1882 and all municipalities and political subdivisions for the purpose
1883 of securing the deposit of public funds.

1884 **SECTION 70.** Bonds issued under the provisions of this act
1885 and income therefrom shall be exempt from all taxation in the
1886 State of Mississippi.

1887 **SECTION 71.** The proceeds of the bonds issued under this act
1888 shall be used solely for the purposes provided in this act,
1889 including the costs incident to the issuance and sale of such
1890 bonds.

1891 **SECTION 72.** The State Treasurer is authorized, without
1892 further process of law, to certify to the Department of Finance
1893 and Administration the necessity for warrants, and the Department
1894 of Finance and Administration is authorized and directed to issue
1895 such warrants, in such amounts as may be necessary to pay when due
1896 the principal of, premium, if any, and interest on, or the
1897 accreted value of, all bonds issued under this act; and the State
1898 Treasurer shall forward the necessary amount to the designated
1899 place or places of payment of such bonds in ample time to
1900 discharge such bonds, or the interest thereon, on the due dates
1901 thereof.

1902 **SECTION 73.** This act shall be deemed to be full and complete
1903 authority for the exercise of the powers herein granted, but this
1904 act shall not be deemed to repeal or to be in derogation of any
1905 existing law of this state.

1906 **SECTION 74.** As used in Sections 74 through 90 of this act,
1907 the following words shall have the meanings ascribed herein unless
1908 the context clearly requires otherwise:

1909 (a) "Accreted value" of any bond means, as of any date
1910 of computation, an amount equal to the sum of (i) the stated
1911 initial value of such bond, plus (ii) the interest accrued thereon
1912 from the issue date to the date of computation at the rate,
1913 compounded semiannually, that is necessary to produce the
1914 approximate yield to maturity shown for bonds of the same
1915 maturity.

1916 (b) "State" means the State of Mississippi.

1917 (c) "Commission" means the State Bond Commission.

1918 (d) "This act" means Sections 74 through 90 of this
1919 act.

1920 **SECTION 75.** (1) (a) A special fund to be designated as the
1921 "City of Holly Springs Highway Project Fund" is created within the
1922 State Treasury. The fund shall be maintained by the State
1923 Treasurer as a separate and special fund, separate and apart from
1924 the General Fund of the state. Unexpended amounts remaining in
1925 the fund at the end of a fiscal year shall not lapse into the
1926 State General Fund, and any interest earned or investment earnings
1927 on amounts in the fund shall be deposited to the credit of the
1928 fund. Monies in the fund may not be used or expended for any
1929 purpose except as authorized under this section.

1930 (b) Monies deposited into the fund shall be disbursed
1931 in the discretion of the Mississippi Development Authority to the
1932 City of Holly Springs, Mississippi, to provide funds to the City
1933 of Holly Springs, Mississippi, to assist in paying costs incurred
1934 for the construction and improvement of roads related to the
1935 location of a proposed economic development project.

1936 (2) Amounts deposited into such special fund shall be
1937 disbursed to pay the costs of projects described in subsection (1)
1938 of this section. Promptly after the commission has certified, by
1939 resolution duly adopted, that the projects described in subsection
1940 (1) of this section shall have been completed, abandoned, or
1941 cannot be completed in a timely fashion, any amounts remaining in
1942 such special fund shall be applied to pay debt service on the
1943 bonds issued under this act, in accordance with the proceedings
1944 authorizing the issuance of such bonds and as directed by the
1945 commission.

1946 (3) Such funds shall be paid by the State Treasurer upon
1947 warrants issued by the Department of Finance and Administration,
1948 which warrants shall be issued upon requisitions signed by the
1949 Executive Director of the Mississippi Development Authority, or
1950 his designee.

1951 (4) The Mississippi Development Authority shall exercise all
1952 powers and duties necessary to implement and administer the
1953 provisions of this act.

1954 **SECTION 76.** (1) The commission, at one time, or from time
1955 to time, may declare by resolution the necessity for issuance of
1956 general obligation bonds of the State of Mississippi to provide
1957 funds for all costs incurred or to be incurred for the purposes
1958 described in Section 75 of this act. Upon the adoption of a
1959 resolution by the Mississippi Development Authority, declaring the
1960 necessity for the issuance of any part or all of the general
1961 obligation bonds authorized by this section, the Mississippi
1962 Development Authority shall deliver a certified copy of its
1963 resolution or resolutions to the commission. Upon receipt of such
1964 resolution, the commission, in its discretion, may act as the
1965 issuing agent, prescribe the form of the bonds, advertise for and
1966 accept bids, issue and sell the bonds so authorized to be sold and
1967 do any and all other things necessary and advisable in connection
1968 with the issuance and sale of such bonds. The total amount of
1969 bonds issued under this act shall not exceed Two Million Dollars
1970 (\$2,000,000.00). No bonds shall be issued under this section
1971 after July 1, 2008.

1972 (2) Any investment earnings on amounts deposited into the
1973 special fund created in Section 75 of this act shall be used to
1974 pay debt service on bonds issued under this act, in accordance
1975 with the proceedings authorizing issuance of such bonds.

1976 **SECTION 77.** The principal of and interest on the bonds
1977 authorized under this act shall be payable in the manner provided
1978 in this section. Such bonds shall bear such date or dates, be in
1979 such denomination or denominations, bear interest at such rate or
1980 rates (not to exceed the limits set forth in Section 75-17-101,
1981 Mississippi Code of 1972), be payable at such place or places
1982 within or without the State of Mississippi, shall mature
1983 absolutely at such time or times not to exceed twenty-five (25)

1984 years from date of issue, be redeemable before maturity at such
1985 time or times and upon such terms, with or without premium, shall
1986 bear such registration privileges, and shall be substantially in
1987 such form, all as shall be determined by resolution of the
1988 commission.

1989 **SECTION 78.** The bonds authorized by this act shall be signed
1990 by the chairman of the commission, or by his facsimile signature,
1991 and the official seal of the commission shall be affixed thereto,
1992 attested by the secretary of the commission. The interest
1993 coupons, if any, to be attached to such bonds may be executed by
1994 the facsimile signatures of such officers. Whenever any such
1995 bonds shall have been signed by the officials designated to sign
1996 the bonds who were in office at the time of such signing but who
1997 may have ceased to be such officers before the sale and delivery
1998 of such bonds, or who may not have been in office on the date such
1999 bonds may bear, the signatures of such officers upon such bonds
2000 and coupons shall nevertheless be valid and sufficient for all
2001 purposes and have the same effect as if the person so officially
2002 signing such bonds had remained in office until their delivery to
2003 the purchaser, or had been in office on the date such bonds may
2004 bear. However, notwithstanding anything herein to the contrary,
2005 such bonds may be issued as provided in the Registered Bond Act of
2006 the State of Mississippi.

2007 **SECTION 79.** All bonds and interest coupons issued under the
2008 provisions of this act have all the qualities and incidents of
2009 negotiable instruments under the provisions of the Uniform
2010 Commercial Code, and in exercising the powers granted by this act,
2011 the commission shall not be required to and need not comply with
2012 the provisions of the Uniform Commercial Code.

2013 **SECTION 80.** The commission shall act as the issuing agent
2014 for the bonds authorized under this act, prescribe the form of the
2015 bonds, advertise for and accept bids, issue and sell the bonds so
2016 authorized to be sold, pay all fees and costs incurred in such

2017 issuance and sale, and do any and all other things necessary and
2018 advisable in connection with the issuance and sale of such bonds.
2019 The commission is authorized and empowered to pay the costs that
2020 are incident to the sale, issuance and delivery of the bonds
2021 authorized under this act from the proceeds derived from the sale
2022 of such bonds. The commission shall sell such bonds on sealed
2023 bids at public sale, and for such price as it may determine to be
2024 for the best interest of the State of Mississippi, but no such
2025 sale shall be made at a price less than par plus accrued interest
2026 to the date of delivery of the bonds to the purchaser. All
2027 interest accruing on such bonds so issued shall be payable
2028 semiannually or annually; however, the first interest payment may
2029 be for any period of not more than one (1) year.

2030 Notice of the sale of any such bonds shall be published at
2031 least one time, not less than ten (10) days before the date of
2032 sale, and shall be so published in one or more newspapers
2033 published or having a general circulation in the City of Jackson,
2034 Mississippi, and in one or more other newspapers or financial
2035 journals with a national circulation, to be selected by the
2036 commission.

2037 The commission, when issuing any bonds under the authority of
2038 this act, may provide that bonds, at the option of the State of
2039 Mississippi, may be called in for payment and redemption at the
2040 call price named therein and accrued interest on such date or
2041 dates named therein.

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

2050 recitals on their faces substantially covering the provisions of
2051 this section.

2052 **SECTION 82.** Upon the issuance and sale of bonds under the
2053 provisions of this act, the commission shall transfer the proceeds
2054 of any such sale or sales to the special fund created in Section
2055 75 of this act. The proceeds of such bonds shall be disbursed
2056 solely upon the order of the Mississippi Development Authority
2057 under such restrictions, if any, as may be contained in the
2058 resolution providing for the issuance of the bonds.

2059 **SECTION 83.** The bonds authorized under this act may be
2060 issued without any other proceedings or the happening of any other
2061 conditions or things other than those proceedings, conditions and
2062 things which are specified or required by this act. Any
2063 resolution providing for the issuance of bonds under the
2064 provisions of this act shall become effective immediately upon its
2065 adoption by the commission, and any such resolution may be adopted
2066 at any regular or special meeting of the commission by a majority
2067 of its members.

2068 **SECTION 84.** The bonds authorized under the authority of this
2069 act may be validated in the Chancery Court of the First Judicial
2070 District of Hinds County, Mississippi, in the manner and with the
2071 force and effect provided by Chapter 13, Title 31, Mississippi
2072 Code of 1972, for the validation of county, municipal, school
2073 district and other bonds. The notice to taxpayers required by
2074 such statutes shall be published in a newspaper published or
2075 having a general circulation in the City of Jackson, Mississippi.

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

2082 performed, in order to provide for the payment of bonds and
2083 interest thereon.

2084 **SECTION 86.** All bonds issued under the provisions of this
2085 act shall be legal investments for trustees and other fiduciaries,
2086 and for savings banks, trust companies and insurance companies
2087 organized under the laws of the State of Mississippi, and such
2088 bonds shall be legal securities which may be deposited with and
2089 shall be received by all public officers and bodies of this state
2090 and all municipalities and political subdivisions for the purpose
2091 of securing the deposit of public funds.

2092 **SECTION 87.** Bonds issued under the provisions of this act
2093 and income therefrom shall be exempt from all taxation in the
2094 State of Mississippi.

2095 **SECTION 88.** The proceeds of the bonds issued under this act
2096 shall be used solely for the purposes herein provided, including
2097 the costs incident to the issuance and sale of such bonds.

2098 **SECTION 89.** The State Treasurer is authorized, without
2099 further process of law, to certify to the Department of Finance
2100 and Administration the necessity for warrants, and the Department
2101 of Finance and Administration is authorized and directed to issue
2102 such warrants, in such amounts as may be necessary to pay when due
2103 the principal of, premium, if any, and interest on, or the
2104 accreted value of, all bonds issued under this act; and the State
2105 Treasurer shall forward the necessary amount to the designated
2106 place or places of payment of such bonds in ample time to
2107 discharge such bonds, or the interest thereon, on the due dates
2108 thereof.

2109 **SECTION 90.** This act shall be deemed to be full and complete
2110 authority for the exercise of the powers herein granted, but this
2111 act shall not be deemed to repeal or to be in derogation of any
2112 existing law of this state.

2113 **SECTION 91.** As used in Sections 91 through 107 of this act,
2114 the following words shall have the meanings ascribed herein unless
2115 the context clearly requires otherwise:

2116 (a) "Accreted value" of any bond means, as of any date
2117 of computation, an amount equal to the sum of (i) the stated
2118 initial value of such bond, plus (ii) the interest accrued thereon
2119 from the issue date to the date of computation at the rate,
2120 compounded semiannually, that is necessary to produce the
2121 approximate yield to maturity shown for bonds of the same
2122 maturity.

2123 (b) "State" means the State of Mississippi.

2124 (c) "Commission" means the State Bond Commission.

2125 (d) "This act" means Sections 91 through 107 of this
2126 act.

2127 **SECTION 92.** (1) (a) A special fund, to be designated as
2128 the "Jasper and Newton Counties Railroad Lines Improvements Fund"
2129 is created within the State Treasury. The fund shall be
2130 maintained by the State Treasurer as a separate and special fund,
2131 separate and apart from the General Fund of the state. Unexpended
2132 amounts remaining in the fund at the end of a fiscal year shall
2133 not lapse into the State General Fund, and any interest earned or
2134 investment earnings on amounts in the fund shall be deposited into
2135 such fund.

2136 (b) Monies deposited into the fund shall be disbursed,
2137 in the discretion of the Mississippi Development Authority, to
2138 Watco Companies, Inc., to assist in paying costs incurred for
2139 repair, rehabilitation, upgrades and other improvements to
2140 railroad lines and related facilities in Jasper and Newton
2141 Counties.

2142 (2) Amounts deposited into such special fund shall be
2143 disbursed to pay the costs of the projects described in subsection
2144 (1) of this section. Promptly after the commission has certified,
2145 by resolution duly adopted, that the projects described in

2146 subsection (1) of this section shall have been completed,
2147 abandoned, or cannot be completed in a timely fashion, any amounts
2148 remaining in such special fund shall be applied to pay debt
2149 service on the bonds issued under this act, in accordance with the
2150 proceedings authorizing the issuance of such bonds and as directed
2151 by the commission.

2152 (3) Such funds shall be paid by the State Treasurer upon
2153 warrants issued by the Department of Finance and Administration,
2154 which warrants shall be issued upon requisitions signed by the
2155 Executive Director of the Mississippi Development Authority, or
2156 his designee.

2157 **SECTION 93.** (1) The commission, at one time, or from time
2158 to time, may declare by resolution the necessity for issuance of
2159 general obligation bonds of the State of Mississippi to provide
2160 funds for all costs incurred or to be incurred for the purposes
2161 described in Section 92 of this act. Upon the adoption of a
2162 resolution by the Mississippi Development Authority, declaring the
2163 necessity for the issuance of any part or all of the general
2164 obligation bonds authorized by this section, the Mississippi
2165 Development Authority shall deliver a certified copy of its
2166 resolution or resolutions to the commission. Upon receipt of such
2167 resolution, the commission, in its discretion, may act as the
2168 issuing agent, prescribe the form of the bonds, advertise for and
2169 accept bids, issue and sell the bonds so authorized to be sold and
2170 do any and all other things necessary and advisable in connection
2171 with the issuance and sale of such bonds. The total amount of
2172 bonds issued under this act shall not exceed Four Hundred Thousand
2173 Dollars (\$400,000.00).

2174 (2) Any investment earnings on amounts deposited into the
2175 special fund created in Section 92 of this act shall be used to
2176 pay debt service on bonds issued under this act, in accordance
2177 with the proceedings authorizing issuance of such bonds.

2178 **SECTION 94.** The principal of and interest on the bonds
2179 authorized under this act shall be payable in the manner provided
2180 in this section. Such bonds shall bear such date or dates, be in
2181 such denomination or denominations, bear interest at such rate or
2182 rates (not to exceed the limits set forth in Section 75-17-101,
2183 Mississippi Code of 1972), be payable at such place or places
2184 within or without the State of Mississippi, shall mature
2185 absolutely at such time or times not to exceed twenty-five (25)
2186 years from date of issue, be redeemable before maturity at such
2187 time or times and upon such terms, with or without premium, shall
2188 bear such registration privileges, and shall be substantially in
2189 such form, all as shall be determined by resolution of the
2190 commission.

2191 **SECTION 95.** The bonds authorized by this act shall be signed
2192 by the chairman of the commission, or by his facsimile signature,
2193 and the official seal of the commission shall be affixed thereto,
2194 attested by the secretary of the commission. The interest
2195 coupons, if any, to be attached to such bonds may be executed by
2196 the facsimile signatures of such officers. Whenever any such
2197 bonds shall have been signed by the officials designated to sign
2198 the bonds who were in office at the time of such signing but who
2199 may have ceased to be such officers before the sale and delivery
2200 of such bonds, or who may not have been in office on the date such
2201 bonds may bear, the signatures of such officers upon such bonds
2202 and coupons shall nevertheless be valid and sufficient for all
2203 purposes and have the same effect as if the person so officially
2204 signing such bonds had remained in office until their delivery to
2205 the purchaser, or had been in office on the date such bonds may
2206 bear. However, notwithstanding anything herein to the contrary,
2207 such bonds may be issued as provided in the Registered Bond Act of
2208 the State of Mississippi.

2209 **SECTION 96.** All bonds and interest coupons issued under the
2210 provisions of this act have all the qualities and incidents of

2211 negotiable instruments under the provisions of the Uniform
2212 Commercial Code, and in exercising the powers granted by this act,
2213 the commission shall not be required to and need not comply with
2214 the provisions of the Uniform Commercial Code.

2215 **SECTION 97.** The commission shall act as the issuing agent
2216 for the bonds authorized under this act, prescribe the form of the
2217 bonds, advertise for and accept bids, issue and sell the bonds so
2218 authorized to be sold, pay all fees and costs incurred in such
2219 issuance and sale, and do any and all other things necessary and
2220 advisable in connection with the issuance and sale of such bonds.
2221 The commission is authorized and empowered to pay the costs that
2222 are incident to the sale, issuance and delivery of the bonds
2223 authorized under this act from the proceeds derived from the sale
2224 of such bonds. The commission shall sell such bonds on sealed
2225 bids at public sale, and for such price as it may determine to be
2226 for the best interest of the State of Mississippi, but no such
2227 sale shall be made at a price less than par plus accrued interest
2228 to the date of delivery of the bonds to the purchaser. All
2229 interest accruing on such bonds so issued shall be payable
2230 semiannually or annually; however, the first interest payment may
2231 be for any period of not more than one (1) year.

2232 Notice of the sale of any such bonds shall be published at
2233 least one time, not less than ten (10) days before the date of
2234 sale, and shall be so published in one or more newspapers
2235 published or having a general circulation in the City of Jackson,
2236 Mississippi, and in one or more other newspapers or financial
2237 journals with a national circulation, to be selected by the
2238 commission.

2239 The commission, when issuing any bonds under the authority of
2240 this act, may provide that bonds, at the option of the State of
2241 Mississippi, may be called in for payment and redemption at the
2242 call price named therein and accrued interest on such date or
2243 dates named therein.

2244 **SECTION 98.** The bonds issued under the provisions of this
2245 act are general obligations of the State of Mississippi, and for
2246 the payment thereof the full faith and credit of the State of
2247 Mississippi is irrevocably pledged. If the funds appropriated by
2248 the Legislature are insufficient to pay the principal of and the
2249 interest on such bonds as they become due, then the deficiency
2250 shall be paid by the State Treasurer from any funds in the State
2251 Treasury not otherwise appropriated. All such bonds shall contain
2252 recitals on their faces substantially covering the provisions of
2253 this section.

2254 **SECTION 99.** Upon the issuance and sale of bonds under the
2255 provisions of this act, the commission shall transfer the proceeds
2256 of any such sale or sales to the special fund created in Section
2257 92 of this act. The proceeds of such bonds shall be disbursed
2258 solely upon the order of the Mississippi Development Authority
2259 under such restrictions, if any, as may be contained in the
2260 resolution providing for the issuance of the bonds.

2261 **SECTION 100.** The bonds authorized under this act may be
2262 issued without any other proceedings or the happening of any other
2263 conditions or things other than those proceedings, conditions and
2264 things which are specified or required by this act. Any
2265 resolution providing for the issuance of bonds under the
2266 provisions of this act shall become effective immediately upon its
2267 adoption by the commission, and any such resolution may be adopted
2268 at any regular or special meeting of the commission by a majority
2269 of its members.

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

2276 by such statutes shall be published in a newspaper published or
2277 having a general circulation in the City of Jackson, Mississippi.

2278 **SECTION 102.** Any holder of bonds issued under the provisions
2279 of this act or of any of the interest coupons pertaining thereto
2280 may, either at law or in equity, by suit, action, mandamus or
2281 other proceeding, protect and enforce any and all rights granted
2282 under this act, or under such resolution, and may enforce and
2283 compel performance of all duties required by this act to be
2284 performed, in order to provide for the payment of bonds and
2285 interest thereon.

2286 **SECTION 103.** All bonds issued under the provisions of this
2287 act shall be legal investments for trustees and other fiduciaries,
2288 and for savings banks, trust companies and insurance companies
2289 organized under the laws of the State of Mississippi, and such
2290 bonds shall be legal securities which may be deposited with and
2291 shall be received by all public officers and bodies of this state
2292 and all municipalities and political subdivisions for the purpose
2293 of securing the deposit of public funds.

2294 **SECTION 104.** Bonds issued under the provisions of this act
2295 and income therefrom shall be exempt from all taxation in the
2296 State of Mississippi.

2297 **SECTION 105.** The proceeds of the bonds issued under this act
2298 shall be used solely for the purposes herein provided, including
2299 the costs incident to the issuance and sale of such bonds.

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

2309 discharge such bonds, or the interest thereon, on the due dates
2310 thereof.

2311 **SECTION 107.** This act shall be deemed to be full and
2312 complete authority for the exercise of the powers herein granted,
2313 but this act shall not be deemed to repeal or to be in derogation
2314 of any existing law of this state.

2315 **SECTION 108.** As used in Section 108 through 124 of this act,
2316 the following words shall have the meanings ascribed herein unless
2317 the context clearly requires otherwise:

2318 (a) "Accreted value" of any bond means, as of any date
2319 of computation, an amount equal to the sum of (i) the stated
2320 initial value of such bond, plus (ii) the interest accrued thereon
2321 from the issue date to the date of computation at the rate,
2322 compounded semiannually, that is necessary to produce the
2323 approximate yield to maturity shown for bonds of the same
2324 maturity.

2325 (b) "State" means the State of Mississippi.

2326 (c) "Commission" means the State Bond Commission.

2327 (d) "This act" means Sections 108 through 124 of this
2328 act.

2329 **SECTION 109.** (1) (a) A special fund to be designated as
2330 the "Forks of the Road Interpretive Center Fund" is created within
2331 the State Treasury. The fund shall be maintained by the State
2332 Treasurer as a separate and special fund, separate and apart from
2333 the General Fund of the state. Unexpended amounts remaining in
2334 the fund at the end of a fiscal year shall not lapse into the
2335 State General Fund, and any interest earned or investment earnings
2336 on amounts in the fund shall be deposited to the credit of the
2337 fund. Monies in the fund may not be used or expended for any
2338 purpose except as authorized under this section.

2339 (b) Monies deposited into the fund shall be disbursed
2340 by the Mississippi Development Authority to the City of Natchez,
2341 Mississippi, to provide funds to assist in paying costs incurred

2342 for the planning, design and construction of the Forks of the Road
2343 Interpretive Center to be located in the City of Natchez,
2344 Mississippi. The Forks of the Road Interpretive Center shall be
2345 an interpretive museum housing exhibits depicting the highlights
2346 of the area's historic heritage and legacy, particularly
2347 acknowledging the site as one of the south's busiest commercial
2348 centers for the slave trade. Before monies in the fund may be
2349 disbursed, the City of Natchez shall submit a written proposal to
2350 the Mississippi Development Authority that must include any
2351 information required by the Mississippi Development Authority.
2352 The Mississippi Development Authority shall review the proposal
2353 before funds under this act are granted to the City of Natchez,
2354 Mississippi, and no funds shall be granted to the City of Natchez,
2355 Mississippi, under this act until the proposal has been reviewed
2356 and approved by the Mississippi Development Authority. The
2357 Mississippi Development Authority shall administer all funds
2358 authorized under this act and shall have all powers necessary to
2359 implement and administer the project.

2360 (2) Amounts deposited into such special fund shall be
2361 disbursed by the Mississippi Development Authority to pay the
2362 costs of projects described in subsection (1) of this section.

2363 (3) Such funds shall be paid by the State Treasurer, upon
2364 warrants issued by the Department of Finance and Administration,
2365 which warrants shall be issued upon requisitions signed by the
2366 Executive Director of the Department of Finance and
2367 Administration, or his designee.

2368 **SECTION 110.** (1) The commission, at one time, or from time
2369 to time, may declare by resolution the necessity for issuance of
2370 general obligation bonds of the State of Mississippi to provide
2371 funds for all costs incurred or to be incurred for the purposes
2372 described in Section 109 of this act. Upon the adoption of a
2373 resolution by the Mississippi Development Authority, declaring the
2374 necessity for the issuance of any part or all of the general

2375 obligation bonds authorized by this section, the Mississippi
2376 Development Authority shall deliver a certified copy of its
2377 resolution or resolutions to the commission. Upon receipt of such
2378 resolution, the commission, in its discretion, may act as the
2379 issuing agent, prescribe the form of the bonds, advertise for and
2380 accept bids, issue and sell the bonds so authorized to be sold and
2381 do any and all other things necessary and advisable in connection
2382 with the issuance and sale of such bonds. The total amount of
2383 bonds issued under this act shall not exceed Two Million Dollars
2384 (\$2,000,000.00). No bonds shall be issued under this section
2385 after July 1, 2008. No bonds shall be issued under this section
2386 unless an equal amount of funding, exclusive of the state
2387 contribution, has been irrevocably dedicated and is readily
2388 available from private, local and federal sources for the Forks of
2389 the Road Interpretive Center.

2390 (2) Any investment earnings on amounts deposited into the
2391 special funds created in Section 109 of this act shall be used to
2392 pay debt service on bonds issued under this act, in accordance
2393 with the proceedings authorizing issuance of such bonds.

2394 **SECTION 111.** The principal of and interest on the bonds
2395 authorized under this act shall be payable in the manner provided
2396 in this section. Such bonds shall bear such date or dates, be in
2397 such denomination or denominations, bear interest at such rate or
2398 rates (not to exceed the limits set forth in Section 75-17-101,
2399 Mississippi Code of 1972), be payable at such place or places
2400 within or without the State of Mississippi, shall mature
2401 absolutely at such time or times not to exceed twenty-five (25)
2402 years from date of issue, be redeemable before maturity at such
2403 time or times and upon such terms, with or without premium, shall
2404 bear such registration privileges, and shall be substantially in
2405 such form, all as shall be determined by resolution of the
2406 commission.

2407 **SECTION 112.** The bonds authorized by this act shall be
2408 signed by the chairman of the commission, or by his facsimile
2409 signature, and the official seal of the commission shall be
2410 affixed thereto, attested by the secretary of the commission. The
2411 interest coupons, if any, to be attached to such bonds may be
2412 executed by the facsimile signatures of such officers. Whenever
2413 any such bonds shall have been signed by the officials designated
2414 to sign the bonds who were in office at the time of such signing
2415 but who may have ceased to be such officers before the sale and
2416 delivery of such bonds, or who may not have been in office on the
2417 date such bonds may bear, the signatures of such officers upon
2418 such bonds and coupons shall nevertheless be valid and sufficient
2419 for all purposes and have the same effect as if the person so
2420 officially signing such bonds had remained in office until their
2421 delivery to the purchaser, or had been in office on the date such
2422 bonds may bear. However, notwithstanding anything herein to the
2423 contrary, such bonds may be issued as provided in the Registered
2424 Bond Act of the State of Mississippi.

2425 **SECTION 113.** All bonds and interest coupons issued under the
2426 provisions of this act have all the qualities and incidents of
2427 negotiable instruments under the provisions of the Mississippi
2428 Uniform Commercial Code, and in exercising the powers granted by
2429 this act, the commission shall not be required to and need not
2430 comply with the provisions of the Mississippi Uniform Commercial
2431 Code.

2432 **SECTION 114.** The commission shall act as the issuing agent
2433 for the bonds authorized under this act, prescribe the form of the
2434 bonds, advertise for and accept bids, issue and sell the bonds so
2435 authorized to be sold, pay all fees and costs incurred in such
2436 issuance and sale, and do any and all other things necessary and
2437 advisable in connection with the issuance and sale of such bonds.
2438 The commission is authorized and empowered to pay the costs that
2439 are incident to the sale, issuance and delivery of the bonds

2440 authorized under this act from the proceeds derived from the sale
2441 of such bonds. The commission shall sell such bonds on sealed
2442 bids at public sale, and for such price as it may determine to be
2443 for the best interest of the State of Mississippi, but no such
2444 sale shall be made at a price less than par plus accrued interest
2445 to the date of delivery of the bonds to the purchaser. All
2446 interest accruing on such bonds so issued shall be payable
2447 semiannually or annually; however, the first interest payment may
2448 be for any period of not more than one (1) year.

2449 Notice of the sale of any such bonds shall be published at
2450 least one time, not less than ten (10) days before the date of
2451 sale, and shall be so published in one or more newspapers
2452 published or having a general circulation in the City of Jackson,
2453 Mississippi, and in one or more other newspapers or financial
2454 journals with a national circulation, to be selected by the
2455 commission.

2456 The commission, when issuing any bonds under the authority of
2457 this act, may provide that bonds, at the option of the State of
2458 Mississippi, may be called in for payment and redemption at the
2459 call price named therein and accrued interest on such date or
2460 dates named therein.

2461 **SECTION 115.** The bonds issued under the provisions of this
2462 act are general obligations of the State of Mississippi, and for
2463 the payment thereof the full faith and credit of the State of
2464 Mississippi is irrevocably pledged. If the funds appropriated by
2465 the Legislature are insufficient to pay the principal of and the
2466 interest on such bonds as they become due, then the deficiency
2467 shall be paid by the State Treasurer from any funds in the State
2468 Treasury not otherwise appropriated. All such bonds shall contain
2469 recitals on their faces substantially covering the provisions of
2470 this section.

2471 **SECTION 116.** Upon the issuance and sale of bonds under the
2472 provisions of this act, the commission shall transfer the proceeds

2473 of any such sale or sales to the special fund created in Section
2474 109 of this act. The proceeds of such bonds shall be disbursed
2475 solely upon the order of the Mississippi Development Authority
2476 under such restrictions, if any, as may be contained in the
2477 resolution providing for the issuance of the bonds.

2478 **SECTION 117.** The bonds authorized under this act may be
2479 issued without any other proceedings or the happening of any other
2480 conditions or things other than those proceedings, conditions and
2481 things which are specified or required by this act. Any
2482 resolution providing for the issuance of bonds under the
2483 provisions of this act shall become effective immediately upon its
2484 adoption by the commission, and any such resolution may be adopted
2485 at any regular or special meeting of the commission by a majority
2486 of its members.

2487 **SECTION 118.** The bonds authorized under the authority of
2488 this act may be validated in the Chancery Court of the First
2489 Judicial District of Hinds County, Mississippi, in the manner and
2490 with the force and effect provided by Chapter 13, Title 31,
2491 Mississippi Code of 1972, for the validation of county, municipal,
2492 school district and other bonds. The notice to taxpayers required
2493 by such statutes shall be published in a newspaper published or
2494 having a general circulation in the City of Jackson, Mississippi.

2495 **SECTION 119.** Any holder of bonds issued under the provisions
2496 of this act or of any of the interest coupons pertaining thereto
2497 may, either at law or in equity, by suit, action, mandamus or
2498 other proceeding, protect and enforce any and all rights granted
2499 under this act, or under such resolution, and may enforce and
2500 compel performance of all duties required by this act to be
2501 performed, in order to provide for the payment of bonds and
2502 interest thereon.

2503 **SECTION 120.** All bonds issued under the provisions of this
2504 act shall be legal investments for trustees and other fiduciaries,
2505 and for savings banks, trust companies and insurance companies

2506 organized under the laws of the State of Mississippi, and such
2507 bonds shall be legal securities which may be deposited with and
2508 shall be received by all public officers and bodies of this state
2509 and all municipalities and political subdivisions for the purpose
2510 of securing the deposit of public funds.

2511 **SECTION 121.** Bonds issued under the provisions of this act
2512 and income therefrom shall be exempt from all taxation in the
2513 State of Mississippi.

2514 **SECTION 122.** The proceeds of the bonds issued under this act
2515 shall be used solely for the purposes herein provided, including
2516 the costs incident to the issuance and sale of such bonds.

2517 **SECTION 123.** The State Treasurer is authorized, without
2518 further process of law, to certify to the Department of Finance
2519 and Administration the necessity for warrants, and the Department
2520 of Finance and Administration is authorized and directed to issue
2521 such warrants, in such amounts as may be necessary to pay when due
2522 the principal of, premium, if any, and interest on, or the
2523 accreted value of, all bonds issued under this act; and the State
2524 Treasurer shall forward the necessary amount to the designated
2525 place or places of payment of such bonds in ample time to
2526 discharge such bonds, or the interest thereon, on the due dates
2527 thereof.

2528 **SECTION 124.** This act shall be deemed to be full and
2529 complete authority for the exercise of the powers herein granted,
2530 but this act shall not be deemed to repeal or to be in derogation
2531 of any existing law of this state.

2532 **SECTION 125.** Chapter 534, Laws of 1998, is amended as
2533 follows:

2534 Section 1. As used in this act, the following words shall
2535 have the meanings ascribed herein unless the context clearly
2536 requires otherwise:

2537 (a) "Accreted value" of any bond means, as of any date
2538 of computation, an amount equal to the sum of (i) the stated

2539 initial value of such bond, plus (ii) the interest accrued thereon
2540 from the issue date to the date of computation at the rate,
2541 compounded semiannually, that is necessary to produce the
2542 approximate yield to maturity shown for bonds of the same
2543 maturity.

2544 (b) "State" means the State of Mississippi.

2545 (c) "Commission" means the State Bond Commission.

2546 Section 2. (1) A special fund, to be designated the "1998
2547 Port of Pascagoula Improvement Fund," is created within the State
2548 Treasury. The fund shall be maintained by the State Treasurer as
2549 a separate and special fund, separate and apart from the General
2550 Fund of the state, and investment earnings on amounts in the fund
2551 shall be deposited into such fund. The expenditure of monies
2552 deposited into the fund shall be under the direction of the
2553 Department of Finance and Administration, and such funds shall be
2554 paid by the State Treasurer upon warrants issued by the Department
2555 of Finance and Administration. Monies deposited into such fund
2556 shall be allocated and disbursed according to the provisions of
2557 this act.

2558 (2) Monies deposited into the fund shall be disbursed to pay
2559 the costs of the following improvements at the Port of Pascagoula:

2560 (a) Construction of and mitigation for an appropriate
2561 site to manage dredge material;

2562 (b) Dredging and otherwise improving the shipping
2563 channel of the Port of Pascagoula; * * *

2564 (c) Closure of an existing contaminated dredge material
2565 placement site on an island owned by the Port of Pascagoula known
2566 as Greenwood Island; and

2567 (d) Removal of dredged material from an existing
2568 dredged material management site in order to provide additional
2569 capacity at the site.

2570 Section 3. (1) The Department of Finance and
2571 Administration, at one time or from time to time, may declare by

2572 resolution the necessity for issuance of general obligation bonds
2573 of the State of Mississippi to provide funds for all costs
2574 incurred or to be incurred for the purposes described in Section 2
2575 of this act. Upon the adoption of a resolution by the Department
2576 of Finance and Administration declaring the necessity for the
2577 issuance of any part or all of the general obligation bonds
2578 authorized by this section, the Department of Finance and
2579 Administration shall deliver a certified copy of its resolution or
2580 resolutions to the State Bond Commission. Upon receipt of such
2581 resolution the commission, in its discretion, may act as the
2582 issuing agent, prescribe the form of the bonds, advertise for and
2583 accept bids, issue and sell the bonds so authorized to be sold,
2584 and do any and all other things necessary and advisable in
2585 connection with the issuance and sale of such bonds. The amount
2586 of bonds issued under this act shall not exceed Twenty Million
2587 Dollars (\$20,000,000.00).

2588 (2) Any investment earnings on amounts deposited into the
2589 1998 Port of Pascagoula Improvement Fund created in Section 2 of
2590 this act shall be used to pay debt service on bonds issued under
2591 this act, in accordance with the proceedings authorizing issuance
2592 of such bonds.

2593 (3) Upon the completion or abandonment of the projects
2594 described in Section 2 of this act, as evidenced by a resolution
2595 adopted by the Department of Finance and Administration certifying
2596 that all such projects have been completed or abandoned, the
2597 balance, if any, remaining in the 1998 Port of Pascagoula
2598 Improvement Fund shall be promptly applied to pay debt service on
2599 bonds issued under this act, in accordance with the proceedings
2600 authorizing the issuance of such bonds.

2601 Section 4. The principal of and interest on the bonds
2602 authorized under this act shall be payable in the manner provided
2603 in this section. Such bonds shall bear such date or dates, be in
2604 such denomination or denominations, bear interest at such rate or

2605 rates (not to exceed the limits set forth in Section 75-17-101),
2606 be payable at such place or places within or without the State of
2607 Mississippi, shall mature absolutely at such time or times not to
2608 exceed twenty-five (25) years from date of issue, be redeemable
2609 before maturity at such time or times and upon such terms, with or
2610 without premium, shall bear such registration privileges, and
2611 shall be substantially in such form, all as shall be determined by
2612 resolution of the commission.

2613 Section 5. The bonds authorized by this act shall be signed
2614 by the Chairman of the State Bond Commission, or by his facsimile
2615 signature, and the official seal of the commission shall be
2616 affixed thereto, attested by the secretary of the commission. The
2617 interest coupons, if any, to be attached to such bonds may be
2618 executed by the facsimile signatures of such officers. Whenever
2619 any such bonds shall have been signed by the officials designated
2620 to sign the bonds who were in office at the time of such signing
2621 but who may have ceased to be such officers before the sale and
2622 delivery of such bonds, or who may not have been in office on the
2623 date such bonds may bear, the signatures of such officers upon
2624 such bonds and coupons shall nevertheless be valid and sufficient
2625 for all purposes and have the same effect as if the person so
2626 officially signing such bonds had remained in office until their
2627 delivery to the purchaser, or had been in office on the date such
2628 bonds may bear. However, notwithstanding anything herein to the
2629 contrary, such bonds may be issued as provided in the Registered
2630 Bond Act of the State of Mississippi.

2631 Section 6. All bonds and interest coupons issued under the
2632 provisions of this act have all the qualities and incidents of
2633 negotiable instruments under the provisions of the Mississippi
2634 Uniform Commercial Code, and in exercising the powers granted by
2635 this act, the commission shall not be required to and need not
2636 comply with the provisions of the Mississippi Uniform Commercial
2637 Code.

2638 Section 7. The commission shall act as the issuing agent for
2639 the bonds authorized under this act, prescribe the form of the
2640 bonds, advertise for and accept bids, issue and sell the bonds so
2641 authorized to be sold, pay all fees and costs incurred in such
2642 issuance and sale, and do any and all other things necessary and
2643 advisable in connection with the issuance and sale of such bonds.
2644 The commission is authorized and empowered to pay the costs that
2645 are incident to the sale, issuance and delivery of the bonds
2646 authorized under this act from the proceeds derived from the sale
2647 of such bonds. The commission shall sell such bonds on sealed
2648 bids at public sale, and for such price as it may determine to be
2649 for the best interest of the State of Mississippi, but no such
2650 sale shall be made at a price less than par plus accrued interest
2651 to the date of delivery of the bonds to the purchaser. All
2652 interest accruing on such bonds so issued shall be payable
2653 semiannually or annually; however, the first interest payment may
2654 be for any period of not more than one (1) year.

2655 Notice of the sale of any such bonds shall be published at
2656 least one time, not less than ten (10) days before the date of
2657 sale, and shall be so published in one or more newspapers
2658 published or having a general circulation in the City of Jackson,
2659 Mississippi, and in one or more other newspapers or financial
2660 journals with a national circulation, to be selected by the
2661 commission.

2662 The commission, when issuing any bonds under the authority of
2663 this act, may provide that bonds, at the option of the State of
2664 Mississippi, may be called in for payment and redemption at the
2665 call price named therein and accrued interest on such date or
2666 dates named therein.

2667 Section 8. The bonds issued under the provisions of this act
2668 are general obligations of the State of Mississippi, and for the
2669 payment thereof the full faith and credit of the State of
2670 Mississippi is irrevocably pledged. If the funds appropriated by

2671 the Legislature are insufficient to pay the principal of and the
2672 interest on such bonds as they become due, then the deficiency
2673 shall be paid by the State Treasurer from any funds in the State
2674 Treasury not otherwise appropriated. All such bonds shall contain
2675 recitals on their faces substantially covering the provisions of
2676 this section.

2677 Section 9. Upon the issuance and sale of bonds under the
2678 provisions of this act, the commission shall transfer the proceeds
2679 of any such sale or sales to the 1998 Port of Pascagoula
2680 Improvement Fund created in Section 2 of this act. The proceeds
2681 of such bonds shall be disbursed solely upon the order of the
2682 Department of Finance and Administration under such restrictions,
2683 if any, as may be contained in the resolution providing for the
2684 issuance of the bonds.

2685 Section 10. The bonds authorized under this act may be
2686 issued without any other proceedings or the happening of any other
2687 conditions or things other than those proceedings, conditions and
2688 things which are specified or required by this act. Any
2689 resolution providing for the issuance of bonds under the
2690 provisions of this act shall become effective immediately upon its
2691 adoption by the commission, and any such resolution may be adopted
2692 at any regular or special meeting of the commission by a majority
2693 of its members.

2694 Section 11. The bonds authorized under the authority of this
2695 act may be validated in the Chancery Court of the First Judicial
2696 District of Hinds County, Mississippi, in the manner and with the
2697 force and effect provided by Chapter 13, Title 31, Mississippi
2698 Code of 1972, for the validation of county, municipal, school
2699 district and other bonds. The notice to taxpayers required by
2700 such statutes shall be published in a newspaper published or
2701 having a general circulation in the City of Jackson, Mississippi.

2702 Section 12. Any holder of bonds issued under the provisions
2703 of this act or of any of the interest coupons pertaining thereto

2704 may, either at law or in equity, by suit, action, mandamus or
2705 other proceeding, protect and enforce any and all rights granted
2706 under this act, or under such resolution, and may enforce and
2707 compel performance of all duties required by this act to be
2708 performed, in order to provide for the payment of bonds and
2709 interest thereon.

2710 Section 13. All bonds issued under the provisions of this
2711 act shall be legal investments for trustees and other fiduciaries,
2712 and for savings banks, trust companies and insurance companies
2713 organized under the laws of the State of Mississippi, and such
2714 bonds shall be legal securities which may be deposited with and
2715 shall be received by all public officers and bodies of this state
2716 and all municipalities and political subdivisions for the purpose
2717 of securing the deposit of public funds.

2718 Section 14. Bonds issued under the provisions of this act
2719 and income therefrom shall be exempt from all taxation in the
2720 State of Mississippi.

2721 Section 15. The proceeds of the bonds issued under this act
2722 shall be used solely for the purposes herein provided, including
2723 the costs incident to the issuance and sale of such bonds.

2724 Section 16. The State Treasurer is authorized, without
2725 further process of law, to certify to the Department of Finance
2726 and Administration the necessity for warrants, and the Department
2727 of Finance and Administration is authorized and directed to issue
2728 such warrants, in such amounts as may be necessary to pay when due
2729 the principal of, premium, if any, and interest on, or the
2730 accreted value of, all bonds issued under this act; and the State
2731 Treasurer shall forward the necessary amount to the designated
2732 place or places of payment of such bonds in ample time to
2733 discharge such bonds, or the interest thereon, on the due dates
2734 thereof.

2735 Section 17. The provisions of this act shall be deemed to be
2736 full and complete authority for the exercise of the powers therein

2737 granted, but this act shall not be deemed to repeal or to be in
2738 derogation of any existing law of this state.

2739 **SECTION 126.** (1) As used in this section:

2740 (a) "Certified historic structure" means a property
2741 located in Mississippi and listed individually on the National
2742 Register of Historic Places.

2743 (b) "Eligible property" means property located in
2744 Mississippi and offered or used for residential or business
2745 purposes.

2746 (c) "Structure in a certified historic district" means
2747 a structure (and its structural components) located in Mississippi
2748 which is:

2749 (i) Is listed in the National Register of Historic
2750 Places, or

2751 (ii) Is located in a registered historic district
2752 and is certified by the Secretary of the United States Department
2753 of the Interior as being of historic significance to the district;
2754 or

2755 (iii) Certified by the Mississippi Department of
2756 Archives and History as contributing to the historic significance
2757 of a certified historic district listed on the National Register
2758 of Historic Places or a local district that has been certified by
2759 the United States Department of the Interior.

2760 (2) Any taxpayer incurring costs and expenses for the
2761 rehabilitation of eligible property, which is a certified historic
2762 structure or a structure in a certified historic district, shall
2763 be entitled to a credit against the taxes imposed pursuant to this
2764 chapter in an amount equal to five percent (5%) of the total costs
2765 and expenses of rehabilitation incurred after January 1, 2005,
2766 which shall include, but not be limited to, qualified
2767 rehabilitation expenditures as defined under Section 47(c)(2)(A)
2768 of the Internal Revenue Code of 1986, as amended, and the related
2769 regulations thereunder, if the costs and expenses associated with

2770 rehabilitation exceed fifty percent (50%) of the total basis in
2771 the property and the rehabilitation is consistent with the
2772 standards of the Secretary of the United States Department of the
2773 Interior as determined by the Department of Archives and History.
2774 The Board of Trustees of the Department of Archives and History is
2775 authorized to charge a reasonable nonrefundable fee for
2776 administration of this act, said fee not to exceed the actual cost
2777 of providing such services. Any taxpayer desiring to participate
2778 in the tax credits authorized by this section shall pay this fee
2779 to the Department of Archives and History, which shall be used
2780 without appropriation from the Legislature, by the department to
2781 offset said administrative costs.

2782 (3) (a) If the amount of the tax credit established by this
2783 section exceeds the total state income tax liability for the year
2784 in which the rehabilitated property is placed in service, the
2785 amount that exceeds the total state income tax liability may be
2786 carried forward for the ten (10) succeeding tax years.

2787 (b) Not-for-profit entities, including, but not limited
2788 to, nonprofit corporations organized under Section 79-11-101
2789 et seq. shall be ineligible for the credit authorized by this
2790 section. Credits granted to a partnership, a limited liability
2791 company taxed as a partnership or multiple owners of property
2792 shall be passed through to the partners, members or owners on a
2793 pro rata basis or pursuant to an executed agreement among the
2794 partners, members or owners documenting an alternative
2795 distribution method.

2796 (4) To claim the credit authorized pursuant to this section,
2797 the taxpayer shall apply to the Mississippi Development Authority
2798 which shall determine the amount of eligible rehabilitation costs
2799 and expenses and whether the rehabilitation is consistent with the
2800 standards of the Secretary of the United States Department of the
2801 Interior. If the Mississippi Development Authority makes a
2802 determination that the expenditure of eligible rehabilitation

2803 costs has a positive economic, fiscal or tax impact, either direct
2804 or indirect, on the state or on local governments, the Mississippi
2805 Development Authority shall issue a certificate evidencing the
2806 eligible credit if the taxpayer is found to be eligible for the
2807 tax credit. The taxpayer shall attach the certificate to all
2808 income tax returns on which the credit is claimed.

2809 (5) This section shall stand repealed on December 31, 2010.

2810 **SECTION 127.** Section 126 of this act shall take effect and
2811 be in force from and after January 1, 2005, and the remainder of
2812 this act shall take effect and be in force from and after its
2813 passage.