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AMENDMENT NO 1 TO AMENDMENT NO 1 PROPOSED TO**

House Bill No. 4

BY: Senator(s) Jordan

1 **AMEND by inserting the following after line 2809 and renumber**
2 **subsequent section(s) accordingly:**

3 **SECTION *.** As used in Sections __ through __ of this act,
4 the following words shall have the meanings ascribed herein unless
5 the context clearly requires otherwise:

6 (a) "Accreted value" of any bond means, as of any date
7 of computation, an amount equal to the sum of (i) the stated
8 initial value of such bond, plus (ii) the interest accrued thereon
9 from the issue date to the date of computation at the rate,
10 compounded semiannually, that is necessary to produce the
11 approximate yield to maturity shown for bonds of the same
12 maturity.

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

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

15 (d) "This act" means Sections __ through __ of this
16 act.

17 **SECTION *.** (1) (a) A special fund, to be designated as the
18 "Ethanol Plant Incentive Fund" is created within the State
19 Treasury. The fund shall be maintained by the State Treasurer as
20 a separate and special fund, separate and apart from the General
21 Fund of the state. Unexpended amounts remaining in the fund at
22 the end of a fiscal year shall not lapse into the State General

23 Fund, and any interest earned or investment earnings on amounts in
24 the fund shall be deposited into such fund.

25 (b) Monies deposited into the fund shall be disbursed,
26 in the discretion of the Mississippi Development Authority to
27 assist in the construction of an ethanol manufacturing plant in
28 Leflore County, Mississippi.

29 (2) Amounts deposited into such special fund shall be
30 disbursed in the discretion of the Mississippi Development
31 Authority in the construction of the project described in
32 subsection (1) of this section. Promptly after the commission has
33 certified, by resolution duly adopted, that the projects described
34 in subsection (1) shall have been completed, abandoned, or cannot
35 be completed in a timely fashion, any amounts remaining in such
36 special fund shall be applied to pay debt service on the bonds
37 issued under this act, in accordance with the proceedings
38 authorizing the issuance of such bonds and as directed by the
39 commission.

40 (3) The expenditure of monies deposited into the special
41 fund shall be under the direction of the Mississippi Development
42 Authority, and such funds shall be paid by the State Treasurer
43 upon warrants issued by the Department of Finance and
44 Administration, which warrants shall be issued upon requisitions
45 signed by the Executive Director of the Mississippi Development
46 Authority, or his designee.

47 **SECTION *.** (1) The commission, at one time, or from time to
48 time, may declare by resolution the necessity for issuance of
49 general obligation bonds of the State of Mississippi to provide
50 funds for all costs incurred or to be incurred for the purposes
51 described in Section _ of this act. Upon the adoption of a
52 resolution by the Department of Finance and Administration,
53 declaring the necessity for the issuance of any part or all of the
54 general obligation bonds authorized by this section, the

55 Department of Finance and Administration shall deliver a certified
56 copy of its resolution or resolutions to the commission. Upon
57 receipt of such resolution, the commission, in its discretion, may
58 act as the issuing agent, prescribe the form of the bonds,
59 advertise for and accept bids, issue and sell the bonds so
60 authorized to be sold and do any and all other things necessary
61 and advisable in connection with the issuance and sale of such
62 bonds. The total amount of bonds issued under this act shall not
63 exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00).
64 No bonds shall be issued under this act after July 1, 2009.

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

69 **SECTION *.** The principal of and interest on the bonds
70 authorized under this act shall be payable in the manner provided
71 in this section. Such bonds shall bear such date or dates, be in
72 such denomination or denominations, bear interest at such rate or
73 rates (not to exceed the limits set forth in Section 75-17-101,
74 Mississippi Code of 1972), be payable at such place or places
75 within or without the State of Mississippi, shall mature
76 absolutely at such time or times not to exceed twenty-five (25)
77 years from date of issue, be redeemable before maturity at such
78 time or times and upon such terms, with or without premium, shall
79 bear such registration privileges, and shall be substantially in
80 such form, all as shall be determined by resolution of the
81 commission.

82 **SECTION *.** The bonds authorized by this act shall be signed
83 by the chairman of the commission, or by his facsimile signature,
84 and the official seal of the commission shall be affixed thereto,
85 attested by the secretary of the commission. The interest
86 coupons, if any, to be attached to such bonds may be executed by

87 the facsimile signatures of such officers. Whenever any such
88 bonds shall have been signed by the officials designated to sign
89 the bonds who were in office at the time of such signing but who
90 may have ceased to be such officers before the sale and delivery
91 of such bonds, or who may not have been in office on the date such
92 bonds may bear, the signatures of such officers upon such bonds
93 and coupons shall nevertheless be valid and sufficient for all
94 purposes and have the same effect as if the person so officially
95 signing such bonds had remained in office until their delivery to
96 the purchaser, or had been in office on the date such bonds may
97 bear. However, notwithstanding anything herein to the contrary,
98 such bonds may be issued as provided in the Registered Bond Act of
99 the State of Mississippi.

100 **SECTION *.** All bonds and interest coupons issued under the
101 provisions of this act have all the qualities and incidents of
102 negotiable instruments under the provisions of the Uniform
103 Commercial Code, and in exercising the powers granted by this act,
104 the commission shall not be required to and need not comply with
105 the provisions of the Uniform Commercial Code.

106 **SECTION *.** The commission shall act as the issuing agent for
107 the bonds authorized under this act, prescribe the form of the
108 bonds, advertise for and accept bids, issue and sell the bonds so
109 authorized to be sold, pay all fees and costs incurred in such
110 issuance and sale, and do any and all other things necessary and
111 advisable in connection with the issuance and sale of such bonds.
112 The commission is authorized and empowered to pay the costs that
113 are incident to the sale, issuance and delivery of the bonds
114 authorized under this act from the proceeds derived from the sale
115 of such bonds. The commission shall sell such bonds on sealed
116 bids at public sale, and for such price as it may determine to be
117 for the best interest of the State of Mississippi, but no such
118 sale shall be made at a price less than par plus accrued interest

119 to the date of delivery of the bonds to the purchaser. All
120 interest accruing on such bonds so issued shall be payable
121 semiannually or annually; however, the first interest payment may
122 be for any period of not more than one (1) year.

123 Notice of the sale of any such bonds shall be published at
124 least one time, not less than ten (10) days before the date of
125 sale, and shall be so published in one or more newspapers
126 published or having a general circulation in the City of Jackson,
127 Mississippi, and in one or more other newspapers or financial
128 journals with a national circulation, to be selected by the
129 commission.

130 The commission, when issuing any bonds under the authority of
131 this act, may provide that bonds, at the option of the State of
132 Mississippi, may be called in for payment and redemption at the
133 call price named therein and accrued interest on such date or
134 dates named therein.

135 **SECTION *.** The bonds issued under the provisions of this act
136 are general obligations of the State of Mississippi, and for the
137 payment thereof the full faith and credit of the State of
138 Mississippi is irrevocably pledged. If the funds appropriated by
139 the Legislature are insufficient to pay the principal of and the
140 interest on such bonds as they become due, then the deficiency
141 shall be paid by the State Treasurer from any funds in the State
142 Treasury not otherwise appropriated. All such bonds shall contain
143 recitals on their faces substantially covering the provisions of
144 this section.

145 **SECTION *.** Upon the issuance and sale of bonds under the
146 provisions of this act, the commission shall transfer the proceeds
147 of any such sale or sales to the special fund created in Section _
148 of this act. The proceeds of such bonds shall be disbursed solely
149 upon the order of the Department of Finance and Administration

150 under such restrictions, if any, as may be contained in the
151 resolution providing for the issuance of the bonds.

152 **SECTION *.** The bonds authorized under this act may be issued
153 without any other proceedings or the happening of any other
154 conditions or things other than those proceedings, conditions and
155 things which are specified or required by this act. Any
156 resolution providing for the issuance of bonds under the
157 provisions of this act shall become effective immediately upon its
158 adoption by the commission, and any such resolution may be adopted
159 at any regular or special meeting of the commission by a majority
160 of its members.

161 **SECTION *.** The bonds authorized under the authority of this
162 act may be validated in the Chancery Court of the First Judicial
163 District of Hinds County, Mississippi, in the manner and with the
164 force and effect provided by Chapter 13, Title 31, Mississippi
165 Code of 1972, for the validation of county, municipal, school
166 district and other bonds. The notice to taxpayers required by
167 such statutes shall be published in a newspaper published or
168 having a general circulation in the City of Jackson, Mississippi.

169 **SECTION *.** Any holder of bonds issued under the provisions
170 of this act or of any of the interest coupons pertaining thereto
171 may, either at law or in equity, by suit, action, mandamus or
172 other proceeding, protect and enforce any and all rights granted
173 under this act, or under such resolution, and may enforce and
174 compel performance of all duties required by this act to be
175 performed, in order to provide for the payment of bonds and
176 interest thereon.

177 **SECTION *.** All bonds issued under the provisions of this act
178 shall be legal investments for trustees and other fiduciaries, and
179 for savings banks, trust companies and insurance companies
180 organized under the laws of the State of Mississippi, and such
181 bonds shall be legal securities which may be deposited with and

182 shall be received by all public officers and bodies of this state
183 and all municipalities and political subdivisions for the purpose
184 of securing the deposit of public funds.

185 **SECTION *.** Bonds issued under the provisions of this act and
186 income therefrom shall be exempt from all taxation in the State of
187 Mississippi.

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

191 **SECTION *.** The State Treasurer is authorized, without
192 further process of law, to certify to the Department of Finance
193 and Administration the necessity for warrants, and the Department
194 of Finance and Administration is authorized and directed to issue
195 such warrants, in such amounts as may be necessary to pay when due
196 the principal of, premium, if any, and interest on, or the
197 accreted value of, all bonds issued under this act; and the State
198 Treasurer shall forward the necessary amount to the designated
199 place or places of payment of such bonds in ample time to
200 discharge such bonds, or the interest thereon, on the due dates
201 thereof.

202 **SECTION *.** This act shall be deemed to be full and complete
203 authority for the exercise of the powers herein granted, but this
204 act shall not be deemed to repeal or to be in derogation of any
205 existing law of this state.

206 **FURTHER, AMEND the title to conform.**