

By: Representatives Hines,  
Bailey, Banks, Broomfield, Buck,  
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To: Ways and Means

HOUSE BILL NO. 32

1 AN ACT TO CREATE THE MISSISSIPPI HURRICANE KATRINA EVACUEE  
2 PROGRAM TO BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT  
3 AUTHORITY FOR THE PURPOSE OF PROVIDING LOANS AND GRANTS TO  
4 COMMUNITY ACTION AGENCIES WITHIN COUNTIES AND MUNICIPALITIES AND  
5 LOANS TO SMALL BUSINESS ENTERPRISES TO ASSIST IN CREATING AND  
6 IMPROVING OPPORTUNITIES FOR HURRICANE KATRINA EVACUEES; TO  
7 AUTHORIZE ISSUANCE OF \$1,000,000.00 IN STATE GENERAL OBLIGATION  
8 BONDS TO PROVIDE FUNDS FOR THE MISSISSIPPI HURRICANE KATRINA  
9 EVACUEE FUND; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) There is established the Mississippi  
12 Hurricane Katrina Evacuee Program to be administered by the  
13 Mississippi Development Authority (MDA) for the purpose of  
14 providing grants and loans to community action agencies within  
15 counties and municipalities to assist the agencies in creating and  
16 improving opportunities for evacuees and small business  
17 enterprises that employ evacuees.

18 (2) For the purposes of this section the following words  
19 shall have the following meanings:

20 (a) "Evacuee" means a person who has either relocated  
21 from an area in the State of Mississippi damaged by Hurricane  
22 Katrina to a different location within the state or relocated from  
23 a parish in the State of Louisiana damaged by Hurricane Katrina to  
24 the State of Mississippi.

25 (b) "Small business enterprise" means a commercial  
26 enterprise with less than fifty (50) full-time employees or less  
27 than One Million Dollars (\$1,000,000.00) in net worth.

28 (3) Grants received by a community action agency from MDA  
29 shall be used by the community action agency in accordance with  
30 this section to provide a grant to a person with whom evacuees

31 will reside for at least a twelve (12) month period or to evacuees  
32 for the purpose of purchasing a home. The grants may be provided  
33 to the persons described in this subsection in amounts of Five  
34 Thousand Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or  
35 Fifteen Thousand Dollars (\$15,000.00).

36 (4) Loans received by a community action agency from MDA in  
37 accordance with this section shall be used by the community action  
38 agency to provide loans to small business enterprises for the  
39 purpose of expanding their business to hire evacuees. The small  
40 business enterprise shall employ at least two (2) evacuees for a  
41 twenty-four-month period following issuance of the loan. The  
42 grants may be provided to small business enterprises in amounts up  
43 to Twenty-Five Thousand Dollars (\$25,000.00).

44 (5) A community action agency desiring assistance under this  
45 section must submit an application to the MDA. The application  
46 must include a description of the purpose for which assistance is  
47 requested, the amount of assistance requested and any other  
48 information required by the MDA.

49 (6) The MDA shall have all powers necessary to implement and  
50 administer the program established under this section, and the MDA  
51 shall promulgate rules and regulations, in accordance with the  
52 Mississippi Administrative Procedures Law, necessary for the  
53 implementation of this section.

54 (7) There is created in the State Treasury a special fund to  
55 be designated as the "Mississippi Hurricane Katrina Evacuee Fund,"  
56 which shall consist of funds appropriated or otherwise made  
57 available by the Legislature in any manner and funds from any  
58 other source designated for deposit into such fund. Unexpended  
59 amounts remaining in the fund at the end of a fiscal year shall  
60 not lapse into the State General Fund, and any investment earnings  
61 or interest earned on amounts in the fund shall be deposited to  
62 the credit of the fund. Monies in the fund shall be used by the  
63 MDA for the purposes described in this section.

64           **SECTION 2.** As used in Sections 2 through 17 of this act, the  
65 following words shall have the meanings ascribed herein unless the  
66 context clearly requires otherwise:

67           (a) "Accreted value" of any bonds means, as of any date  
68 of computation, an amount equal to the sum of (i) the stated  
69 initial value of such bond, plus (ii) the interest accrued thereon  
70 from the issue date to the date of computation at the rate,  
71 compounded semiannually, that is necessary to produce the  
72 approximate yield to maturity shown for bonds of the same  
73 maturity.

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

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

76           **SECTION 3.** (1) The Mississippi Development Authority, at  
77 one time, or from time to time, may declare by resolution the  
78 necessity for issuance of general obligation bonds of the State of  
79 Mississippi to provide funds for the program authorized in Section  
80 1 of this act. Upon the adoption of a resolution by the  
81 Mississippi Development Authority, declaring the necessity for the  
82 issuance of any part or all of the general obligation bonds  
83 authorized by this section, the Mississippi Development Authority  
84 shall deliver a certified copy of its resolution or resolutions to  
85 the commission. Upon receipt of such resolution, the commission,  
86 in its discretion, may act as the issuing agent, prescribe the  
87 form of the bonds, advertise for and accept bids, issue and sell  
88 the bonds so authorized to be sold and do any and all other things  
89 necessary and advisable in connection with the issuance and sale  
90 of such bonds. The total amount of bonds issued under Sections 2  
91 through 17 of this act shall not exceed One Million Dollars  
92 (\$1,000,000.00). No bonds shall be issued under Sections 2  
93 through 17 of this act after July 1, 2007.

94           (2) The proceeds of bonds issued pursuant to Sections 2  
95 through 17 of this act shall be deposited into the Mississippi  
96 Hurricane Katrina Evacuee Fund created pursuant to Section 1 of

97 this act. Any investment earnings on bonds issued pursuant to  
98 Sections 2 through 17 of this act shall be used to pay debt  
99 service on bonds issued under Sections 2 through 17 of this act,  
100 in accordance with the proceedings authorizing issuance of such  
101 bonds.

102       **SECTION 4.** The principal of and interest on the bonds  
103 authorized under Sections 2 through 17 of this act shall be  
104 payable in the manner provided in this section. Such bonds shall  
105 bear such date or dates, be in such denomination or denominations,  
106 bear interest at such rate or rates (not to exceed the limits set  
107 forth in Section 75-17-101, Mississippi Code of 1972), be payable  
108 at such place or places within or without the State of  
109 Mississippi, shall mature absolutely at such time or times not to  
110 exceed twenty-five (25) years from date of issue, be redeemable  
111 before maturity at such time or times and upon such terms, with or  
112 without premium, shall bear such registration privileges, and  
113 shall be substantially in such form, all as shall be determined by  
114 resolution of the commission.

115       **SECTION 5.** The bonds authorized by Sections 2 through 17 of  
116 this act shall be signed by the chairman of the commission, or by  
117 his facsimile signature, and the official seal of the commission  
118 shall be affixed thereto, attested by the secretary of the  
119 commission. The interest coupons, if any, to be attached to such  
120 bonds may be executed by the facsimile signatures of such  
121 officers. Whenever any such bonds shall have been signed by the  
122 officials designated to sign the bonds who were in office at the  
123 time of such signing but who may have ceased to be such officers  
124 before the sale and delivery of such bonds, or who may not have  
125 been in office on the date such bonds may bear, the signatures of  
126 such officers upon such bonds and coupons shall nevertheless be  
127 valid and sufficient for all purposes and have the same effect as  
128 if the person so officially signing such bonds had remained in  
129 office until their delivery to the purchaser, or had been in

130 office on the date such bonds may bear. However, notwithstanding  
131 anything herein to the contrary, such bonds may be issued as  
132 provided in the Registered Bond Act of the State of Mississippi.

133 **SECTION 6.** All bonds and interest coupons issued under the  
134 provisions of Sections 2 through 17 of this act have all the  
135 qualities and incidents of negotiable instruments under the  
136 provisions of the Uniform Commercial Code, and in exercising the  
137 powers granted by Sections 2 through 17 of this act, the  
138 commission shall not be required to and need not comply with the  
139 provisions of the Uniform Commercial Code.

140 **SECTION 7.** The commission shall act as the issuing agent for  
141 the bonds authorized under Sections 2 through 17 of this act,  
142 prescribe the form of the bonds, advertise for and accept bids,  
143 issue and sell the bonds so authorized to be sold, pay all fees  
144 and costs incurred in such issuance and sale, and do any and all  
145 other things necessary and advisable in connection with the  
146 issuance and sale of such bonds. The commission is authorized and  
147 empowered to pay the costs that are incident to the sale, issuance  
148 and delivery of the bonds authorized under Sections 2 through 17  
149 of this act from the proceeds derived from the sale of such bonds.  
150 The commission shall sell such bonds on sealed bids at public  
151 sale, and for such price as it may determine to be for the best  
152 interest of the State of Mississippi, but no such sale shall be  
153 made at a price less than par plus accrued interest to the date of  
154 delivery of the bonds to the purchaser. All interest accruing on  
155 such bonds so issued shall be payable semiannually or annually;  
156 however, the first interest payment may be for any period of not  
157 more than one (1) year.

158 Notice of the sale of any such bonds shall be published at  
159 least one time, not less than ten (10) days before the date of  
160 sale, and shall be so published in one or more newspapers  
161 published or having a general circulation in the City of Jackson,  
162 Mississippi, and in one or more other newspapers or financial

163 journals with a national circulation, to be selected by the  
164 commission.

165 The commission, when issuing any bonds under the authority of  
166 Sections 2 through 17 of this act, may provide that bonds, at the  
167 option of the State of Mississippi, may be called in for payment  
168 and redemption at the call price named therein and accrued  
169 interest on such date or dates named therein.

170 **SECTION 8.** The bonds issued under the provisions of Sections  
171 2 through 17 of this act are general obligations of the State of  
172 Mississippi, and for the payment thereof the full faith and credit  
173 of the State of Mississippi is irrevocably pledged. If the funds  
174 appropriated by the Legislature are insufficient to pay the  
175 principal of and the interest on such bonds as they become due,  
176 then the deficiency shall be paid by the State Treasurer from any  
177 funds in the State Treasury not otherwise appropriated. All such  
178 bonds shall contain recitals on their faces substantially covering  
179 the provisions of this section.

180 **SECTION 9.** Upon the issuance and sale of bonds under the  
181 provisions of Sections 2 through 17 of this act, the commission  
182 shall transfer the proceeds of any such sale or sales to the  
183 Mississippi Hurricane Katrina Evacuee Fund created in Section 1 of  
184 this act. The proceeds of such bonds shall be disbursed solely  
185 upon the order of the Mississippi Development Authority under such  
186 restrictions, if any, as may be contained in the resolution  
187 providing for the issuance of the bonds.

188 **SECTION 10.** The bonds authorized under Sections 2 through 17  
189 of this act may be issued without any other proceedings or the  
190 happening of any other conditions or things other than those  
191 proceedings, conditions and things which are specified or required  
192 by Sections 2 through 17 of this act. Any resolution providing  
193 for the issuance of bonds under the provisions of Sections 2  
194 through 17 of this act shall become effective immediately upon its  
195 adoption by the commission, and any such resolution may be adopted

196 at any regular or special meeting of the commission by a majority  
197 of its members.

198       **SECTION 11.** The bonds authorized under the authority of  
199 Sections 2 through 17 of this act may be validated in the Chancery  
200 Court of the First Judicial District of Hinds County, Mississippi,  
201 in the manner and with the force and effect provided by Chapter  
202 13, Title 31, Mississippi Code of 1972, for the validation of  
203 county, municipal, school district and other bonds. The notice to  
204 taxpayers required by such statutes shall be published in a  
205 newspaper published or having a general circulation in the City of  
206 Jackson, Mississippi.

207       **SECTION 12.** Any holder of bonds issued under the provisions  
208 of Sections 2 through 17 of this act or of any of the interest  
209 coupons pertaining thereto may, either at law or in equity, by  
210 suit, action, mandamus or other proceeding, protect and enforce  
211 any and all rights granted under Sections 2 through 17 of this  
212 act, or under such resolution, and may enforce and compel  
213 performance of all duties required by Sections 2 through 17 of  
214 this act to be performed, in order to provide for the payment of  
215 bonds and interest thereon.

216       **SECTION 13.** All bonds issued under the provisions of  
217 Sections 2 through 17 of this act shall be legal investments for  
218 trustees and other fiduciaries, and for savings banks, trust  
219 companies and insurance companies organized under the laws of the  
220 State of Mississippi, and such bonds shall be legal securities  
221 which may be deposited with and shall be received by all public  
222 officers and bodies of this state and all municipalities and  
223 political subdivisions for the purpose of securing the deposit of  
224 public funds.

225       **SECTION 14.** Bonds issued under the provisions of Sections 2  
226 through 17 of this act and income therefrom shall be exempt from  
227 all taxation in the State of Mississippi.

228           **SECTION 15.** The proceeds of the bonds issued under Sections  
229 2 through 17 of this act shall be used solely for the purposes  
230 therein provided, including the costs incident to the issuance and  
231 sale of such bonds.

232           **SECTION 16.** The State Treasurer is authorized, without  
233 further process of law, to certify to the Department of Finance  
234 and Administration the necessity for warrants, and the Department  
235 of Finance and Administration is authorized and directed to issue  
236 such warrants, in such amounts as may be necessary to pay when due  
237 the principal of, premium, if any, and interest on, or the  
238 accreted value of, all bonds issued under Sections 2 through 17 of  
239 this act; and the State Treasurer shall forward the necessary  
240 amount to the designated place or places of payment of such bonds  
241 in ample time to discharge such bonds, or the interest thereon, on  
242 the due dates thereof.

243           **SECTION 17.** Sections 2 through 17 of this act shall be  
244 deemed to be full and complete authority for the exercise of the  
245 powers therein granted, but Sections 2 through 17 of this act  
246 shall not be deemed to repeal or to be in derogation of any  
247 existing law of this state.

248           **SECTION 18.** This act shall take effect and be in force from  
249 and after its passage.