

By: Senator(s) Robertson

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2985

1 AN ACT TO AMEND SECTION 65-4-25, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE BY \$10,000,000.00 THE AMOUNT OF GENERAL OBLIGATION BONDS  
3 THAT MAY BE ISSUED UNDER THE ECONOMIC DEVELOPMENT HIGHWAY ACT; TO  
4 BRING FORWARD SECTIONS 65-4-1 THROUGH 65-4-23 AND SECTIONS 65-4-27  
5 THROUGH 65-4-45, MISSISSIPPI CODE OF 1972; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 65-4-25, Mississippi Code of 1972, is  
9 amended as follows:

10 65-4-25. The Mississippi Development Authority, acting  
11 through its executive director, is authorized, at one time or from  
12 time to time, to declare by resolution the necessity for issuance  
13 of negotiable general obligation bonds of the State of Mississippi  
14 to provide funds for the Economic Development Highway Fund  
15 established in Section 65-4-15, Mississippi Code of 1972. Upon  
16 the adoption of a resolution by the Executive Director of the  
17 Mississippi Development Authority, declaring the necessity for the  
18 issuance of any part or all of the general obligation bonds  
19 authorized by Sections 65-4-25 through 65-4-45, Mississippi Code  
20 of 1972, the executive director shall deliver a certified copy of  
21 his resolution or resolutions to the State Bond Commission. Upon  
22 receipt of same, the State Bond Commission, in its discretion,  
23 shall act as the issuing agent, prescribe the form of the bonds,  
24 advertise for and accept bids, issue and sell the bonds so  
25 authorized to be sold, and do any and all other things necessary  
26 and advisable in connection with the issuance and sale of such  
27 bonds. The principal amount of bonds issued under Sections  
28 65-4-25 through 65-4-45, Mississippi Code of 1972, shall not  
29 exceed One Hundred Eighty-nine Million Five Hundred Thousand

30 Dollars (\$189,500,000.00) in the aggregate. However, an  
31 additional amount of bonds may be issued under Sections 65-4-25  
32 through 65-4-45, Mississippi Code of 1972, in an amount not to  
33 exceed Seven Million Dollars (\$7,000,000.00), and the proceeds of  
34 any such additional bonds issued shall be used to provide funding  
35 for a high economic benefit project as defined in Section  
36 65-4-5(1)(c)(vi), Mississippi Code of 1972.

37 **SECTION 2.** Section 65-4-1, Mississippi Code of 1972, is  
38 brought forward as follows:

39 65-4-1. This chapter shall be known and may be cited as the  
40 "Economic Development Highway Act."

41 **SECTION 3.** Section 65-4-3, Mississippi Code of 1972, is  
42 brought forward as follows:

43 65-4-3. It is the purpose of this chapter to promote,  
44 attract and secure industrial and other significant development in  
45 the state through the construction and improvement of highways in  
46 areas of the state which demonstrate actual and immediate  
47 potential for the creation or expansion of major industry or other  
48 significant development which is heavily dependent upon the use of  
49 and direct access to primary highways.

50 **SECTION 4.** Section 65-4-5, Mississippi Code of 1972, is  
51 brought forward as follows:

52 65-4-5. (1) The following words when used in this chapter  
53 shall have the meanings herein ascribed unless the context  
54 otherwise clearly requires:

55 (a) "Board" means the Mississippi Development  
56 Authority;

57 (b) "Department" means the Mississippi Department of  
58 Transportation;

59 (c) "High economic benefit project" means:

60 (i) Any new investment by a private company with  
61 capital investments in land, buildings, depreciable fixed assets

62 and improvements of at least Fifty Million Dollars

63 (\$50,000,000.00);

64 (ii) Any new investment of at least Twenty Million

65 Dollars (\$20,000,000.00) by a private company having capital

66 investments in this state in land, buildings, depreciable fixed

67 assets and improvements of at least One Billion Dollars

68 (\$1,000,000,000.00) in the aggregate;

69 (iii) Public investment of at least One Hundred

70 Million Dollars (\$100,000,000.00) to take place over a specified

71 period of time and in accordance with a master plan duly adopted

72 by the controlling political subdivision;

73 (iv) Any new investments in land, buildings,

74 depreciable fixed assets and improvements by two (2) private

75 companies upon land that is adjacent whenever the new investments

76 of both companies are at least Sixty Million Dollars

77 (\$60,000,000.00) in the aggregate, and such new investments by

78 both private companies provide for the employment of at least five

79 hundred (500) employees in the aggregate;

80 (v) Any project which would benefit from the

81 construction of any highway bypass which would aid in economic

82 development and would provide an alternate route to avoid an

83 existing route which underpasses a railroad and which would aid in

84 existing or proposed industry;

85 (vi) Any master planned community;

86 (vii) Any new investments in land, buildings,

87 depreciable fixed assets and improvements by not more than three

88 (3) private companies physically located within a one-half (1/2)

89 mile radius of each other whenever the new investments of such

90 companies are at least Sixty Million Dollars (\$60,000,000.00) in

91 the aggregate, and such new investments by such companies provide

92 for the employment of at least three hundred (300) new employees

93 in the aggregate;

94                   (viii) Any new investments in land, buildings,  
95 depreciable fixed assets and improvements by two (2) or more  
96 private companies upon lands originally adjacent, but now divided  
97 by a four-lane state highway and bordered by a two-lane state  
98 highway, and the new investments of the companies is at least  
99 Fifty Million Dollars (\$50,000,000.00) in the aggregate, and a  
100 portion of such new investment will be utilized for the  
101 construction of a hospital;

102                   (ix) Any new investments in land, buildings,  
103 depreciable fixed assets and improvements, of at least Fifty  
104 Million Dollars (\$50,000,000.00) in the aggregate, in any county  
105 having a population greater than seventy thousand (70,000)  
106 according to the latest federal decennial census, and in which the  
107 population of such county, according to the latest federal  
108 decennial census, increased by at least ten percent (10%) above  
109 the population in the preceding federal decennial census, and a  
110 portion of such new investment will be used for the construction  
111 of a hospital for which a certificate of need has been issued by  
112 the State Department of Health. This subparagraph (ix) shall  
113 stand repealed from and after July 1, 2007.

114           However, if the initial investments that a private company  
115 made in order to meet the definition of a high economic benefit  
116 project under paragraph (c)(i) of this subsection and in order to  
117 be approved for such project exceeded Fifty Million Dollars  
118 (\$50,000,000.00), or if subsequent to being approved for the  
119 initial project the same company and/or one or more other private  
120 companies made additional capital investments exceeding Fifty  
121 Million Dollars (\$50,000,000.00) in aggregate value in land,  
122 buildings, depreciable fixed assets and improvements physically  
123 attached to or forming a part of the initially planned site  
124 development, then an amount equal to fifty percent (50%) of all  
125 such investments that exceeds Fifty Million Dollars  
126 (\$50,000,000.00) shall be subtracted from the Sixty Million

127 Dollars (\$60,000,000.00) in aggregate value of new investments  
128 required under this paragraph (c)(vii).

129 (d) "Political subdivision" means one or more counties  
130 or incorporated municipalities in the state, or a state-owned port  
131 located in a county bordering on the Gulf of Mexico;

132 (e) "Private company" means:

133 (i) Any agricultural, aquacultural, maricultural,  
134 processing, distribution, warehousing, manufacturing or research  
135 and development enterprise;

136 (ii) Any air transportation and maintenance  
137 facility, regional shopping mall, hospital, large hotel, resort or  
138 movie industry studio;

139 (iii) The federal government with respect to any  
140 specific project which meets the criteria established in paragraph  
141 (c)(i) of this subsection;

142 (iv) Any existing or proposed industry in regard  
143 to a project described in paragraph (c)(v) of this subsection; or

144 (v) A developer with respect to any specific  
145 project which meets the criteria established in paragraph (c)(vi)  
146 of this subsection.

147 (f) "Master planned community" shall have the same  
148 meaning as that term is defined in Section 19-5-10.

149 (2) The Mississippi Department of Transportation is hereby  
150 authorized to purchase rights-of-way and construct and maintain  
151 roads and highways authorized to be constructed pursuant to this  
152 chapter.

153 **SECTION 5.** Section 65-4-7, Mississippi Code of 1972, is  
154 brought forward as follows:

155 65-4-7. Any political subdivision desiring the assistance of  
156 the state in order to construct or improve any highways or highway  
157 segments, the primary purpose of such construction or improvement  
158 being to encourage a private company to engage in a high economic  
159 benefit project within the geographic boundaries of the political

160 subdivision, may apply to the board for such approval and  
161 assistance. The application from the political subdivision shall  
162 include, but not be limited to:

163 (a) A description of the highways or highway segments  
164 requested to be constructed or improved;

165 (b) A certified resolution from the governing  
166 authorities of the political subdivision detailing the source and  
167 amount of funds which the political subdivision has committed or  
168 is willing to commit for construction or improvement of such  
169 highways or highway segments;

170 (c) A certified copy of a signed letter of intent from  
171 the private company to the political subdivision describing in  
172 detail the high economic benefit project in which it is committed  
173 to engage upon construction or improvement of the highways or  
174 highway segments within the political subdivision and the proposed  
175 timetable for completion of such project;

176 (d) Demonstration that the private company is  
177 financially sound and is likely to fulfill the commitments made in  
178 its letter of intent; and

179 (e) An estimate by the private company of the number,  
180 size and weight of motor vehicles and the frequency of travel of  
181 such vehicles upon the highways or highway segments requested to  
182 be constructed or improved after completion of the project by the  
183 private company.

184 **SECTION 6.** Section 65-4-9, Mississippi Code of 1972, is  
185 brought forward as follows:

186 65-4-9. Upon receipt of an application by a political  
187 subdivision as provided under Section 65-4-7, Mississippi Code of  
188 1972, the board shall review the application and may approve the  
189 application if it determines:

190 (a) The highways or highway segments for which the  
191 political subdivision is requesting assistance in constructing or  
192 improving are necessary and essential to ensure adequate and

193 appropriate access to the proposed project for the purpose of  
194 encouraging its location within the geographical boundaries of the  
195 political subdivision;

196 (b) The project proposed by the private company meets  
197 the definition of a "high economic benefit project" as such term  
198 is defined in Section 65-4-5, Mississippi Code of 1972;

199 (c) The private company has demonstrated financial  
200 soundness and appears to have such assets and credit worthiness as  
201 to permit it to secure necessary funds to complete the project  
202 according to its commitments; and

203 (d) The costs for the construction or improvement of  
204 such highways or highway segments to be funded hereunder will not  
205 exceed the funds available in the Economic Development Highway  
206 Fund created by Section 65-4-15, Mississippi Code of 1972.

207 **SECTION 7.** Section 65-4-11, Mississippi Code of 1972, is  
208 brought forward as follows:

209 65-4-11. Before approving any application under this chapter  
210 the board shall have the Mississippi Department of Transportation,  
211 or the political subdivision if the political subdivision will  
212 have the construction or improvement performed, prepare and submit  
213 to it a detailed engineering study and report of all estimated  
214 costs associated with the construction and improvement of the  
215 highways and highway segments requested by the application of the  
216 political subdivision along with the estimated annual costs  
217 necessary to be expended for maintenance thereof. If the  
218 political subdivision will have the construction or improvement  
219 performed on a state designated highway that will be maintained by  
220 the Mississippi Department of Transportation, the board shall not  
221 approve the application of such political subdivision until the  
222 engineering study required in this section has been submitted by  
223 the board to the Mississippi Department of Transportation and has  
224 been certified by the Transportation Department to the board as  
225 proposing construction or improvement of highways and highway

226 segments that meets Transportation Department standards for such  
227 work. If the political subdivision will have the construction or  
228 improvement performed on a highway that is not on the designated  
229 state highway system, the board shall not approve the application  
230 of such political subdivision until the engineering study required  
231 in this section has been submitted by the board to the Office of  
232 State Aid Road Construction and has been certified by the Office  
233 of State Aid Road Construction to the board as proposing  
234 construction or improvement of highways and highway segments that  
235 meets Office of State Aid Road Construction standards for such  
236 work.

237 The Mississippi Department of Transportation or the Office of  
238 State Aid Road Construction, as the case may be, may recommend  
239 modifications to the location and route of those highways and  
240 highway segments proposed in the application of the political  
241 subdivision if such modifications are more cost effective and  
242 would not have a substantially negative economic impact on the  
243 project of the private company.

244 **SECTION 8.** Section 65-4-13, Mississippi Code of 1972, is  
245 brought forward as follows:

246 65-4-13. If, after reviewing the application of the  
247 political subdivision and the report of the Mississippi Department  
248 of Transportation or political subdivision, the board determines  
249 that the application meets the requirements for approval and  
250 should be approved, the board shall notify the political  
251 subdivision and the Mississippi Transportation Commission of its  
252 approval and contracts may be let. Upon certification by the board  
253 that monies currently available in the Economic Development  
254 Highway Fund are sufficient to defray the costs of the  
255 construction or improvement, then contracts with respect to such  
256 work may be executed by the Department of Transportation or  
257 political subdivision and work necessary for the construction or  
258 improvement of the highways and highway segments so approved shall



259 commence by the Mississippi Department of Transportation or  
260 political subdivision, as determined by the Mississippi  
261 Development Authority. If the construction or improvement is by a  
262 political subdivision, the State Aid Engineer shall have such work  
263 inspected periodically during the progress of such construction or  
264 improvement to ensure that it meets the standards prescribed in  
265 Section 65-4-17, Mississippi Code of 1972. However, no  
266 application shall be approved by the board if the total costs for  
267 constructing or improving the proposed highways or highway  
268 segments to be funded hereunder, according to estimates in the  
269 report of the Mississippi Department of Transportation or  
270 political subdivision, will exceed monies currently available in  
271 the Economic Development Highway Fund created in Section 65-4-15,  
272 Mississippi Code of 1972.

273       **SECTION 9.** Section 65-4-15, Mississippi Code of 1972, is  
274 brought forward as follows:

275       65-4-15. (1) There is hereby established a special fund in  
276 the State Treasury to be known as the "Economic Development  
277 Highway Fund" which shall consist of such monies as the  
278 Legislature shall appropriate thereto or such other monies as the  
279 Legislature may designate to be deposited therein. Any monies to  
280 the credit of such fund may be expended by the Mississippi  
281 Department of Transportation or political subdivision, as  
282 appropriate, upon approval of requisitions therefor by the  
283 Mississippi Development Authority for any expenses incurred by the  
284 Transportation Department or political subdivision in constructing  
285 and improving highways and highway segments which have been  
286 approved by the Mississippi Development Authority under the  
287 provisions of this chapter. From and after July 1, 2004, no  
288 monies to the credit of the fund may be expended for the  
289 construction and improvement of highways for high economic benefit  
290 projects that are being developed for the primary purpose of  
291 conducting retail sales unless the Mississippi Development

292 Authority has received an application for the project prior to  
293 July 1, 2004. The Office of State Aid Road Construction shall be  
294 entitled to reimbursement from monies in the fund, upon approval  
295 by the Mississippi Development Authority of requisitions therefor  
296 by the State Aid Engineer, for the actual expenses incurred by the  
297 office in administering and providing engineering services to  
298 political subdivisions. Monies remaining unexpended to the credit  
299 of such special fund at the end of a fiscal year shall not lapse  
300 into the State General Fund, and any interest earned on the  
301 investment of monies in the special fund shall be deposited to the  
302 credit of the fund.

303 (2) Monies in the Economic Development Highway Fund which  
304 are derived from proceeds of bonds issued under this chapter after  
305 July 1, 2003, may be used to reimburse reasonable actual and  
306 necessary costs incurred by the Mississippi Development Authority  
307 in providing assistance to a political subdivision related to a  
308 project for which funding is provided from the use of proceeds of  
309 such bonds. An accounting of actual costs incurred for which  
310 reimbursement is sought shall be maintained for each project by  
311 the Mississippi Development Authority. Reimbursement of  
312 reasonable actual and necessary costs for a project shall not  
313 exceed three percent (3%) of the proceeds of bonds issued for such  
314 a project. Monies authorized for a particular project may not be  
315 used to reimburse administrative costs for unrelated projects.  
316 Reimbursements to the Mississippi Development Authority under this  
317 subsection shall satisfy any applicable federal tax law  
318 requirements.

319 **SECTION 10.** Section 65-4-17, Mississippi Code of 1972, is  
320 brought forward as follows:

321 65-4-17. Any highways or highway segments authorized to be  
322 constructed or improved by the Mississippi Department of  
323 Transportation or political subdivision under the provisions of

324 this chapter shall be constructed or improved to bear a load limit  
325 of at least eighty thousand (80,000) pounds.

326 For any project approved from and after April 12, 1993, if at  
327 the time the project is approved the highways or highway segments  
328 to be constructed or improved are a part of the designated state  
329 highway system, then maintenance on such highways or highway  
330 segments after completion of the project shall be performed by the  
331 Mississippi Department of Transportation and shall be constructed  
332 to Transportation Department standards. For any project approved  
333 from and after April 12, 1993, if at the time the project is  
334 approved the highways or highway segments to be constructed or  
335 improved are not part of the designated state highway system, the  
336 maintenance on such highways or highway segments after completion  
337 of the project shall be performed by the political subdivision  
338 and shall be constructed to Office of State Aid Road Construction  
339 standards.

340 **SECTION 11.** Section 65-4-19, Mississippi Code of 1972, is  
341 brought forward as follows:

342 65-4-19. (1) The Mississippi Transportation Commission,  
343 acting through the Director of the Mississippi Department of  
344 Transportation, is hereby authorized and directed as follows: on  
345 each transfer date, the Mississippi Transportation Commission  
346 shall transfer from the State Highway Fund into the appropriate  
347 fund specified below the sum equal to the investment account  
348 surplus for such transfer date. During fiscal year 1989, the  
349 investment account surplus sums available for transfer shall be  
350 transferred into the Economic Development Highway Fund created by  
351 Section 65-4-15, until Two Million Dollars (\$2,000,000.00) in the  
352 aggregate has been transferred to that fund, and any additional  
353 investment account surplus sums available for transfer not  
354 exceeding Twenty-five Million Dollars (\$25,000,000.00) in the  
355 aggregate shall be transferred into the State General Fund.  
356 During fiscal year 1990 and thereafter, any investment account

357 surplus sums available for transfer shall be transferred into the  
358 Economic Development Highway Fund.

359 (2) As used in Sections 65-4-19, 65-4-21 and 65-4-23, the  
360 following terms shall have the following meanings:

361 (a) "Investment account surplus" means, with respect to  
362 each transfer date, the amount specified in item (ii) of the  
363 definition of transfer date, as set forth below.

364 (b) "Transfer date" means the second business day  
365 following the delivery to the Director of the Mississippi  
366 Transportation Department of a certificate signed by the State  
367 Treasurer to the effect: (i) that, pursuant to Section 4(c) of  
368 Chapter 39, Extraordinary Session of 1969 (as amended by Section 1  
369 of Chapter 418, Laws of 1976, as amended by Section 1 of Chapter  
370 478, Laws of 1978, and as amended by Section 1 of Chapter 469,  
371 Laws of 1985), the State Bond Commission of the State of  
372 Mississippi has restructured the investments held in the  
373 investment account established pursuant to such Section 4(c) and  
374 relating to the State's Highway Revenue Refunding Bonds, Series  
375 1985; (ii) that, as a result of such restructuring and pursuant to  
376 such Section 4(c), the State Bond Commission has declared a  
377 specified sum held in such investment account as being surplus  
378 (i.e., as being the investment account surplus for such transfer  
379 date); (iii) that the State Bond Commission has applied such  
380 investment account surplus to deposit into the bond fund relating  
381 to the State's Highway Revenue Refunding Bonds, Series 1985, in  
382 order to reduce on a dollar for dollar basis the amount of  
383 gasoline excise taxes which must be deposited in such bond fund,  
384 or to retention in such investment account in order to reduce on a  
385 dollar for dollar basis the amount of gasoline excise taxes which  
386 must be deposited in such investment account, or to any  
387 combination of such deposit and retention; (iv) that any portion  
388 of the investment account surplus deposited in such bond fund has  
389 been invested pending its disbursement to pay principal of or

390 interest on such bonds; (v) that any portion of the investment  
391 account surplus retained in such investment account has been  
392 invested pending its disbursement to purchase United States  
393 government obligations which are scheduled to be held in such  
394 investment account; and (vi) that provision has been made for all  
395 interest earnings on investments of such investment account  
396 surplus, pending its disbursement to pay principal of or interest  
397 on such bonds, or pending its disbursement to purchase United  
398 States government obligations scheduled to be held in such  
399 investment account, as the case may be, to be paid into the State  
400 Highway Fund.

401       **SECTION 12.** Section 65-4-21, Mississippi Code of 1972, is  
402 brought forward as follows:

403       65-4-21. On each transfer date the Director of the  
404 Mississippi Transportation Department shall make requisition upon  
405 the Department of Finance and Administration and thereupon the  
406 Department of Finance and Administration shall issue its warrant  
407 to the State Treasurer, who shall immediately pay the same into  
408 the appropriate fund specified in Section 65-4-19 as provided by  
409 law.

410       **SECTION 13.** Section 65-4-23, Mississippi Code of 1972, is  
411 brought forward as follows:

412       65-4-23. No member of the Legislature, elected official or  
413 appointed official, or any partner or associate of any member of  
414 the Legislature, elected official or appointed official, or member  
415 of their family, shall derive any income or thing of value from  
416 the restructuring of any investments held in the investment  
417 account established pursuant to Section 4(c) of Chapter 39,  
418 Extraordinary Session of 1969, as amended, and relating to the  
419 State's Highway Revenue Refunding Bonds, Series 1985.

420       **SECTION 14.** Section 65-4-27, Mississippi Code of 1972, is  
421 brought forward as follows:

422           65-4-27. For the payment of the principal of and interest on  
423 the bonds issued under Sections 65-4-25 through 65-4-45, the full  
424 faith, credit, and taxing power of the State of Mississippi are  
425 hereby irrevocably pledged. If the funds appropriated by the  
426 Legislature be insufficient to pay the principal of and interest  
427 on the bonds as they become due, then the deficiency shall be paid  
428 by the State Treasurer from any funds in the State Treasury not  
429 otherwise appropriated. All such bonds shall contain recitals on  
430 their faces substantially covering the foregoing provisions of  
431 this section.

432           **SECTION 15.** Section 65-4-29, Mississippi Code of 1972, is  
433 brought forward as follows:

434           65-4-29. Such bonds as are authorized to be issued under  
435 Sections 65-4-25 through 65-4-45 may be executed and delivered by  
436 the state at any time and from time to time, may be in such form  
437 and denominations and of such terms and maturities, may be in  
438 fully registered form or in bearer form registrable either as to  
439 principal or interest or both, may bear such conversion privileges  
440 and be payable in such installments and at such time or times not  
441 exceeding twenty (20) years from the date thereof, may be payable  
442 at such place or places, whether within or without the State of  
443 Mississippi, may bear interest payable at such time or times and  
444 at such place or places and evidenced in such manner, and may  
445 contain such provisions not inconsistent herewith, all as shall be  
446 provided in the proceedings of the State Bond Commission under  
447 which the bonds are authorized to be issued. Such bonds shall not  
448 bear a greater overall maximum interest rate to maturity than that  
449 authorized by Section 75-17-101. If deemed advisable by the State  
450 Bond Commission, there may be retained in the proceedings under  
451 which any such bonds are authorized to be issued an option to  
452 redeem all or any part thereof as may be specified in such  
453 proceedings, at such price or prices and after such notice or  
454 notices and on such terms and conditions as may be set forth in

455 such proceedings and briefly recited or referred to on the face of  
456 the bonds, but nothing herein contained shall be construed to  
457 confer on the state any right or option to redeem any bonds,  
458 except as may be provided in the proceedings under which they  
459 shall be issued. Any such bonds shall be sold on sealed bids at  
460 public sale, and for such price as the State Bond Commission  
461 determines to be in the best interest of the State of Mississippi,  
462 but no such sale shall be made at a price less than par value plus  
463 accrued interest to date of delivery of the bonds to the  
464 purchaser. The state may pay all expenses, premiums and  
465 commissions which the State Bond Commission may deem necessary or  
466 advantageous in connection with the issuance thereof, but solely  
467 from the proceeds of the bonds. The issuance by the state of one  
468 or more series of bonds shall not preclude it from issuing other  
469 series of bonds, but the proceedings under which any subsequent  
470 bonds may be issued shall recognize and protect any prior pledge  
471 made for any prior issuance of bonds.

472 **SECTION 16.** Section 65-4-31, Mississippi Code of 1972, is  
473 brought forward as follows:

474 65-4-31. No bond issued under Sections 65-4-25 through  
475 65-4-45 shall bear more than one (1) rate of interest; each bond  
476 shall bear interest from its date to its stated maturity date at  
477 the interest rate specified on the bonds; and all bonds of the  
478 same maturity shall bear the same rate of interest from date to  
479 maturity. All interest accruing on bonds shall be payable  
480 semiannually or annually, except the first interest coupon  
481 attached to any bond may be for any period not exceeding one (1)  
482 year. If bonds are issued in coupon form, no interest payment  
483 shall be evidenced by more than one (1) coupon, and neither  
484 cancelled nor supplemental coupons shall be permitted. If serial  
485 bonds, such bonds shall mature annually, and the first maturity  
486 date thereof shall not be more than five (5) years from the date  
487 of such bonds.

488           **SECTION 17.** Section 65-4-33, Mississippi Code of 1972, is  
489 brought forward as follows:

490           65-4-33. Notice of the sale of any bonds authorized to be  
491 issued under Sections 65-4-25 through 65-4-45 shall be published  
492 at least two (2) times, the first of which shall be made not less  
493 than ten (10) days prior to the date of sale, and shall be so  
494 published in one or more newspapers having a general circulation  
495 in the City of Jackson and in one or more other newspapers or  
496 financial journals with a large national circulation, to be  
497 selected by the State Bond Commission.

498           **SECTION 18.** Section 65-4-35, Mississippi Code of 1972, is  
499 brought forward as follows:

500           65-4-35. All bonds issued under Sections 65-4-25 through  
501 65-4-45 shall be executed on behalf of the state by the manual or  
502 facsimile signature of the Chairman of the State Bond Commission  
503 and shall be countersigned by the manual or facsimile signature of  
504 the Secretary of the State Bond Commission. All coupons shall be  
505 executed on behalf of the state by the facsimile signatures of the  
506 Chairman and Secretary of the State Bond Commission. If the  
507 officers whose signatures or countersignatures appear on the bonds  
508 or interest coupons shall cease to be such officers before  
509 delivery of the bonds, such signatures or countersignatures shall  
510 nevertheless be valid and sufficient for all purposes, the same as  
511 if they had remained in office until such delivery, or had been in  
512 office on the date such bonds may bear.

513           **SECTION 19.** Section 65-4-37, Mississippi Code of 1972, is  
514 brought forward as follows:

515           65-4-37. (1) Upon the issuance and sale of bonds under  
516 Sections 65-4-25 through 65-4-45, the State Bond Commission shall  
517 transfer the proceeds of any such sale or sales to the Economic  
518 Development Highway Fund. The proceeds of such bonds shall be  
519 disbursed solely upon the order of the Executive Director of the  
520 Mississippi Development Authority under such restrictions, if any,



521 as may be contained in the resolution providing for the issuance  
522 of the bonds.

523 (2) The State Bond Commission is authorized to pay the costs  
524 that are incident to the sale, issuance and delivery of the bonds  
525 authorized under Sections 65-4-25 through 65-4-45 from the  
526 proceeds derived from the sale of such bonds.

527 **SECTION 20.** Section 65-4-39, Mississippi Code of 1972, is  
528 brought forward as follows:

529 65-4-39. The State Treasurer is hereby authorized, without  
530 further process of law, to certify to the Department of Finance  
531 and Administration the necessity for warrants, and the board is  
532 hereby authorized and directed to issue such warrants payable out  
533 of any funds authorized by Sections 65-4-25 through 65-4-45 for  
534 such purpose, in such amounts as may be necessary to pay when due  
535 the principal of and interest on all bonds issued under the  
536 provisions of Sections 65-4-25 through 65-4-45; and the State  
537 Treasurer shall forward the necessary amount to the designated  
538 place or places of payment of such bonds in ample time to  
539 discharge such bonds, or the interest thereon, on the due dates  
540 thereof.

541 **SECTION 21.** Section 65-4-41, Mississippi Code of 1972, is  
542 brought forward as follows:

543 65-4-41. Bonds issued under Sections 65-4-25 through 65-4-45  
544 shall be legal investments for commercial banks, trust companies,  
545 savings and loan associations and insurance companies organized  
546 under the laws of this state.

547 **SECTION 22.** Section 65-4-43, Mississippi Code of 1972, is  
548 brought forward as follows:

549 65-4-43. All bonds issued under Sections 65-4-25 through  
550 65-4-45 and the income therefrom shall be exempt from all taxation  
551 within the State of Mississippi, except gift, transfer and  
552 inheritance taxes.

553           **SECTION 23.** Section 65-4-45, Mississippi Code of 1972, is  
554 brought forward as follows:

555           65-4-45. Sections 65-4-25 through 65-4-45, without reference  
556 to any other statute, shall be deemed to be full and complete  
557 authority for the issuance of such bonds, and shall be construed  
558 as an additional and alternative method therefor, and none of the  
559 present restrictions, requirements, conditions or limitations of  
560 law applicable to the issuance or sale of bonds, notes or other  
561 obligations by the state shall apply to the issuance and sale of  
562 bonds under Sections 65-4-25 through 65-4-45, and no proceedings  
563 shall be required for the issuance of such bonds other than those  
564 provided for and required in Sections 65-4-25 through 65-4-45, and  
565 all powers necessary to be exercised in order to carry out the  
566 provisions of Sections 65-4-25 through 65-4-45 are hereby  
567 conferred.

568           **SECTION 24.** This act shall take effect and be in force from  
569 and after July 1, 2006.