

House Amendments to Senate Bill No. 3080

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

52 **SECTION 1.** (1) As used in this section, the following words
53 shall have the meanings ascribed herein unless the context clearly
54 requires otherwise:

55 (a) "Accreted value" of any bond means, as of any date
56 of computation, an amount equal to the sum of (i) the stated
57 initial value of such bond, plus (ii) the interest accrued thereon
58 from the issue date to the date of computation at the rate,
59 compounded semiannually, that is necessary to produce the
60 approximate yield to maturity shown for bonds of the same
61 maturity.

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

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

64 (2) (a) (i) A special fund, to be designated as the "2006
65 Institutions of Higher Learning and State Agencies Capital
66 Improvements Fund," is created within the State Treasury. The
67 fund shall be maintained by the State Treasurer as a separate and
68 special fund, separate and apart from the General Fund of the
69 state. Unexpended amounts remaining in the fund at the end of a
70 fiscal year shall not lapse into the State General Fund, and any
71 interest earned or investment earnings on amounts in the fund
72 shall be deposited into such fund.

73 (ii) Monies deposited into the fund shall be
74 disbursed, in the discretion of the Department of Finance and
75 Administration, with the approval of the Board of Trustees of
76 State Institutions of Higher Learning on those projects related to
77 the universities under its management and control to pay the costs

78 of capital improvements, renovation and/or repair of existing
79 facilities, furnishings and/or equipping facilities for public
80 facilities for agencies or their successors as hereinafter
81 described:

| 82 | NAME | PROJECT | AMOUNT |
|-----|--------------------------------------|---------|------------------|
| 83 | | | ALLOCATED |
| 84 | INSTITUTIONS OF HIGHER LEARNING..... | | \$101,580,000.00 |
| 85 | Alcorn State University..... | | \$ 6,500,000.00 |
| 86 | Construction, furnishing | | |
| 87 | and equipping of a transitional | | |
| 88 | dormitory..... | | \$ 6,500,000.00 |
| 89 | Delta State University..... | | \$ 8,230,000.00 |
| 90 | Repair and renovation of campus | | |
| 91 | buildings and facilities, repair, | | |
| 92 | renovation, replacement and | | |
| 93 | improvement of campus | | |
| 94 | infrastructure, mechanical | | |
| 95 | upgrades and purchase of | | |
| 96 | furniture and equipment | | \$ 7,830,000.00 |
| 97 | Commercial Aviation | | |
| 98 | FMS/Glass Cockpit Systems Trainer | | |
| 99 | Precision Flight Controls | | |
| 100 | Advanced Aircraft Training | | |
| 101 | Device..... | | \$ 400,000.00 |
| 102 | Jackson State University..... | | \$ 10,000,000.00 |
| 103 | Repair, renovation and/or | | |
| 104 | replacement of the | | |
| 105 | Charles F. Moore Building, | | |
| 106 | repair and renovation of campus | | |
| 107 | buildings and facilities, repair, | | |
| 108 | renovation, replacement and | | |
| 109 | improvement of campus infrastructure | | |
| 110 | and mechanical upgrades, | | |
| 111 | continuation of an ongoing | | |
| 112 | program for repair and renovation | | |

113 of campus buildings and
 114 facilities necessary for
 115 compliance with the Americans
 116 with Disabilities Act..... \$10,000,000.00
 117 Mississippi University for Women..... \$ 5,500,000.00
 118 Repair and renovation of campus
 119 buildings and facilities, repair,
 120 renovation, replacement and
 121 improvement of campus
 122 infrastructure, mechanical
 123 upgrades and purchase of
 124 furniture and equipment \$ 5,500,000.00
 125 Mississippi State University..... \$ 16,500,000.00
 126 Phase II of repair, renovation,
 127 furnishing, equipping and redesign
 128 of building exterior for
 129 Harned Hall.....\$ 7,500,000.00
 130 Repair and renovation of campus
 131 buildings and facilities, repair,
 132 renovation, replacement and
 133 improvement of campus
 134 infrastructure, mechanical
 135 upgrades and purchase of
 136 furniture and equipment \$ 9,000,000.00
 137 Mississippi State University/Division of Agriculture,
 138 Forestry and Veterinary Medicine..... \$ 7,500,000.00
 139 Matching funds for repair
 140 and renovation of
 141 Lloyd Ricks Building.....\$ 7,500,000.00
 142 Mississippi Valley State University..... \$ 7,200,000.00
 143 Furnishing and equipping of
 144 the Business School.....\$ 2,000,000.00
 145 Repair and renovation of
 146 campus library.....\$ 5,200,000.00
 147 University of Mississippi..... \$ 13,650,000.00

148 Repair and renovation of Peabody
149 Hall and the Applied Sciences
150 Building, repair and renovation
151 of campus buildings and facilities,
152 repair, renovation, replacement
153 and improvement of campus
154 infrastructure, mechanical
155 upgrades and purchase of
156 furniture and equipment.....\$13,000,000.00
157 Preplanning design for
158 construction of a new Law
159 School Building.....\$ 650,000.00
160 University Medical Center..... \$ 4,000,000.00
161 Repair and renovation
162 of campus buildings and facilities,
163 repair, renovation, replacement
164 and improvement of campus
165 infrastructure, mechanical
166 upgrades and purchase of
167 furniture and equipment.....\$ 4,000,000.00
168 University of Southern Mississippi..... \$ 14,500,000.00
169 Repair and renovation
170 of campus buildings and facilities,
171 repair, renovation, replacement
172 and improvement of campus
173 infrastructure, mechanical
174 upgrades and purchase of
175 furniture and equipment.....\$14,500,000.00
176 University of Southern Mississippi/
177 Gulf Park Campus and Gulf Coast
178 Research Laboratory.....\$ 2,000,000.00
179 Construction and reconstruction
180 of campus buildings and facilities,
181 repair and renovation of campus
182 buildings and facilities,

183 repair, renovation, replacement
184 and improvement of campus
185 infrastructure, mechanical
186 upgrades and purchase of
187 furniture and equipment.....\$ 2,000,000.00
188 University of Southern Mississippi/
189 Stennis Space Center..... \$ 2,000,000.00
190 Construction, furnishing and
191 equipping of an oceanographic
192 support facility.....\$ 2,000,000.00
193 Paul B. Johnson Education and Research Center..... \$ 2,000,000.00
194 Repair and renovation
195 of campus buildings and facilities,
196 repair, renovation, replacement
197 and improvement of campus
198 infrastructure, mechanical
199 upgrades and purchase of
200 furniture and equipment.....\$ 2,000,000.00
201 Board of Trustees for State
202 Institutions of Higher Learning..... \$ 2,000,000.00
203 Space utilization study and
204 facilities master plans.....\$ 2,000,000.00
205 **STATE AGENCIES..... \$ 19,253,000.00**
206 Department of Mental Health..... \$ 4,253,000.00
207 Construction, furnishing
208 and equipping of a new
209 maintenance compound and
210 related facilities at
211 Mississippi State Hospital....\$ 2,300,000.00
212 Renovation and repair of
213 Boswell Regional Center.....\$ 1,953,000.00
214 Mississippi Authority for Educational
215 Television..... \$ 15,000,000.00
216 Necessary upgrades to television
217 and radio system.....\$ 15,000,000.00

218 **TOTAL..... \$120,833,000.00**

219 (b) (i) Amounts deposited into such special fund shall
220 be disbursed to pay the costs of projects described in paragraph
221 (a) of this subsection. If any monies in such special fund are
222 not used within four (4) years after the date the proceeds of the
223 bonds authorized under this section are deposited into the special
224 fund, then the agency or institution of higher learning for which
225 any unused monies are allocated under paragraph (a) of this
226 subsection shall provide an accounting of such unused monies to
227 the commission. Promptly after the commission has certified, by
228 resolution duly adopted, that the projects described in paragraph
229 (a) of this subsection shall have been completed, abandoned, or
230 cannot be completed in a timely fashion, any amounts remaining in
231 such special fund shall be applied to pay debt service on the
232 bonds issued under this section, in accordance with the
233 proceedings authorizing the issuance of such bonds and as directed
234 by the commission.

235 (ii) Monies in the special fund may be used to
236 reimburse reasonable actual and necessary costs incurred by the
237 Department of Finance and Administration, acting through the
238 Bureau of Building, Grounds and Real Property Management, in
239 administering or providing assistance directly related to a
240 project described in paragraph (a) of this subsection. An
241 accounting of actual costs incurred for which reimbursement is
242 sought shall be maintained for each project by the Department of
243 Finance and Administration, Bureau of Building, Grounds and Real
244 Property Management. Reimbursement of reasonable actual and
245 necessary costs for a project shall not exceed two percent (2%) of
246 the proceeds of bonds issued for such project. Monies authorized
247 for a particular project may not be used to reimburse
248 administrative costs for unrelated projects.

249 (c) The Department of Finance and Administration,
250 acting through the Bureau of Building, Grounds and Real Property
251 Management, is expressly authorized and empowered to receive and
252 expend any local or other source funds in connection with the

expenditure of funds provided for in this subsection. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(d) Any amounts allocated to an agency or institution of higher learning that are in excess of that needed to complete the projects at such agency or institution of higher learning that are described in paragraph (a) of this subsection may be used for general repairs and renovations at the agency or institution of higher learning to which such amount is allocated.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in this section. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Hundred Twenty Million Eight Hundred Thirty-three Thousand Dollars (\$120,833,000.00). No bonds shall be issued under this section after July 1, 2010.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in

287 accordance with the proceedings authorizing issuance of such
288 bonds.

289 (4) The principal of and interest on the bonds authorized
290 under this section shall be payable in the manner provided in this
291 subsection. Such bonds shall bear such date or dates, be in such
292 denomination or denominations, bear interest at such rate or rates
293 (not to exceed the limits set forth in Section 75-17-101,
294 Mississippi Code of 1972), be payable at such place or places
295 within or without the State of Mississippi, shall mature
296 absolutely at such time or times not to exceed twenty-five (25)
297 years from date of issue, be redeemable before maturity at such
298 time or times and upon such terms, with or without premium, shall
299 bear such registration privileges, and shall be substantially in
300 such form, all as shall be determined by resolution of the
301 commission.

302 (5) The bonds authorized by this section shall be signed by
303 the chairman of the commission, or by his facsimile signature, and
304 the official seal of the commission shall be affixed thereto,
305 attested by the secretary of the commission. The interest
306 coupons, if any, to be attached to such bonds may be executed by
307 the facsimile signatures of such officers. Whenever any such
308 bonds shall have been signed by the officials designated to sign
309 the bonds who were in office at the time of such signing but who
310 may have ceased to be such officers before the sale and delivery
311 of such bonds, or who may not have been in office on the date such
312 bonds may bear, the signatures of such officers upon such bonds
313 and coupons shall nevertheless be valid and sufficient for all
314 purposes and have the same effect as if the person so officially
315 signing such bonds had remained in office until their delivery to
316 the purchaser, or had been in office on the date such bonds may
317 bear. However, notwithstanding anything herein to the contrary,
318 such bonds may be issued as provided in the Registered Bond Act of
319 the State of Mississippi.

320 (6) All bonds and interest coupons issued under the
321 provisions of this section have all the qualities and incidents of

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

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

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

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

(8) The bonds issued under the provisions of this section are general obligations of the State of Mississippi, and for the

357 payment thereof the full faith and credit of the State of
358 Mississippi is irrevocably pledged. If the funds appropriated by
359 the Legislature are insufficient to pay the principal of and the
360 interest on such bonds as they become due, then the deficiency
361 shall be paid by the State Treasurer from any funds in the State
362 Treasury not otherwise appropriated. All such bonds shall contain
363 recitals on their faces substantially covering the provisions of
364 this subsection.

365 (9) Upon the issuance and sale of bonds under the provisions
366 of this section, the commission shall transfer the proceeds of any
367 such sale or sales to the special fund created in subsection (2)
368 of this section. The proceeds of such bonds shall be disbursed
369 solely upon the order of the Department of Finance and
370 Administration under such restrictions, if any, as may be
371 contained in the resolution providing for the issuance of the
372 bonds.

373 (10) The bonds authorized under this section may be issued
374 without any other proceedings or the happening of any other
375 conditions or things other than those proceedings, conditions and
376 things which are specified or required by this section. Any
377 resolution providing for the issuance of bonds under the
378 provisions of this section shall become effective immediately upon
379 its adoption by the commission, and any such resolution may be
380 adopted at any regular or special meeting of the commission by a
381 majority of its members.

382 (11) The bonds authorized under the authority of this
383 section may be validated in the Chancery Court of the First
384 Judicial District of Hinds County, Mississippi, in the manner and
385 with the force and effect provided by Chapter 13, Title 31,
386 Mississippi Code of 1972, for the validation of county, municipal,
387 school district and other bonds. The notice to taxpayers required
388 by such statutes shall be published in a newspaper published or
389 having a general circulation in the City of Jackson, Mississippi.

390 (12) Any holder of bonds issued under the provisions of this
391 section or of any of the interest coupons pertaining thereto may,

392 either at law or in equity, by suit, action, mandamus or other
393 proceeding, protect and enforce any and all rights granted under
394 this section, or under such resolution, and may enforce and compel
395 performance of all duties required by this section to be
396 performed, in order to provide for the payment of bonds and
397 interest thereon.

398 (13) All bonds issued under the provisions of this section
399 shall be legal investments for trustees and other fiduciaries, and
400 for savings banks, trust companies and insurance companies
401 organized under the laws of the State of Mississippi, and such
402 bonds shall be legal securities which may be deposited with and
403 shall be received by all public officers and bodies of this state
404 and all municipalities and political subdivisions for the purpose
405 of securing the deposit of public funds.

406 (14) Bonds issued under the provisions of this section and
407 income therefrom shall be exempt from all taxation in the State of
408 Mississippi.

409 (15) The proceeds of the bonds issued under this section
410 shall be used solely for the purposes herein provided, including
411 the costs incident to the issuance and sale of such bonds.

412 (16) The State Treasurer is authorized, without further
413 process of law, to certify to the Department of Finance and
414 Administration the necessity for warrants, and the Department of
415 Finance and Administration is authorized and directed to issue
416 such warrants, in such amounts as may be necessary to pay when due
417 the principal of, premium, if any, and interest on, or the
418 accreted value of, all bonds issued under this section; and the
419 State Treasurer shall forward the necessary amount to the
420 designated place or places of payment of such bonds in ample time
421 to discharge such bonds, or the interest thereon, on the due dates
422 thereof.

423 (17) This section shall be deemed to be full and complete
424 authority for the exercise of the powers herein granted, but this
425 section shall not be deemed to repeal or to be in derogation of
426 any existing law of this state.

427 **SECTION 2.** (1) As used in this section, the following words
428 shall have the meanings ascribed herein unless the context clearly
429 requires otherwise:

430 (a) "Accreted value" of any bond means, as of any date
431 of computation, an amount equal to the sum of (i) the stated
432 initial value of such bond, plus (ii) the interest accrued thereon
433 from the issue date to the date of computation at the rate,
434 compounded semiannually, that is necessary to produce the
435 approximate yield to maturity shown for bonds of the same
436 maturity.

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

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

439 (2) (a) A special fund, to be designated as the "2006
440 Community and Junior Colleges Capital Improvements Fund" is
441 created within the State Treasury. The fund shall be maintained
442 by the State Treasurer as a separate and special fund, separate
443 and apart from the General Fund of the state. Unexpended amounts
444 remaining in the fund at the end of a fiscal year shall not lapse
445 into the State General Fund, and any interest earned or investment
446 earnings on amounts in the fund shall be deposited to the credit
447 of the fund. Monies in the fund may not be used or expended for
448 any purpose except as authorized under this section.

449 (b) Monies deposited into the fund shall be disbursed,
450 in the discretion of the Department of Finance and Administration,
451 to pay the costs of acquisition of real property, construction of
452 new facilities, equipping and furnishing facilities, including
453 furniture and technology equipment and infrastructure, and
454 addition to or renovation of existing facilities for community and
455 junior college campuses as recommended by the State Board for
456 Community and Junior Colleges. The amount to be expended at each
457 community and junior college is as follows:

| | | |
|-----|-----------------------|-----------------|
| 458 | Coahoma..... | \$ 2,400,165.00 |
| 459 | Copiah-Lincoln..... | 2,755,932.00 |
| 460 | East Central..... | 2,627,962.00 |
| 461 | East Mississippi..... | 3,159,827.00 |

| | | |
|-----|-----------------------------|------------------------|
| 462 | Hinds..... | 5,238,589.00 |
| 463 | Holmes..... | 3,329,586.00 |
| 464 | Itawamba..... | 3,451,409.00 |
| 465 | Jones..... | 3,697,501.00 |
| 466 | Meridian..... | 2,979,737.00 |
| 467 | Mississippi Delta..... | 2,881,155.00 |
| 468 | Mississippi Gulf Coast..... | 5,164,856.00 |
| 469 | Northeast Mississippi..... | 2,927,081.00 |
| 470 | Northwest Mississippi..... | 3,940,075.00 |
| 471 | Pearl River..... | 3,045,671.00 |
| 472 | Southwest Mississippi..... | 2,400,454.00 |
| 473 | GRAND TOTAL..... | \$50,000,000.00 |

474 (c) Amounts deposited into such special fund shall be
475 disbursed to pay the costs of the project(s) described in
476 paragraph (b) of this subsection. If any monies in such special
477 fund are not used within four (4) years after the date the
478 proceeds of the bonds authorized under this section are deposited
479 into the special fund, then the community college or junior
480 college for which any such monies are allocated under paragraph
481 (b) of this subsection shall provide an accounting of such unused
482 monies to the commission. Promptly after the commission has
483 certified, by resolution duly adopted, that the project(s)
484 described in paragraph (b) of this subsection shall have been
485 completed, abandoned, or cannot be completed in a timely fashion,
486 any amounts remaining in such special fund shall be applied to pay
487 debt service on the bonds issued under this section, in accordance
488 with the proceedings authorizing the issuance of such bonds and as
489 directed by the commission.

490 (d) The Department of Finance and Administration,
491 acting through the Bureau of Building, Grounds and Real Property
492 Management, is expressly authorized and empowered to receive and
493 expend any local or other source funds in connection with the
494 expenditure of funds provided for in this subsection. The
495 expenditure of monies deposited into the special fund shall be
496 under the direction of the Department of Finance and

Administration, and such funds shall be paid by the State Treasurer upon warrants issued by such department, which warrants shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in this section. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued under this section after July 1, 2010.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

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

532 years from date of issue, be redeemable before maturity at such
533 time or times and upon such terms, with or without premium, shall
534 bear such registration privileges, and shall be substantially in
535 such form, all as shall be determined by resolution of the
536 commission.

537 (5) The bonds authorized by this section shall be signed by
538 the chairman of the commission, or by his facsimile signature, and
539 the official seal of the commission shall be affixed thereto,
540 attested by the secretary of the commission. The interest
541 coupons, if any, to be attached to such bonds may be executed by
542 the facsimile signatures of such officers. Whenever any such
543 bonds shall have been signed by the officials designated to sign
544 the bonds who were in office at the time of such signing but who
545 may have ceased to be such officers before the sale and delivery
546 of such bonds, or who may not have been in office on the date such
547 bonds may bear, the signatures of such officers upon such bonds
548 and coupons shall nevertheless be valid and sufficient for all
549 purposes and have the same effect as if the person so officially
550 signing such bonds had remained in office until their delivery to
551 the purchaser, or had been in office on the date such bonds may
552 bear. However, notwithstanding anything herein to the contrary,
553 such bonds may be issued as provided in the Registered Bond Act of
554 the State of Mississippi.

555 (6) All bonds and interest coupons issued under the
556 provisions of this section have all the qualities and incidents of
557 negotiable instruments under the provisions of the Uniform
558 Commercial Code, and in exercising the powers granted by this
559 section, the commission shall not be required to and need not
560 comply with the provisions of the Uniform Commercial Code.

561 (7) The commission shall act as the issuing agent for the
562 bonds authorized under this section, prescribe the form of the
563 bonds, advertise for and accept bids, issue and sell the bonds so
564 authorized to be sold, pay all fees and costs incurred in such
565 issuance and sale, and do any and all other things necessary and
566 advisable in connection with the issuance and sale of such bonds.

567 The commission is authorized and empowered to pay the costs that
568 are incident to the sale, issuance and delivery of the bonds
569 authorized under this section from the proceeds derived from the
570 sale of such bonds. The commission shall sell such bonds on
571 sealed bids at public sale, and for such price as it may determine
572 to be for the best interest of the State of Mississippi, but no
573 such sale shall be made at a price less than par plus accrued
574 interest to the date of delivery of the bonds to the purchaser.
575 All interest accruing on such bonds so issued shall be payable
576 semiannually or annually; however, the first interest payment may
577 be for any period of not more than one (1) year.

578 Notice of the sale of any such bonds shall be published at
579 least one time, not less than ten (10) days before the date of
580 sale, and shall be so published in one or more newspapers
581 published or having a general circulation in the City of Jackson,
582 Mississippi, and in one or more other newspapers or financial
583 journals with a national circulation, to be selected by the
584 commission.

585 The commission, when issuing any bonds under the authority of
586 this section, may provide that bonds, at the option of the State
587 of Mississippi, may be called in for payment and redemption at the
588 call price named therein and accrued interest on such date or
589 dates named therein.

590 (8) The bonds issued under the provisions of this section
591 are general obligations of the State of Mississippi, and for the
592 payment thereof the full faith and credit of the State of
593 Mississippi is irrevocably pledged. If the funds appropriated by
594 the Legislature are insufficient to pay the principal of and the
595 interest on such bonds as they become due, then the deficiency
596 shall be paid by the State Treasurer from any funds in the State
597 Treasury not otherwise appropriated. All such bonds shall contain
598 recitals on their faces substantially covering the provisions of
599 this subsection.

600 (9) Upon the issuance and sale of bonds under the provisions
601 of this section, the commission shall transfer the proceeds of any

such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

(10) The bonds authorized under this section may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this section. Any resolution providing for the issuance of bonds under the provisions of this section shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

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

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such

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

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 3. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

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

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

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

674 (2) (a) (i) A special fund, to be designated as the "2006
675 Southern Arts and Entertainment Center Fund," is created within
676 the State Treasury. The fund shall be maintained by the State
677 Treasurer as a separate and special fund, separate and apart from
678 the General Fund of the state. Unexpended amounts remaining in
679 the fund at the end of a fiscal year shall not lapse into the
680 State General Fund, and any interest earned or investment earnings
681 on amounts in the fund shall be deposited into such fund.

682 (ii) Monies deposited into the fund shall be
683 disbursed, in the discretion of the Department of Finance and
684 Administration, to pay the costs of construction, furnishing,
685 equipping and repairs and renovations at the Southern Arts and
686 Entertainment Center created in Section 39-25-1.

687 (b) Amounts deposited into such special fund shall be
688 disbursed to pay the costs of the project(s) described in
689 paragraph (a) of this subsection. Promptly after the commission
690 has certified, by resolution duly adopted, that the project(s)
691 described in paragraph (a) of this subsection shall have been
692 completed, abandoned, or cannot be completed in a timely fashion,
693 any amounts remaining in such special fund shall be applied to pay
694 debt service on the bonds issued under this section, in accordance
695 with the proceedings authorizing the issuance of such bonds and as
696 directed by the commission.

697 (c) The Department of Finance and Administration,
698 acting through the Bureau of Building, Grounds and Real Property
699 Management, is expressly authorized and empowered to receive and
700 expend any local or other source funds in connection with the
701 expenditure of funds provided for in this subsection. The
702 expenditure of monies deposited into the special fund shall be
703 under the direction of the Department of Finance and
704 Administration, and such funds shall be paid by the State
705 Treasurer upon warrants issued by such department, which warrants

shall be issued upon requisitions signed by the Executive Director of the Department of Finance and Administration, or his designee.

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in this section. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Four Million Dollars (\$4,000,000.00). No bonds shall be issued under this section after July 1, 2010.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

(4) The principal of and interest on the bonds authorized under this section shall be payable in the manner provided in this subsection. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall

741 bear such registration privileges, and shall be substantially in
742 such form, all as shall be determined by resolution of the
743 commission.

744 (5) The bonds authorized by this section shall be signed by
745 the chairman of the commission, or by his facsimile signature, and
746 the official seal of the commission shall be affixed thereto,
747 attested by the secretary of the commission. The interest
748 coupons, if any, to be attached to such bonds may be executed by
749 the facsimile signatures of such officers. Whenever any such
750 bonds shall have been signed by the officials designated to sign
751 the bonds who were in office at the time of such signing but who
752 may have ceased to be such officers before the sale and delivery
753 of such bonds, or who may not have been in office on the date such
754 bonds may bear, the signatures of such officers upon such bonds
755 and coupons shall nevertheless be valid and sufficient for all
756 purposes and have the same effect as if the person so officially
757 signing such bonds had remained in office until their delivery to
758 the purchaser, or had been in office on the date such bonds may
759 bear. However, notwithstanding anything herein to the contrary,
760 such bonds may be issued as provided in the Registered Bond Act of
761 the State of Mississippi.

762 (6) All bonds and interest coupons issued under the
763 provisions of this section have all the qualities and incidents of
764 negotiable instruments under the provisions of the Uniform
765 Commercial Code, and in exercising the powers granted by this
766 section, the commission shall not be required to and need not
767 comply with the provisions of the Uniform Commercial Code.

768 (7) The commission shall act as the issuing agent for the
769 bonds authorized under this section, prescribe the form of the
770 bonds, advertise for and accept bids, issue and sell the bonds so
771 authorized to be sold, pay all fees and costs incurred in such
772 issuance and sale, and do any and all other things necessary and
773 advisable in connection with the issuance and sale of such bonds.
774 The commission is authorized and empowered to pay the costs that
775 are incident to the sale, issuance and delivery of the bonds

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

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

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

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

(9) Upon the issuance and sale of bonds under the provisions of this section, the commission shall transfer the proceeds of any such sale or sales to the special fund created in subsection (2) of this section. The proceeds of such bonds shall be disbursed

811 solely upon the order of the Department of Finance and
812 Administration under such restrictions, if any, as may be
813 contained in the resolution providing for the issuance of the
814 bonds.

815 (10) The bonds authorized under this section may be issued
816 without any other proceedings or the happening of any other
817 conditions or things other than those proceedings, conditions and
818 things which are specified or required by this section. Any
819 resolution providing for the issuance of bonds under the
820 provisions of this section shall become effective immediately upon
821 its adoption by the commission, and any such resolution may be
822 adopted at any regular or special meeting of the commission by a
823 majority of its members.

824 (11) The bonds authorized under the authority of this
825 section may be validated in the Chancery Court of the First
826 Judicial District of Hinds County, Mississippi, in the manner and
827 with the force and effect provided by Chapter 13, Title 31,
828 Mississippi Code of 1972, for the validation of county, municipal,
829 school district and other bonds. The notice to taxpayers required
830 by such statutes shall be published in a newspaper published or
831 having a general circulation in the City of Jackson, Mississippi.

832 (12) Any holder of bonds issued under the provisions of this
833 section or of any of the interest coupons pertaining thereto may,
834 either at law or in equity, by suit, action, mandamus or other
835 proceeding, protect and enforce any and all rights granted under
836 this section, or under such resolution, and may enforce and compel
837 performance of all duties required by this section to be
838 performed, in order to provide for the payment of bonds and
839 interest thereon.

840 (13) All bonds issued under the provisions of this section
841 shall be legal investments for trustees and other fiduciaries, and
842 for savings banks, trust companies and insurance companies
843 organized under the laws of the State of Mississippi, and such
844 bonds shall be legal securities which may be deposited with and
845 shall be received by all public officers and bodies of this state

and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

(17) This section shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 4. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

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

(b) "Commission" means the State Bond Commission.

880 (c) "Project" means an economic development and tourism
881 destination facility in Hancock County, Mississippi, that will
882 feature a space, science and education center. The title to the
883 project facilities is to be vested in the National Aeronautics and
884 Space Administration.

885 (d) "State" means the State of Mississippi.

886 (e) "Authority" means the Mississippi Development
887 Authority.

888 (2) (a) (i) A special fund, to be designated as the "2006
889 Infinity Space, Science and Education Center Fund," is created
890 within the State Treasury. The fund shall be maintained by the
891 State Treasurer as a separate and special fund, separate and apart
892 from the General Fund of the state. Unexpended amounts remaining
893 in the fund at the end of a fiscal year shall not lapse into the
894 State General Fund, and any interest earned or investment earnings
895 on amounts in the fund shall be deposited into such fund.

896 (ii) Monies deposited into the fund shall be
897 disbursed, in the discretion of the authority to pay the costs
898 incurred for the construction, furnishing and equipping of the
899 project.

900 (b) Amounts deposited into such special fund shall be
901 disbursed to pay the costs of the project(s) described in
902 paragraph (a) of this subsection. If any monies in the special
903 fund are not used within four (4) years after the date the
904 proceeds of the bonds authorized under this section are deposited
905 into such fund, then the authority shall provide an accounting of
906 such unused monies to the commission. Promptly after the
907 commission has certified, by resolution duly adopted, that the
908 project(s) described in paragraph (a) of this subsection shall
909 have been completed, abandoned, or cannot be completed in a timely
910 fashion, any amounts remaining in such special fund shall be
911 applied to pay debt service on the bonds issued under this
912 section, in accordance with the proceedings authorizing the
913 issuance of such bonds and as directed by the commission. Before
914 monies in the special fund may be used for the project, the

authority shall require that the developer and operator of the project enter into binding commitments regarding at least the following:

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

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

(3) (a) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in this section. No bonds shall be issued under this section until the authority is provided proof that the funds from private, local and/or federal sources have been irrevocably dedicated to the project in the amount of not less than Sixteen Million Dollars (\$16,000,000.00). Upon the adoption of a resolution by the authority, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the authority shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed Four Million Dollars (\$4,000,000.00). No bonds shall be issued under this section after July 1, 2009.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall

950 be used to pay debt service on bonds issued under this section, in
951 accordance with the proceedings authorizing issuance of such
952 bonds.

953 (4) The principal of and interest on the bonds authorized
954 under this section shall be payable in the manner provided in this
955 subsection. Such bonds shall bear such date or dates, be in such
956 denomination or denominations, bear interest at such rate or rates
957 (not to exceed the limits set forth in Section 75-17-101,
958 Mississippi Code of 1972), be payable at such place or places
959 within or without the State of Mississippi, shall mature
960 absolutely at such time or times not to exceed twenty-five (25)
961 years from date of issue, be redeemable before maturity at such
962 time or times and upon such terms, with or without premium, shall
963 bear such registration privileges, and shall be substantially in
964 such form, all as shall be determined by resolution of the
965 commission.

966 (5) The bonds authorized by this section shall be signed by
967 the chairman of the commission, or by his facsimile signature, and
968 the official seal of the commission shall be affixed thereto,
969 attested by the secretary of the commission. The interest
970 coupons, if any, to be attached to such bonds may be executed by
971 the facsimile signatures of such officers. Whenever any such
972 bonds shall have been signed by the officials designated to sign
973 the bonds who were in office at the time of such signing but who
974 may have ceased to be such officers before the sale and delivery
975 of such bonds, or who may not have been in office on the date such
976 bonds may bear, the signatures of such officers upon such bonds
977 and coupons shall nevertheless be valid and sufficient for all
978 purposes and have the same effect as if the person so officially
979 signing such bonds had remained in office until their delivery to
980 the purchaser, or had been in office on the date such bonds may
981 bear. However, notwithstanding anything herein to the contrary,
982 such bonds may be issued as provided in the Registered Bond Act of
983 the State of Mississippi.

984 (6) All bonds and interest coupons issued under the
985 provisions of this section have all the qualities and incidents of
986 negotiable instruments under the provisions of the Uniform
987 Commercial Code, and in exercising the powers granted by this
988 section, the commission shall not be required to and need not
989 comply with the provisions of the Uniform Commercial Code.

990 (7) The commission shall act as the issuing agent for the
991 bonds authorized under this section, prescribe the form of the
992 bonds, advertise for and accept bids, issue and sell the bonds so
993 authorized to be sold, pay all fees and costs incurred in such
994 issuance and sale, and do any and all other things necessary and
995 advisable in connection with the issuance and sale of such bonds.
996 The commission is authorized and empowered to pay the costs that
997 are incident to the sale, issuance and delivery of the bonds
998 authorized under this section from the proceeds derived from the
999 sale of such bonds. The commission shall sell such bonds on
1000 sealed bids at public sale, and for such price as it may determine
1001 to be for the best interest of the State of Mississippi, but no
1002 such sale shall be made at a price less than par plus accrued
1003 interest to the date of delivery of the bonds to the purchaser.
1004 All interest accruing on such bonds so issued shall be payable
1005 semiannually or annually; however, the first interest payment may
1006 be for any period of not more than one (1) year.

1007 Notice of the sale of any such bonds shall be published at
1008 least one time, not less than ten (10) days before the date of
1009 sale, and shall be so published in one or more newspapers
1010 published or having a general circulation in the City of Jackson,
1011 Mississippi, and in one or more other newspapers or financial
1012 journals with a national circulation, to be selected by the
1013 commission.

1014 The commission, when issuing any bonds under the authority of
1015 this section, may provide that bonds, at the option of the State
1016 of Mississippi, may be called in for payment and redemption at the
1017 call price named therein and accrued interest on such date or
1018 dates named therein.

1019 (8) The bonds issued under the provisions of this section
1020 are general obligations of the State of Mississippi, and for the
1021 payment thereof the full faith and credit of the State of
1022 Mississippi is irrevocably pledged. If the funds appropriated by
1023 the Legislature are insufficient to pay the principal of and the
1024 interest on such bonds as they become due, then the deficiency
1025 shall be paid by the State Treasurer from any funds in the State
1026 Treasury not otherwise appropriated. All such bonds shall contain
1027 recitals on their faces substantially covering the provisions of
1028 this subsection.

1029 (9) Upon the issuance and sale of bonds under the provisions
1030 of this section, the commission shall transfer the proceeds of any
1031 such sale or sales to the special fund created in subsection (2)
1032 of this section. The proceeds of such bonds shall be disbursed
1033 solely upon the order of the authority under such restrictions, if
1034 any, as may be contained in the resolution providing for the
1035 issuance of the bonds.

1036 (10) The bonds authorized under this section may be issued
1037 without any other proceedings or the happening of any other
1038 conditions or things other than those proceedings, conditions and
1039 things which are specified or required by this section. Any
1040 resolution providing for the issuance of bonds under the
1041 provisions of this section shall become effective immediately upon
1042 its adoption by the commission, and any such resolution may be
1043 adopted at any regular or special meeting of the commission by a
1044 majority of its members.

1045 (11) The bonds authorized under the authority of this
1046 section may be validated in the Chancery Court of the First
1047 Judicial District of Hinds County, Mississippi, in the manner and
1048 with the force and effect provided by Chapter 13, Title 31,
1049 Mississippi Code of 1972, for the validation of county, municipal,
1050 school district and other bonds. The notice to taxpayers required
1051 by such statutes shall be published in a newspaper published or
1052 having a general circulation in the City of Jackson, Mississippi.

1053 (12) Any holder of bonds issued under the provisions of this
1054 section or of any of the interest coupons pertaining thereto may,
1055 either at law or in equity, by suit, action, mandamus or other
1056 proceeding, protect and enforce any and all rights granted under
1057 this section, or under such resolution, and may enforce and compel
1058 performance of all duties required by this section to be
1059 performed, in order to provide for the payment of bonds and
1060 interest thereon.

1061 (13) All bonds issued under the provisions of this section
1062 shall be legal investments for trustees and other fiduciaries, and
1063 for savings banks, trust companies and insurance companies
1064 organized under the laws of the State of Mississippi, and such
1065 bonds shall be legal securities which may be deposited with and
1066 shall be received by all public officers and bodies of this state
1067 and all municipalities and political subdivisions for the purpose
1068 of securing the deposit of public funds.

1069 (14) Bonds issued under the provisions of this section and
1070 income therefrom shall be exempt from all taxation in the State of
1071 Mississippi.

1072 (15) The proceeds of the bonds issued under this section
1073 shall be used solely for the purposes herein provided, including
1074 the costs incident to the issuance and sale of such bonds.

1075 (16) The State Treasurer is authorized, without further
1076 process of law, to certify to the Department of Finance and
1077 Administration the necessity for warrants, and the Department of
1078 Finance and Administration is authorized and directed to issue
1079 such warrants, in such amounts as may be necessary to pay when due
1080 the principal of, premium, if any, and interest on, or the
1081 accreted value of, all bonds issued under this section; and the
1082 State Treasurer shall forward the necessary amount to the
1083 designated place or places of payment of such bonds in ample time
1084 to discharge such bonds, or the interest thereon, on the due dates
1085 thereof.

1086 (17) This section shall be deemed to be full and complete
1087 authority for the exercise of the powers herein granted, but this

section shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 5. Section 57-75-5, Mississippi Code of 1972, is amended as follows:

57-75-5. Words and phrases used in this chapter shall have meanings as follows, unless the context clearly indicates a different meaning:

(a) "Act" means the Mississippi Major Economic Impact Act as originally enacted or as hereafter amended.

(b) "Authority" means the Mississippi Major Economic Impact Authority created pursuant to the act.

(c) "Bonds" means general obligation bonds, interim notes and other evidences of debt of the State of Mississippi issued pursuant to this chapter.

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project within the project area: (i) facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port facilities; (v) highways, streets and other roadways; (vi) public school buildings, classrooms and instructional facilities, training facilities and equipment, including any functionally related facilities; (vii) parks, outdoor recreation facilities and athletic facilities; (viii) auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities; (ix) health care facilities, public or private; and (x) fire protection facilities, equipment and elevated water tanks.

(e) "Person" means any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, governmental unit, public agency, political subdivision, or any other group acting as a unit, and the plural as well as the singular.

1123 (f) "Project" means:

1124 (i) Any industrial, commercial, research and

1125 development, warehousing, distribution, transportation,

1126 processing, mining, United States government or tourism enterprise

1127 together with all real property required for construction,

1128 maintenance and operation of the enterprise with an initial

1129 capital investment of not less than Three Hundred Million Dollars

1130 (\$300,000,000.00) from private or United States government sources

1131 together with all buildings, and other supporting land and

1132 facilities, structures or improvements of whatever kind required

1133 or useful for construction, maintenance and operation of the

1134 enterprise; or with an initial capital investment of not less than

1135 One Hundred Fifty Million Dollars (\$150,000,000.00) from private

1136 or United States government sources together with all buildings

1137 and other supporting land and facilities, structures or

1138 improvements of whatever kind required or useful for construction,

1139 maintenance and operation of the enterprise and which creates at

1140 least one thousand (1,000) net new full-time jobs; or which

1141 creates at least one thousand (1,000) net new full-time jobs which

1142 provides an average salary, excluding benefits which are not

1143 subject to Mississippi income taxation, of at least one hundred

1144 twenty-five percent (125%) of the most recently published average

1145 annual wage of the state as determined by the Mississippi

1146 Department of Employment Security. "Project" shall include any

1147 addition to or expansion of an existing enterprise if such

1148 addition or expansion has an initial capital investment of not

1149 less than Three Hundred Million Dollars (\$300,000,000.00) from

1150 private or United States government sources, or has an initial

1151 capital investment of not less than One Hundred Fifty Million

1152 Dollars (\$150,000,000.00) from private or United States government

1153 sources together with all buildings and other supporting land and

1154 facilities, structures or improvements of whatever kind required

1155 or useful for construction, maintenance and operation of the

1156 enterprise and which creates at least one thousand (1,000) net new

1157 full-time jobs; or which creates at least one thousand (1,000) net

1158 new full-time jobs which provides an average salary, excluding
1159 benefits which are not subject to Mississippi income taxation, of
1160 at least one hundred twenty-five percent (125%) of the most
1161 recently published average annual wage of the state as determined
1162 by the Mississippi Department of Employment Security. "Project"
1163 shall also include any ancillary development or business resulting
1164 from the enterprise, of which the authority is notified, within
1165 three (3) years from the date that the enterprise entered into
1166 commercial production, that the project area has been selected as
1167 the site for the ancillary development or business.

1168 (ii) 1. Any major capital project designed to
1169 improve, expand or otherwise enhance any active duty or reserve
1170 United States armed services bases and facilities or any major
1171 Mississippi National Guard training installations, their support
1172 areas or their military operations, upon designation by the
1173 authority that any such base was or is at risk to be recommended
1174 for closure or realignment pursuant to the Defense Base Closure
1175 and Realignment Act of 1990, as amended, or other applicable
1176 federal law; or any major development project determined by the
1177 authority to be necessary to acquire or improve base properties
1178 and to provide employment opportunities through construction of
1179 projects as defined in Section 57-3-5, which shall be located on
1180 or provide direct support service or access to such military
1181 installation property in the event of closure or reduction of
1182 military operations at the installation.

1183 2. Any major study or investigation related
1184 to such a facility, installation or base, upon a determination by
1185 the authority that the study or investigation is critical to the
1186 expansion, retention or reuse of the facility, installation or
1187 base.

1188 3. Any project as defined in Section 57-3-5,
1189 any business or enterprise determined to be in the furtherance of
1190 the public purposes of this act as determined by the authority or
1191 any facility related to such project each of which shall be,
1192 directly or indirectly, related to any military base or other

1193 military-related facility no longer operated by the United States
1194 armed services or the Mississippi National Guard.

1195 (iii) Any enterprise to be maintained, improved or
1196 constructed in Tishomingo County by or for a National Aeronautics
1197 and Space Administration facility in such county.

1198 (iv) 1. Any major capital project with an initial
1199 capital investment from private sources of not less than Seven
1200 Hundred Fifty Million Dollars (\$750,000,000.00) which will create
1201 at least three thousand (3,000) jobs meeting criteria established
1202 by the Mississippi Development Authority.

1203 2. "Project" shall also include any ancillary
1204 development or business resulting from an enterprise operating a
1205 project as defined in item 1 of this paragraph (f)(iv), of which
1206 the authority is notified, within three (3) years from the date
1207 that the enterprise entered into commercial production, that the
1208 state has been selected as the site for the ancillary development
1209 or business.

1210 (v) Any manufacturing, processing or industrial
1211 project determined by the authority, in its sole discretion, to
1212 contribute uniquely and significantly to the economic growth and
1213 development of the state, and which meets the following criteria:

1214 1. The project shall create at least two
1215 thousand (2,000) net new full-time jobs meeting criteria
1216 established by the authority, which criteria shall include, but
1217 not be limited to, the requirement that such jobs must be held by
1218 persons eligible for employment in the United States under
1219 applicable state and federal law.

1220 2. The project and any facility related to
1221 the project shall include a total investment from private sources
1222 of not less than Sixty Million Dollars (\$60,000,000.00), or from
1223 any combination of sources of not less than Eighty Million Dollars
1224 (\$80,000,000.00).

1225 (vi) Any real property owned or controlled by the
1226 National Aeronautics and Space Administration, the United States
1227 government, or any agency thereof, which is legally conveyed to

1228 the State of Mississippi or to the State of Mississippi for the
1229 benefit of the Mississippi Major Economic Impact Authority, its
1230 successors and assigns pursuant to Section 212 of Public Law
1231 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

1232 (vii) Any major capital project related to the
1233 establishment, improvement, expansion and/or other enhancement of
1234 any active duty military installation and having a minimum capital
1235 investment from any source or combination of sources other than
1236 the State of Mississippi of at least Forty Million Dollars
1237 (\$40,000,000.00), and which will create at least four hundred
1238 (400) military installation related full-time jobs, which jobs may
1239 be military jobs, civilian jobs or a combination of military and
1240 civilian jobs. The authority shall require that binding
1241 commitments be entered into requiring that the minimum
1242 requirements for the project provided for in this subparagraph
1243 shall be met not later than July 1, 2008.

1244 (viii) Any major capital project with an initial
1245 capital investment from any source or combination of sources of
1246 not less than Ten Million Dollars (\$10,000,000.00) which will
1247 create at least eighty (80) full-time jobs which provide an
1248 average annual salary, excluding benefits which are not subject to
1249 Mississippi income taxes, of at least one hundred thirty-five
1250 percent (135%) of the most recently published average annual wage
1251 of the state or the most recently published average annual wage of
1252 the county in which the project is located as determined by the
1253 Mississippi Department of Employment Security, whichever is the
1254 lesser. The authority shall require that binding commitments be
1255 entered into requiring that:

1256 1. The minimum requirements for the project
1257 provided for in this subparagraph shall be met, and

1258 2. That if such commitments are not met, all
1259 or a portion of the funds provided by the state for the project as
1260 determined by the authority shall be repaid.

1261 (ix) Any regional retail shopping mall with an
1262 initial capital investment from private sources in excess of One

1263 Hundred Fifty Million Dollars (\$150,000,000.00), with a square
1264 footage in excess of eight hundred thousand (800,000) square feet,
1265 which will create at least seven hundred (700) full-time jobs with
1266 an average hourly wage of Eleven Dollars (\$11.00) per hour. The
1267 authority shall require that binding commitments be entered into
1268 requiring that:

1269 1. The minimum requirements for the project
1270 provided for in this subparagraph shall be met, and

1271 2. That if such commitments are not met, all
1272 or a portion of the funds provided by the state for the project as
1273 determined by the authority shall be repaid.

1274 (x) Any major capital project with an initial
1275 capital investment from any source or combination of sources of
1276 not less than Seventy-five Million Dollars (\$75,000,000.00) which
1277 will create at least one hundred twenty-five (125) full-time jobs
1278 which provide an average annual salary, excluding benefits which
1279 are not subject to Mississippi income taxes, of at least one
1280 hundred thirty-five percent (135%) of the most recently published
1281 average annual wage of the state or the most recently published
1282 average annual wage of the county in which the project is located
1283 as determined by the Mississippi Department of Employment
1284 Security, whichever is the greater. The authority shall require
1285 that binding commitments be entered into requiring that:

1286 1. The minimum requirements for the project
1287 provided for in this subparagraph shall be met; and

1288 2. That if such commitments are not met, all
1289 or a portion of the funds provided by the state for the project as
1290 determined by the authority shall be repaid.

1291 (xi) Any potential major capital project that the
1292 authority has determined is feasible to recruit.

1293 (xii) Any project built according to the
1294 specifications and federal provisions set forth by the National
1295 Aeronautics and Space Administration Center Operations Directorate
1296 at Stennis Space Center for the purpose of consolidating common
1297 services from National Aeronautics and Space Administration

1298 centers in human resources, procurement, financial management and
1299 information technology located on land owned or controlled by the
1300 National Aeronautics and Space Administration, which will create
1301 at least four hundred seventy (470) full-time jobs.

1302 (xiii) Any major capital project with an initial
1303 capital investment from any source or combination of sources of
1304 not less than Ten Million Dollars (\$10,000,000.00) which will
1305 create at least two hundred fifty (250) full-time jobs. The
1306 authority shall require that binding commitments be entered into
1307 requiring that:

1308 1. The minimum requirements for the project
1309 provided for in this subparagraph shall be met; and

1310 2. That if such commitments are not met, all
1311 or a portion of the funds provided by the state for the project as
1312 determined by the authority shall be repaid.

1313 (xiv) Any major pharmaceutical facility with a
1314 capital investment of not less than Fifty Million Dollars
1315 (\$50,000,000.00) made after July 1, 2002, through four (4) years
1316 after the initial date of any loan or grant made by the authority
1317 for such project, which will maintain at least seven hundred fifty
1318 (750) full-time employees. The authority shall require that
1319 binding commitments be entered into requiring that:

1320 1. The minimum requirements for the project
1321 provided for in this subparagraph shall be met; and

1322 2. That if such commitments are not met, all
1323 or a portion of the funds provided by the state for the project as
1324 determined by the authority shall be repaid.

1325 (xv) Any pharmaceutical manufacturing, packaging
1326 and distribution facility with an initial capital investment from
1327 any local or federal sources of not less than Five Hundred
1328 Thousand Dollars (\$500,000.00) which will create at least ninety
1329 (90) full-time jobs. The authority shall require that binding
1330 commitments be entered into requiring that:

1331 1. The minimum requirements for the project
1332 provided for in this subparagraph shall be met; and

1333 2. That if such commitments are not met, all
1334 or a portion of the funds provided by the state for the project as
1335 determined by the authority shall be repaid.

1336 (xvi) Any major industrial wood processing
1337 facility with an initial capital investment of not less than One
1338 Hundred Million Dollars (\$100,000,000.00) which will create at
1339 least one hundred twenty-five (125) full-time jobs which provide
1340 an average annual salary, excluding benefits which are not subject
1341 to Mississippi income taxes, of at least Thirty Thousand Dollars
1342 (\$30,000.00). The authority shall require that binding
1343 commitments be entered into requiring that:

1344 1. The minimum requirements for the project
1345 provided for in this subparagraph shall be met; and

1346 2. That if such commitments are not met, all
1347 or a portion of the funds provided by the state for the project as
1348 determined by the authority shall be repaid.

1349 (xvii) Any technical, engineering,
1350 manufacturing-logistic service provider with an initial capital
1351 investment of not less than One Million Dollars (\$1,000,000.00)
1352 which will create at least ninety (90) full-time jobs. The
1353 authority shall require that binding commitments be entered into
1354 requiring that:

1355 1. The minimum requirements for the project
1356 provided for in this subparagraph shall be met; and

1357 2. That if such commitments are not met, all
1358 or a portion of the funds provided by the state for the project as
1359 determined by the authority shall be repaid.

1360 (xviii) Any major capital project with an initial
1361 capital investment from any source or combination of sources other
1362 than the State of Mississippi of not less than Six Hundred Million
1363 Dollars (\$600,000,000.00) which will create at least four hundred
1364 fifty (450) full-time jobs with an average annual salary,
1365 excluding benefits which are not subject to Mississippi income
1366 taxes, of at least Seventy Thousand Dollars (\$70,000.00). The

1367 authority shall require that binding commitments be entered into
1368 requiring that:

1369 1. The minimum requirements for the project
1370 provided for in this subparagraph shall be met, and

1371 2. That if such commitments are not met, all
1372 or a portion of the funds provided by the state for the project as
1373 determined by the authority shall be repaid.

1374 (xix) Any major coal and/or petroleum coke
1375 gasification project with an initial capital investment from any
1376 source or combination of sources other than the State of
1377 Mississippi of not less than Eight Hundred Million Dollars
1378 (\$800,000,000.00) which will create at least two hundred (200)
1379 full-time jobs with an average annual salary, excluding benefits
1380 which are not subject to Mississippi income taxes, of at least
1381 Forty-five Thousand Dollars (\$45,000.00). The authority shall
1382 require that binding commitments be entered into requiring that:

1383 1. The minimum requirements for the project
1384 provided for in this subparagraph shall be met, and

1385 2. That if such commitments are not met, all
1386 or a portion of the funds provided by the state for the project as
1387 determined by the authority shall be repaid.

1388 (xx) Any master planned community consisting of
1389 not less than four thousand five hundred (4,500) acres that
1390 includes residential, commercial, tourism, healthcare, open space
1391 and recreational components with a capital investment from private
1392 sources of not less than One Billion Dollars (\$1,000,000,000.00)
1393 over a ten-year period, which will create at least two thousand
1394 five hundred (2,500) jobs. The authority shall require that
1395 binding commitments be entered into requiring that:

1396 1. The minimum requirements for the project
1397 provided for in this subparagraph shall be met; and

1398 2. That if such commitments are not met, all
1399 or a portion of the funds provided by the state for the project as
1400 determined by the authority shall be repaid.

1401 (g) "Project area" means the project site, together
1402 with any area or territory within the state lying within
1403 sixty-five (65) miles of any portion of the project site whether
1404 or not such area or territory be contiguous; however, for the
1405 project defined in paragraph (f)(iv) of this section the term
1406 "project area" means any area or territory within the state. The
1407 project area shall also include all territory within a county if
1408 any portion of such county lies within sixty-five (65) miles of
1409 any portion of the project site. "Project site" means the real
1410 property on which the principal facilities of the enterprise will
1411 operate.

1412 (h) "Public agency" means:

1413 (i) Any department, board, commission, institution
1414 or other agency or instrumentality of the state;

1415 (ii) Any city, town, county, political
1416 subdivision, school district or other district created or existing
1417 under the laws of the state or any public agency of any such city,
1418 town, county, political subdivision or district or any other
1419 public entity created or existing under local and private
1420 legislation;

1421 (iii) Any department, commission, agency or
1422 instrumentality of the United States of America; and

1423 (iv) Any other state of the United States of
1424 America which may be cooperating with respect to location of the
1425 project within the state, or any agency thereof.

1426 (i) "State" means State of Mississippi.

1427 (j) "Fee-in-lieu" means a negotiated fee to be paid by
1428 the project in lieu of any franchise taxes imposed on the project
1429 by Chapter 13, Title 27, Mississippi Code of 1972. The
1430 fee-in-lieu shall not be less than Twenty-five Thousand Dollars
1431 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an
1432 enterprise operating an existing project defined in Section
1433 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated
1434 for other existing enterprises that fall within the definition of
1435 the term "project."

1436 **SECTION 6.** Section 57-75-15, Mississippi Code of 1972, is
1437 amended as follows:

1438 57-75-15. (1) Upon notification to the authority by the
1439 enterprise that the state has been finally selected as the site
1440 for the project, the State Bond Commission shall have the power
1441 and is hereby authorized and directed, upon receipt of a
1442 declaration from the authority as hereinafter provided, to borrow
1443 money and issue general obligation bonds of the state in one or
1444 more series for the purposes herein set out. Upon such
1445 notification, the authority may thereafter from time to time
1446 declare the necessity for the issuance of general obligation bonds
1447 as authorized by this section and forward such declaration to the
1448 State Bond Commission, provided that before such notification, the
1449 authority may enter into agreements with the United States
1450 government, private companies and others that will commit the
1451 authority to direct the State Bond Commission to issue bonds for
1452 eligible undertakings set out in subsection (4) of this section,
1453 conditioned on the siting of the project in the state.

1454 (2) Upon receipt of any such declaration from the authority,
1455 the State Bond Commission shall verify that the state has been
1456 selected as the site of the project and shall act as the issuing
1457 agent for the series of bonds directed to be issued in such
1458 declaration pursuant to authority granted in this section.

1459 (3) (a) Bonds issued under the authority of this section
1460 for projects as defined in Section 57-75-5(f)(i) shall not exceed
1461 an aggregate principal amount in the sum of Sixty-seven Million
1462 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

1463 (b) Bonds issued under the authority of this section
1464 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
1465 Sixty-one Million Dollars (\$61,000,000.00). The authority, with
1466 the express direction of the State Bond Commission, is authorized
1467 to expend any remaining proceeds of bonds issued under the
1468 authority of this act prior to January 1, 1998, for the purpose of
1469 financing projects as then defined in Section 57-75-5(f)(ii) or
1470 for any other projects as defined in Section 57-75-5(f)(ii), as it

1471 may be amended from time to time. If there are any monetary
1472 proceeds derived from the disposition of any improvements located
1473 on real property in Kemper County purchased pursuant to this act
1474 for projects related to the NAAS and if there are any monetary
1475 proceeds derived from the disposition of any timber located on
1476 real property in Kemper County purchased pursuant to this act for
1477 projects related to the NAAS, all of such proceeds (both from the
1478 disposition of improvements and the disposition of timber)
1479 commencing July 1, 1996, through June 30, 2010, shall be paid to
1480 the Board of Education of Kemper County, Mississippi, for
1481 expenditure by such board of education to benefit the public
1482 schools of Kemper County. No bonds shall be issued under this
1483 paragraph (b) until the State Bond Commission by resolution adopts
1484 a finding that the issuance of such bonds will improve, expand or
1485 otherwise enhance the military installation, its support areas or
1486 military operations, or will provide employment opportunities to
1487 replace those lost by closure or reductions in operations at the
1488 military installation or will support critical studies or
1489 investigations authorized by Section 57-75-5(f)(ii).

1490 (c) Bonds issued under the authority of this section
1491 for projects as defined in Section 57-75-5(f)(iii) shall not
1492 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
1493 issued under this paragraph after December 31, 1996.

1494 (d) Bonds issued under the authority of this section
1495 for projects defined in Section 57-75-5(f)(iv) shall not exceed
1496 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
1497 additional amount of bonds in an amount not to exceed Twelve
1498 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
1499 issued under the authority of this section for the purpose of
1500 defraying costs associated with the construction of surface water
1501 transmission lines for a project defined in Section 57-75-5(f)(iv)
1502 or for any facility related to the project. No bonds shall be
1503 issued under this paragraph after June 30, 2005.

1504 (e) Bonds issued under the authority of this section
1505 for projects defined in Section 57-75-5(f)(v) and for facilities

related to such projects shall not exceed Thirty-eight Million Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

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

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

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

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

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

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

(l) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xiv) shall not exceed Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be

1541 issued under this paragraph until local governments in the county
1542 in which the project is located have irrevocably committed funds
1543 to the project in an amount of not less than Two Million Dollars
1544 (\$2,000,000.00). No bonds shall be issued under this paragraph
1545 after June 30, 2009.

1546 (m) Bonds issued under the authority of this section
1547 for projects defined in Section 57-75-5(f)(xv) shall not exceed
1548 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
1549 issued under this paragraph after June 30, 2009.

1550 (n) Bonds issued under the authority of this section
1551 for projects defined in Section 57-75-5(f)(xvi) shall not exceed
1552 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
1553 under this paragraph after June 30, 2009.

1554 (o) Bonds issued under the authority of this section
1555 for projects defined in Section 57-75-5(f)(xvii) shall not exceed
1556 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
1557 bonds shall be issued under this paragraph after June 30, 2009.

1558 (p) Bonds issued under the authority of this section
1559 for projects defined in Section 57-75-5(f)(xviii) shall not exceed
1560 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
1561 issued under this paragraph after June 30, 2016.

1562 (q) Bonds issued under the authority of this section
1563 for projects defined in Section 57-75-5(f)(xix) shall not exceed
1564 Two Million Dollars (\$2,000,000.00). No bonds shall be issued
1565 under this paragraph after June 30, 2010.

1566 (r) Bonds issued under the authority of this section
1567 for projects defined in Section 57-75-5(f)(xx) shall not exceed
1568 Two Million Dollars (\$2,000,000.00). No bonds shall be issued
1569 under this paragraph after June 30, 2020.

1570 (4) (a) The proceeds from the sale of the bonds issued
1571 under this section may be applied for the following purposes:

1572 (i) Defraying all or any designated portion of the
1573 costs incurred with respect to acquisition, planning, design,
1574 construction, installation, rehabilitation, improvement,
1575 relocation and with respect to state-owned property, operation and

1576 maintenance of the project and any facility related to the project
1577 located within the project area, including costs of design and
1578 engineering, all costs incurred to provide land, easements and
1579 rights-of-way, relocation costs with respect to the project and
1580 with respect to any facility related to the project located within
1581 the project area, and costs associated with mitigation of
1582 environmental impacts and environmental impact studies;

1583 (ii) Defraying the cost of providing for the
1584 recruitment, screening, selection, training or retraining of
1585 employees, candidates for employment or replacement employees of
1586 the project and any related activity;

1587 (iii) Reimbursing the Mississippi Development
1588 Authority for expenses it incurred in regard to projects defined
1589 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
1590 Mississippi Development Authority shall submit an itemized list of
1591 expenses it incurred in regard to such projects to the Chairmen of
1592 the Finance and Appropriations Committees of the Senate and the
1593 Chairmen of the Ways and Means and Appropriations Committees of
1594 the House of Representatives;

1595 (iv) Providing grants to enterprises operating
1596 projects defined in Section 57-75-5(f)(iv)1;

1597 (v) Paying any warranty made by the authority
1598 regarding site work for a project defined in Section
1599 57-75-5(f)(iv)1;

1600 (vi) Defraying the cost of marketing and promotion
1601 of a project as defined in Section 57-75-5(f)(iv)1. The authority
1602 shall submit an itemized list of costs incurred for marketing and
1603 promotion of such project to the Chairmen of the Finance and
1604 Appropriations Committees of the Senate and the Chairmen of the
1605 Ways and Means and Appropriations Committees of the House of
1606 Representatives;

1607 (vii) Providing for the payment of interest on the
1608 bonds;

1609 (viii) Providing debt service reserves;

1610 (ix) Paying underwriters' discount, original issue
1611 discount, accountants' fees, engineers' fees, attorneys' fees,
1612 rating agency fees and other fees and expenses in connection with
1613 the issuance of the bonds;

1614 (x) For purposes authorized in paragraphs (b),
1615 (c), (d), (e) and (f) of this subsection (4);

1616 (xi) Providing grants to enterprises operating
1617 projects defined in Section 57-75-5(f)(v), or, in connection with
1618 a facility related to such a project, for any purposes deemed by
1619 the authority in its sole discretion to be necessary and
1620 appropriate;

1621 (xii) Providing grant funds or loans to a public
1622 agency or an enterprise owning, leasing or operating a project
1623 defined in Section 57-75-5(f)(ii);

1624 (xiii) Providing grant funds or loans to an
1625 enterprise owning, leasing or operating a project defined in
1626 Section 57-75-5(f)(xiv);

1627 (xiv) Providing grants, loans and payments to or
1628 for the benefit of an enterprise owning or operating a project
1629 defined in Section 57-75-5(f)(xviii); and

1630 (xv) Purchasing equipment for a project defined in
1631 Section 57-75-5(f)(viii) subject to such terms and conditions as
1632 the authority considers necessary and appropriate.

1633 Such bonds shall be issued from time to time and in such
1634 principal amounts as shall be designated by the authority, not to
1635 exceed in aggregate principal amounts the amount authorized in
1636 subsection (3) of this section. Proceeds from the sale of the
1637 bonds issued under this section may be invested, subject to
1638 federal limitations, pending their use, in such securities as may
1639 be specified in the resolution authorizing the issuance of the
1640 bonds or the trust indenture securing them, and the earning on
1641 such investment applied as provided in such resolution or trust
1642 indenture.

1643 (b) (i) The proceeds of bonds issued after June 21,
1644 2002, under this section for projects described in Section

1645 57-75-5(f)(iv) may be used to reimburse reasonable actual and
1646 necessary costs incurred by the Mississippi Development Authority
1647 in providing assistance related to a project for which funding is
1648 provided from the use of proceeds of such bonds. The Mississippi
1649 Development Authority shall maintain an accounting of actual costs
1650 incurred for each project for which reimbursements are sought.
1651 Reimbursements under this paragraph (b)(i) shall not exceed Three
1652 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
1653 Reimbursements under this paragraph (b)(i) shall satisfy any
1654 applicable federal tax law requirements.

1655 (ii) The proceeds of bonds issued after June 21,
1656 2002, under this section for projects described in Section
1657 57-75-5(f)(iv) may be used to reimburse reasonable actual and
1658 necessary costs incurred by the Department of Audit in providing
1659 services related to a project for which funding is provided from
1660 the use of proceeds of such bonds. The Department of Audit shall
1661 maintain an accounting of actual costs incurred for each project
1662 for which reimbursements are sought. The Department of Audit may
1663 escalate its budget and expend such funds in accordance with rules
1664 and regulations of the Department of Finance and Administration in
1665 a manner consistent with the escalation of federal funds.
1666 Reimbursements under this paragraph (b)(ii) shall not exceed One
1667 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
1668 Reimbursements under this paragraph (b)(ii) shall satisfy any
1669 applicable federal tax law requirements.

1670 (c) (i) The proceeds of bonds issued under this
1671 section for projects described in Section 57-75-5(f)(ix) may be
1672 used to reimburse reasonable actual and necessary costs incurred
1673 by the Mississippi Development Authority in providing assistance
1674 related to a project for which funding is provided for the use of
1675 proceeds of such bonds. The Mississippi Development Authority
1676 shall maintain an accounting of actual costs incurred for each
1677 project for which reimbursements are sought. Reimbursements under
1678 this paragraph shall not exceed Twenty-five Thousand Dollars
1679 (\$25,000.00) in the aggregate.

1680 (ii) The proceeds of bonds issued under this
1681 section for projects described in Section 57-75-5(f)(ix) may be
1682 used to reimburse reasonable actual and necessary costs incurred
1683 by the Department of Audit in providing services related to a
1684 project for which funding is provided from the use of proceeds of
1685 such bonds. The Department of Audit shall maintain an accounting
1686 of actual costs incurred for each project for which reimbursements
1687 are sought. The Department of Audit may escalate its budget and
1688 expend such funds in accordance with rules and regulations of the
1689 Department of Finance and Administration in a manner consistent
1690 with the escalation of federal funds. Reimbursements under this
1691 paragraph shall not exceed Twenty-five Thousand Dollars
1692 (\$25,000.00) in the aggregate. Reimbursements under this
1693 paragraph shall satisfy any applicable federal tax law
1694 requirements.

1695 (d) (i) The proceeds of bonds issued under this
1696 section for projects described in Section 57-75-5(f)(x) may be
1697 used to reimburse reasonable actual and necessary costs incurred
1698 by the Mississippi Development Authority in providing assistance
1699 related to a project for which funding is provided for the use of
1700 proceeds of such bonds. The Mississippi Development Authority
1701 shall maintain an accounting of actual costs incurred for each
1702 project for which reimbursements are sought. Reimbursements under
1703 this paragraph shall not exceed Twenty-five Thousand Dollars
1704 (\$25,000.00) in the aggregate.

1705 (ii) The proceeds of bonds issued under this
1706 section for projects described in Section 57-75-5(f)(x) may be
1707 used to reimburse reasonable actual and necessary costs incurred
1708 by the Department of Audit in providing services related to a
1709 project for which funding is provided from the use of proceeds of
1710 such bonds. The Department of Audit shall maintain an accounting
1711 of actual costs incurred for each project for which reimbursements
1712 are sought. The Department of Audit may escalate its budget and
1713 expend such funds in accordance with rules and regulations of the
1714 Department of Finance and Administration in a manner consistent

with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

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

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

(f) (i) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related

to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (f)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

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

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from the date thereof and extending not more than twenty-five (25) years from the date thereof. The bonds shall be signed by the Chairman of

the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

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

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

Notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of

1820 Jackson and in one or more other newspapers or financial journals
1821 with a large national circulation, to be selected by the State
1822 Bond Commission.

1823 The State Bond Commission, when issuing any bonds under the
1824 authority of this section, may provide that the bonds, at the
1825 option of the state, may be called in for payment and redemption
1826 at the call price named therein and accrued interest on such date
1827 or dates named therein.

1828 (8) State bonds issued under the provisions of this section
1829 shall be the general obligations of the state and backed by the
1830 full faith and credit of the state. The Legislature shall
1831 appropriate annually an amount sufficient to pay the principal of
1832 and the interest on such bonds as they become due. All bonds
1833 shall contain recitals on their faces substantially covering the
1834 foregoing provisions of this section.

1835 (9) The State Treasurer is authorized to certify to the
1836 Department of Finance and Administration the necessity for
1837 warrants, and the Department of Finance and Administration is
1838 authorized and directed to issue such warrants payable out of any
1839 funds appropriated by the Legislature under this section for such
1840 purpose, in such amounts as may be necessary to pay when due the
1841 principal of and interest on all bonds issued under the provisions
1842 of this section. The State Treasurer shall forward the necessary
1843 amount to the designated place or places of payment of such bonds
1844 in ample time to discharge such bonds, or the interest thereon, on
1845 the due dates thereof.

1846 (10) The bonds may be issued without any other proceedings
1847 or the happening of any other conditions or things other than
1848 those proceedings, conditions and things which are specified or
1849 required by this chapter. Any resolution providing for the
1850 issuance of general obligation bonds under the provisions of this
1851 section shall become effective immediately upon its adoption by
1852 the State Bond Commission, and any such resolution may be adopted
1853 at any regular or special meeting of the State Bond Commission by
1854 a majority of its members.

1855 (11) In anticipation of the issuance of bonds hereunder, the
1856 State Bond Commission is authorized to negotiate and enter into
1857 any purchase, loan, credit or other agreement with any bank, trust
1858 company or other lending institution or to issue and sell interim
1859 notes for the purpose of making any payments authorized under this
1860 section. All borrowings made under this provision shall be
1861 evidenced by notes of the state which shall be issued from time to
1862 time, for such amounts not exceeding the amount of bonds
1863 authorized herein, in such form and in such denomination and
1864 subject to such terms and conditions of sale and issuance,
1865 prepayment or redemption and maturity, rate or rates of interest
1866 not to exceed the maximum rate authorized herein for bonds, and
1867 time of payment of interest as the State Bond Commission shall
1868 agree to in such agreement. Such notes shall constitute general
1869 obligations of the state and shall be backed by the full faith and
1870 credit of the state. Such notes may also be issued for the
1871 purpose of refunding previously issued notes. No note shall
1872 mature more than three (3) years following the date of its
1873 issuance. The State Bond Commission is authorized to provide for
1874 the compensation of any purchaser of the notes by payment of a
1875 fixed fee or commission and for all other costs and expenses of
1876 issuance and service, including paying agent costs. Such costs
1877 and expenses may be paid from the proceeds of the notes.

1878 (12) The bonds and interim notes authorized under the
1879 authority of this section may be validated in the First Judicial
1880 District of the Chancery Court of Hinds County, Mississippi, in
1881 the manner and with the force and effect provided now or hereafter
1882 by Chapter 13, Title 31, Mississippi Code of 1972, for the
1883 validation of county, municipal, school district and other bonds.
1884 The necessary papers for such validation proceedings shall be
1885 transmitted to the State Bond Attorney, and the required notice
1886 shall be published in a newspaper published in the City of
1887 Jackson, Mississippi.

1888 (13) Any bonds or interim notes issued under the provisions
1889 of this chapter, a transaction relating to the sale or securing of

such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other political subdivisions thereof for the purpose of securing the deposit of public funds.

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

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

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

1925 (b) In the event that all or any part of the bonds and
1926 notes are purchased, they shall be cancelled and returned to the
1927 loan and transfer agent as cancelled and paid bonds and notes and
1928 thereafter all payments of interest thereon shall cease and the
1929 cancelled bonds, notes and coupons, together with any other
1930 cancelled bonds, notes and coupons, shall be destroyed as promptly
1931 as possible after cancellation but not later than two (2) years
1932 after cancellation. A certificate evidencing the destruction of
1933 the cancelled bonds, notes and coupons shall be provided by the
1934 loan and transfer agent to the seller.

1935 (c) The State Treasurer shall determine and report to
1936 the Department of Finance and Administration and Legislative
1937 Budget Office by September 1 of each year the amount of money
1938 necessary for the payment of the principal of and interest on
1939 outstanding obligations for the following fiscal year and the
1940 times and amounts of the payments. It shall be the duty of the
1941 Governor to include in every executive budget submitted to the
1942 Legislature full information relating to the issuance of bonds and
1943 notes under the provisions of this chapter and the status of the
1944 sinking fund for the payment of the principal of and interest on
1945 the bonds and notes.

1946 (d) Any monies repaid to the state from loans
1947 authorized in Section 57-75-11(hh) shall be deposited into the
1948 Mississippi Major Economic Impact Authority Sinking Fund unless
1949 the State Bond Commission, at the request of the authority, shall
1950 determine that such loan repayments are needed to provide
1951 additional loans as authorized under Section 57-75-11(hh). For
1952 purposes of providing additional loans, there is hereby created
1953 the Mississippi Major Economic Impact Authority Revolving Loan
1954 Fund and loan repayments shall be deposited into the fund. The
1955 fund shall be maintained for such period as determined by the
1956 State Bond Commission for the sole purpose of making additional
1957 loans as authorized by Section 57-75-11(hh). Unexpended amounts
1958 remaining in the fund at the end of a fiscal year shall not lapse

into the State General Fund and any interest earned on amounts in such fund shall be deposited to the credit of the fund.

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

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

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

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

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

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

SECTION 7. Sections 3 through 18, Chapter 541, Laws of 2001, as amended by Chapter 540, Laws of 2002, as amended by Chapter

519, Laws of 2003, as amended by Chapter 1, Laws of 2004 Third Extraordinary Session, is amended as follows:

Section 3. As used in Sections 3 through 18 of this act, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

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

(b) "State" means the State of Mississippi; and

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

Section 4. (1) The Mississippi Arts Commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the grant program authorized in Section 2 of this act. Upon the adoption of a resolution by the Mississippi Arts Commission, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Mississippi Arts Commission shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under Sections 3 through 18 of this act shall not exceed Twenty Million Two Hundred Thousand Dollars (\$20,200,000.00).

(2) The proceeds of bonds issued pursuant to Sections 3 through 18 of this act shall be deposited into the Building Fund for the Arts created pursuant to Section 2 of this act. Any investment earnings on bonds issued pursuant to Sections 3 through

18 of this act shall be used to pay debt service on bonds issued under Sections 3 through 18 of this act, in accordance with the proceedings authorizing issuance of such bonds.

Section 5. The principal of and interest on the bonds authorized under Sections 3 through 18 of this act shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

Section 6. The bonds authorized by Sections 3 through 18 of this act shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

2062 Section 7. All bonds and interest coupons issued under the
2063 provisions of Sections 3 through 18 of this act have all the
2064 qualities and incidents of negotiable instruments under the
2065 provisions of the Uniform Commercial Code, and in exercising the
2066 powers granted by Sections 3 through 18 of this act, the
2067 commission shall not be required to and need not comply with the
2068 provisions of the Uniform Commercial Code.

2069 Section 8. The commission shall act as the issuing agent for
2070 the bonds authorized under Sections 3 through 18 of this act,
2071 prescribe the form of the bonds, advertise for and accept bids,
2072 issue and sell the bonds so authorized to be sold, pay all fees
2073 and costs incurred in such issuance and sale, and do any and all
2074 other things necessary and advisable in connection with the
2075 issuance and sale of such bonds. The commission is authorized and
2076 empowered to pay the costs that are incident to the sale, issuance
2077 and delivery of the bonds authorized under Sections 3 through 18
2078 of this act from the proceeds derived from the sale of such bonds.
2079 The commission shall sell such bonds on sealed bids at public
2080 sale, and for such price as it may determine to be for the best
2081 interest of the State of Mississippi, but no such sale shall be
2082 made at a price less than par plus accrued interest to the date of
2083 delivery of the bonds to the purchaser. All interest accruing on
2084 such bonds so issued shall be payable semiannually or annually;
2085 however, the first interest payment may be for any period of not
2086 more than one (1) year.

2087 Notice of the sale of any such bonds shall be published at
2088 least one time, not less than ten (10) days before the date of
2089 sale, and shall be so published in one or more newspapers
2090 published or having a general circulation in the City of Jackson,
2091 Mississippi, and in one or more other newspapers or financial
2092 journals with a national circulation, to be selected by the
2093 commission.

2094 The commission, when issuing any bonds under the authority of
2095 Sections 3 through 18 of this act, may provide that bonds, at the
2096 option of the State of Mississippi, may be called in for payment

and redemption at the call price named therein and accrued interest on such date or dates named therein.

Section 9. The bonds issued under the provisions of Sections 3 through 18 of this act are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

Section 10. Upon the issuance and sale of bonds under the provisions of Sections 3 through 18 of this act, the commission shall transfer the proceeds of any such sale or sales to the special fund created in Section 2 of this act. Except as otherwise provided in Section 2 of this act, the proceeds of such bonds shall be disbursed solely upon the order of the Department of Finance and Administration under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

Section 11. The bonds authorized under Sections 3 through 18 of this act may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by Sections 3 through 18 of this act. Any resolution providing for the issuance of bonds under the provisions of Sections 3 through 18 of this act shall become effective immediately upon its adoption by the commission, and any such resolution may be adopted at any regular or special meeting of the commission by a majority of its members.

Section 12. The bonds authorized under the authority of Sections 3 through 18 of this act may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter

2132 13, Title 31, Mississippi Code of 1972, for the validation of
2133 county, municipal, school district and other bonds. The notice to
2134 taxpayers required by such statutes shall be published in a
2135 newspaper published or having a general circulation in the City of
2136 Jackson, Mississippi.

2137 Section 13. Any holder of bonds issued under the provisions
2138 of Sections 3 through 18 of this act or of any of the interest
2139 coupons pertaining thereto may, either at law or in equity, by
2140 suit, action, mandamus or other proceeding, protect and enforce
2141 any and all rights granted under Sections 3 through 18 of this
2142 act, or under such resolution, and may enforce and compel
2143 performance of all duties required by Sections 3 through 18 of
2144 this act to be performed, in order to provide for the payment of
2145 bonds and interest thereon.

2146 Section 14. All bonds issued under the provisions of
2147 Sections 3 through 18 of this act shall be legal investments for
2148 trustees and other fiduciaries, and for savings banks, trust
2149 companies and insurance companies organized under the laws of the
2150 State of Mississippi, and such bonds shall be legal securities
2151 which may be deposited with and shall be received by all public
2152 officers and bodies of this state and all municipalities and
2153 political subdivisions for the purpose of securing the deposit of
2154 public funds.

2155 Section 15. Bonds issued under the provisions of Sections 3
2156 through 18 of this act and income therefrom shall be exempt from
2157 all taxation in the State of Mississippi.

2158 Section 16. The proceeds of the bonds issued under Sections
2159 3 through 18 of this act shall be used solely for the purposes
2160 therein provided, including the costs incident to the issuance and
2161 sale of such bonds.

2162 Section 17. The State Treasurer is authorized, without
2163 further process of law, to certify to the Department of Finance
2164 and Administration the necessity for warrants, and the Department
2165 of Finance and Administration is authorized and directed to issue
2166 such warrants, in such amounts as may be necessary to pay when due

2167 the principal of, premium, if any, and interest on, or the
2168 accreted value of, all bonds issued under Sections 3 through 18 of
2169 this act; and the State Treasurer shall forward the necessary
2170 amount to the designated place or places of payment of such bonds
2171 in ample time to discharge such bonds, or the interest thereon, on
2172 the due dates thereof.

2173 Section 18. Sections 3 through 18 of this act shall be
2174 deemed to be full and complete authority for the exercise of the
2175 powers therein granted, but Sections 3 through 18 of this act
2176 shall not be deemed to repeal or to be in derogation of any
2177 existing law of this state.

2178 **SECTION 8.** Section 39-11-13, Mississippi Code of 1972, is
2179 amended as follows:

2180 39-11-13. (1) (a) A special fund, to be designated as the
2181 "Building Fund for the Arts" is created within the State Treasury.
2182 The fund shall be maintained by the State Treasurer as a separate
2183 and special fund, separate and apart from the General Fund of the
2184 state. The fund shall consist of any money designated for deposit
2185 therein from any source, including, but not limited to, any state
2186 general obligation bonds issued for the purposes described in this
2187 section. Unexpended amounts remaining in the fund at the end of a
2188 fiscal year shall not lapse into the State General Fund, and
2189 investment earnings on amounts in the fund shall be deposited into
2190 such fund.

2191 (b) Money deposited into the fund shall be disbursed,
2192 in the discretion of the Mississippi Arts Commission, to provide
2193 grants to nonprofit organizations that are qualified as tax exempt
2194 under Section 501(c)(3) of the Internal Revenue Code and units of
2195 local government to pay the costs of:

2196 (i) Repair, upgrading, expansion, renovation or
2197 enhancement of existing buildings and facilities for the
2198 presentation, teaching or exhibition of the arts in any and all of
2199 its forms and furniture, equipment and/or technology for such
2200 buildings or facilities;

2201 (ii) Construction of new buildings and facilities
2202 for the presentation, teaching or exhibition of the arts in any
2203 and all of its forms and furniture, equipment and/or technology
2204 for such buildings or facilities; or

2205 (iii) The development, construction, equipping and
2206 furnishing of an entertainment and film center and museum and
2207 completion of a sound stage project.

2208 (c) The entity to which such grants are made shall
2209 provide matching funds from local, federal or private sources
2210 equal to forty percent (40%) of the proposed project cost in order
2211 to be eligible for a grant under this section.

2212 (d) The maximum aggregate amount of monies in the
2213 special fund that may be used to provide grant funds to an entity
2214 or combination of entities under paragraph (b)(iii) of this
2215 subsection shall not exceed One Million Dollars (\$1,000,000.00),
2216 and no monies in the special fund may be used to provide grant
2217 funds under paragraph (b)(iii) of this subsection after July 1,
2218 2003. The maximum aggregate amount of grant funds that may be
2219 provided to an entity or combination of entities under paragraph
2220 (b)(iii) of this subsection during a fiscal year shall not exceed
2221 Five Hundred Thousand Dollars (\$500,000.00).

2222 (2) (a) Amounts deposited into such special fund shall be
2223 disbursed to pay the costs of projects described in subsection (1)
2224 of this section. If any monies in the special fund are derived
2225 from proceeds of bonds issued under Sections 3 through 18 of
2226 Chapter 541, Laws of 2001, as amended by Chapter 540, Laws of
2227 2002, as amended by Chapter 519, Laws of 2003, as amended by
2228 Chapter 1, Laws of 2004 Third Extraordinary Session, as amended by
2229 House Bill No. 1634, 2006 Regular Session, and are not used within
2230 four (4) years after the date such bond proceeds are deposited
2231 into the special fund, then the Mississippi Arts Commission shall
2232 provide an accounting of such unused monies to the State Bond
2233 Commission.

2234 (b) Monies in the special fund which are derived from
2235 proceeds of bonds issued after April 9, 2002, may be used to

2236 reimburse reasonable actual and necessary costs incurred by the
2237 Mississippi Arts Commission in providing assistance directly
2238 related to a project described in subsection (1) of this section
2239 for which grant funds are provided under this section from the use
2240 of proceeds of such bonds. Reimbursement may be made only until
2241 such time as the project is completed. An accounting of actual
2242 costs incurred for which reimbursement is sought shall be
2243 maintained for each project by the Mississippi Arts Commission.
2244 Reimbursement of reasonable actual and necessary costs for a
2245 project shall not exceed three percent (3%) of the proceeds of
2246 bonds issued for such project. Monies authorized for a particular
2247 project may not be used to reimburse administrative costs for
2248 unrelated projects. This paragraph (b) shall be repealed from and
2249 after July 1, 2007.

2250 (3) The Mississippi Arts Commission is expressly authorized
2251 and empowered to receive and expend any local or other source
2252 funds in connection with the expenditure of funds provided for in
2253 this section. The expenditure of money deposited into the special
2254 fund shall be under the direction of the Mississippi Arts
2255 Commission, and such funds shall be paid by the State Treasurer
2256 upon warrants issued by the Department of Finance and
2257 Administration upon request of the Mississippi Arts Commission,
2258 which warrants shall be issued upon requisitions signed by the
2259 Executive Director of the Mississippi Arts Commission or his or
2260 her designee.

2261 (4) The Mississippi Arts Commission shall adopt necessary
2262 rules and regulations to govern the administration of the program
2263 described in subsection (1) of this section, including, but not
2264 limited to, rules and regulations governing applications for
2265 grants and rules and regulations providing for the distribution of
2266 grant funds. The Mississippi Arts Commission shall comply with
2267 the provisions of the Mississippi Administrative Procedures Law.

2268 **SECTION 9.** Sections 210 through 226, Chapter 1, Laws of 2004
2269 Third Extraordinary Session, as amended by Chapter 458, Laws of
2270 2005, are amended as follows:

2271 Section 210. As used in Sections 210 through 226 of this
2272 act, the following words shall have the meanings ascribed herein
2273 unless the context clearly requires otherwise:

2274 (a) "Accreted value" of any bonds means, as of any date
2275 of computation, an amount equal to the sum of (i) the stated
2276 initial value of such bond, plus (ii) the interest accrued thereon
2277 from the issue date to the date of computation at the rate,
2278 compounded semiannually, that is necessary to produce the
2279 approximate yield to maturity shown for bonds of the same
2280 maturity;

2281 (b) "State" means the State of Mississippi; and

2282 (c) "Commission" means the State Bond Commission.

2283 Section 211. (1) (a) A special fund, to be designated as
2284 the "Mississippi Museum of Art Fund," is created within the State
2285 Treasury. The fund shall be maintained by the State Treasurer as
2286 a separate and special fund, separate and apart from the General
2287 Fund of the state. Unexpended amounts remaining in the fund at
2288 the end of a fiscal year shall not lapse into the State General
2289 Fund, and any interest earned or investment earnings on amounts in
2290 the fund shall be deposited into such fund.

2291 (b) Monies deposited into the fund shall be disbursed,
2292 in the discretion of the Department of Finance and Administration,
2293 for the purpose of providing funds to the Mississippi Museum of
2294 Art to pay the costs of acquisition of land, planning, design and
2295 site preparation for a facility for the Mississippi Museum of Art
2296 in Jackson, Mississippi, and/or construction, repair and
2297 renovation, upgrading, furnishing, equipping, expansion or
2298 enhancement of buildings or facilities for the Mississippi Museum
2299 of Art in Jackson, Mississippi.

2300 (2) Amounts deposited into such special fund shall be
2301 disbursed to pay the costs of the projects described in subsection
2302 (1) of this section. Promptly after the commission has certified,
2303 by resolution duly adopted, that the projects described in
2304 subsection (1) of this section shall have been completed,
2305 abandoned, or cannot be completed in a timely fashion, any amounts

remaining in such special fund shall be applied to pay debt service on the bonds issued under Sections 210 through 226 of this act, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the commission.

(3) The Department of Finance and Administration is expressly authorized and empowered to receive and expend any local or other source funds in connection with the expenditure of funds provided for in this section. The expenditure of monies deposited into the special fund shall be under the direction of the Department of Finance and Administration, and such funds shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration.

Section 212. (1) The Department of Finance and Administration, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in Section 211 of this act. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under Sections 210 through 226 of this act shall not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

(2) The proceeds of bonds issued pursuant to Sections 210 through 226 of this act shall be deposited into the special fund created pursuant to Section 211 of this act. Any investment earnings on bonds issued pursuant to Sections 210 through 226 of this act shall be used to pay debt service on bonds issued under

Sections 210 through 226 of this act, in accordance with the proceedings authorizing issuance of such bonds.

Section 213. The principal of and interest on the bonds authorized under Sections 210 through 226 of this act shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the commission.

Section 214. The bonds authorized by Sections 210 through 226 of this act shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

Section 215. All bonds and interest coupons issued under the provisions of Sections 210 through 226 of this act have all the

2376 qualities and incidents of negotiable instruments under the
2377 provisions of the Uniform Commercial Code, and in exercising the
2378 powers granted by Sections 210 through 226 of this act, the
2379 commission shall not be required to and need not comply with the
2380 provisions of the Uniform Commercial Code.

2381 Section 216. The commission shall act as the issuing agent
2382 for the bonds authorized under Sections 210 through 226 of this
2383 act, prescribe the form of the bonds, advertise for and accept
2384 bids, issue and sell the bonds so authorized to be sold, pay all
2385 fees and costs incurred in such issuance and sale, and do any and
2386 all other things necessary and advisable in connection with the
2387 issuance and sale of such bonds. The commission is authorized and
2388 empowered to pay the costs that are incident to the sale, issuance
2389 and delivery of the bonds authorized under Sections 210 through
2390 226 of this act from the proceeds derived from the sale of such
2391 bonds. The commission shall sell such bonds on sealed bids at
2392 public sale, and for such price as it may determine to be for the
2393 best interest of the State of Mississippi, but no such sale shall
2394 be made at a price less than par plus accrued interest to the date
2395 of delivery of the bonds to the purchaser. All interest accruing
2396 on such bonds so issued shall be payable semiannually or annually;
2397 however, the first interest payment may be for any period of not
2398 more than one (1) year.

2399 Notice of the sale of any such bonds shall be published at
2400 least one (1) time, not less than ten (10) days before the date of
2401 sale, and shall be so published in one or more newspapers
2402 published or having a general circulation in the City of Jackson,
2403 Mississippi, and in one or more other newspapers or financial
2404 journals with a national circulation, to be selected by the
2405 commission.

2406 The commission, when issuing any bonds under the authority of
2407 Sections 210 through 226 of this act, may provide that bonds, at
2408 the option of the State of Mississippi, may be called in for
2409 payment and redemption at the call price named therein and accrued
2410 interest on such date or dates named therein.

2411 Section 217. The bonds issued under the provisions of
2412 Sections 210 through 226 of this act are general obligations of
2413 the State of Mississippi, and for the payment thereof the full
2414 faith and credit of the State of Mississippi is irrevocably
2415 pledged. If the funds appropriated by the Legislature are
2416 insufficient to pay the principal of and the interest on such
2417 bonds as they become due, then the deficiency shall be paid by the
2418 State Treasurer from any funds in the State Treasury not otherwise
2419 appropriated. All such bonds shall contain recitals on their
2420 faces substantially covering the provisions of this section.

2421 Section 218. Upon the issuance and sale of bonds under the
2422 provisions of Sections 210 through 226 of this act, the commission
2423 shall transfer the proceeds of any such sale or sales to the
2424 special fund created in Section 211 of this act. The proceeds of
2425 such bonds shall be disbursed solely upon the order of the
2426 Department of Finance and Administration under such restrictions,
2427 if any, as may be contained in the resolution providing for the
2428 issuance of the bonds.

2429 Section 219. The bonds authorized under Sections 210 through
2430 226 of this act may be issued without any other proceedings or the
2431 happening of any other conditions or things other than those
2432 proceedings, conditions and things which are specified or required
2433 by Sections 210 through 226 of this act. Any resolution providing
2434 for the issuance of bonds under the provisions of Sections 210
2435 through 226 of this act shall become effective immediately upon
2436 its adoption by the commission, and any such resolution may be
2437 adopted at any regular or special meeting of the commission by a
2438 majority of its members.

2439 Section 220. The bonds authorized under the authority of
2440 Sections 210 through 226 of this act may be validated in the
2441 Chancery Court of the First Judicial District of Hinds County,
2442 Mississippi, in the manner and with the force and effect provided
2443 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2444 validation of county, municipal, school district and other bonds.
2445 The notice to taxpayers required by such statutes shall be

published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

Section 221. Any holder of bonds issued under the provisions of Sections 210 through 226 of this act or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under Sections 210 through 226 of this act, or under such resolution, and may enforce and compel performance of all duties required by Sections 210 through 226 of this act to be performed, in order to provide for the payment of bonds and interest thereon.

Section 222. All bonds issued under the provisions of Sections 210 through 226 of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

Section 223. Bonds issued under the provisions of Sections 210 through 226 of this act and income therefrom shall be exempt from all taxation in the State of Mississippi.

Section 224. The proceeds of the bonds issued under Sections 210 through 226 of this act shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

Section 225. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under Sections 210 through 226 of this act; and the State Treasurer shall forward the necessary

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

Section 226. Sections 210 through 226 of this act shall be deemed to be full and complete authority for the exercise of the powers therein granted, but Sections 210 through 226 of this act shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 10. (1) As used in this section, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

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

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

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

(2) (a) (i) A special fund, to be designated as the "2006 New State Records Center Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(ii) Monies deposited into the fund shall be disbursed, in the discretion of the Department of Finance and Administration, to pay the costs of repair, renovation, furnishing and equipping of a building and facilities for a new State Records Center at the old Farmers' Market location in Jackson, Mississippi, and expenses related to moving records to the new center.

2516 (b) Amounts deposited into such special fund shall be
2517 disbursed to pay the costs of the project(s) described in
2518 paragraph (a) of this subsection. Promptly after the commission
2519 has certified, by resolution duly adopted, that the project(s)
2520 described in paragraph (a) of this subsection shall have been
2521 completed, abandoned, or cannot be completed in a timely fashion,
2522 any amounts remaining in such special fund shall be applied to pay
2523 debt service on the bonds issued under this section, in accordance
2524 with the proceedings authorizing the issuance of such bonds and as
2525 directed by the commission.

2526 (c) The Department of Finance and Administration,
2527 acting through the Bureau of Building, Grounds and Real Property
2528 Management, is expressly authorized and empowered to receive and
2529 expend any local or other source funds in connection with the
2530 expenditure of funds provided for in this subsection. The
2531 expenditure of monies deposited into the special fund shall be
2532 under the direction of the Department of Finance and
2533 Administration, and such funds shall be paid by the State
2534 Treasurer upon warrants issued by such department, which warrants
2535 shall be issued upon requisitions signed by the Executive Director
2536 of the Department of Finance and Administration, or his designee.

2537 (3) (a) The commission, at one time, or from time to time,
2538 may declare by resolution the necessity for issuance of general
2539 obligation bonds of the State of Mississippi to provide funds for
2540 all costs incurred or to be incurred for the purposes described in
2541 this section. Upon the adoption of a resolution by the Department
2542 of Finance and Administration, declaring the necessity for the
2543 issuance of any part or all of the general obligation bonds
2544 authorized by this section, the Department of Finance and
2545 Administration shall deliver a certified copy of its resolution or
2546 resolutions to the commission. Upon receipt of such resolution,
2547 the commission, in its discretion, may act as the issuing agent,
2548 prescribe the form of the bonds, advertise for and accept bids,
2549 issue and sell the bonds so authorized to be sold and do any and
2550 all other things necessary and advisable in connection with the

issuance and sale of such bonds. The total amount of bonds issued under this section shall not exceed One Million Seven Hundred Thirty-six Thousand Dollars (\$1,736,000.00). No bonds shall be issued under this section after July 1, 2010.

(b) Any investment earnings on amounts deposited into the special fund created in subsection (2) of this section shall be used to pay debt service on bonds issued under this section, in accordance with the proceedings authorizing issuance of such bonds.

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

(5) The bonds authorized by this section shall be signed by the chairman of the commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the secretary of the commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially

2586 signing such bonds had remained in office until their delivery to
2587 the purchaser, or had been in office on the date such bonds may
2588 bear. However, notwithstanding anything herein to the contrary,
2589 such bonds may be issued as provided in the Registered Bond Act of
2590 the State of Mississippi.

2591 (6) All bonds and interest coupons issued under the
2592 provisions of this section have all the qualities and incidents of
2593 negotiable instruments under the provisions of the Uniform
2594 Commercial Code, and in exercising the powers granted by this
2595 section, the commission shall not be required to and need not
2596 comply with the provisions of the Uniform Commercial Code.

2597 (7) The commission shall act as the issuing agent for the
2598 bonds authorized under this section, prescribe the form of the
2599 bonds, advertise for and accept bids, issue and sell the bonds so
2600 authorized to be sold, pay all fees and costs incurred in such
2601 issuance and sale, and do any and all other things necessary and
2602 advisable in connection with the issuance and sale of such bonds.
2603 The commission is authorized and empowered to pay the costs that
2604 are incident to the sale, issuance and delivery of the bonds
2605 authorized under this section from the proceeds derived from the
2606 sale of such bonds. The commission shall sell such bonds on
2607 sealed bids at public sale, and for such price as it may determine
2608 to be for the best interest of the State of Mississippi, but no
2609 such sale shall be made at a price less than par plus accrued
2610 interest to the date of delivery of the bonds to the purchaser.
2611 All interest accruing on such bonds so issued shall be payable
2612 semiannually or annually; however, the first interest payment may
2613 be for any period of not more than one (1) year.

2614 Notice of the sale of any such bonds shall be published at
2615 least one time, not less than ten (10) days before the date of
2616 sale, and shall be so published in one or more newspapers
2617 published or having a general circulation in the City of Jackson,
2618 Mississippi, and in one or more other newspapers or financial
2619 journals with a national circulation, to be selected by the
2620 commission.

2621 The commission, when issuing any bonds under the authority of
2622 this section, may provide that bonds, at the option of the State
2623 of Mississippi, may be called in for payment and redemption at the
2624 call price named therein and accrued interest on such date or
2625 dates named therein.

2626 (8) The bonds issued under the provisions of this section
2627 are general obligations of the State of Mississippi, and for the
2628 payment thereof the full faith and credit of the State of
2629 Mississippi is irrevocably pledged. If the funds appropriated by
2630 the Legislature are insufficient to pay the principal of and the
2631 interest on such bonds as they become due, then the deficiency
2632 shall be paid by the State Treasurer from any funds in the State
2633 Treasury not otherwise appropriated. All such bonds shall contain
2634 recitals on their faces substantially covering the provisions of
2635 this subsection.

2636 (9) Upon the issuance and sale of bonds under the provisions
2637 of this section, the commission shall transfer the proceeds of any
2638 such sale or sales to the special fund created in subsection (2)
2639 of this section. The proceeds of such bonds shall be disbursed
2640 solely upon the order of the Department of Finance and
2641 Administration under such restrictions, if any, as may be
2642 contained in the resolution providing for the issuance of the
2643 bonds.

2644 (10) The bonds authorized under this section may be issued
2645 without any other proceedings or the happening of any other
2646 conditions or things other than those proceedings, conditions and
2647 things which are specified or required by this section. Any
2648 resolution providing for the issuance of bonds under the
2649 provisions of this section shall become effective immediately upon
2650 its adoption by the commission, and any such resolution may be
2651 adopted at any regular or special meeting of the commission by a
2652 majority of its members.

2653 (11) The bonds authorized under the authority of this
2654 section may be validated in the Chancery Court of the First
2655 Judicial District of Hinds County, Mississippi, in the manner and

with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

(12) Any holder of bonds issued under the provisions of this section or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this section, or under such resolution, and may enforce and compel performance of all duties required by this section to be performed, in order to provide for the payment of bonds and interest thereon.

(13) All bonds issued under the provisions of this section shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

(14) Bonds issued under the provisions of this section and income therefrom shall be exempt from all taxation in the State of Mississippi.

(15) The proceeds of the bonds issued under this section shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

(16) The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this section; and the State Treasurer shall forward the necessary amount to the

2691 designated place or places of payment of such bonds in ample time
2692 to discharge such bonds, or the interest thereon, on the due dates
2693 thereof.

2694 (17) This section shall be deemed to be full and complete
2695 authority for the exercise of the powers herein granted, but this
2696 section shall not be deemed to repeal or to be in derogation of
2697 any existing law of this state.

2698 **SECTION 11.** (1) As used in this section, the following
2699 words shall have the meanings ascribed herein unless the context
2700 clearly requires otherwise:

2701 (a) "Accreted value" of any bond means, as of any date
2702 of computation, an amount equal to the sum of (i) the stated
2703 initial value of such bond, plus (ii) the interest accrued thereon
2704 from the issue date to the date of computation at the rate,
2705 compounded semiannually, that is necessary to produce the
2706 approximate yield to maturity shown for bonds of the same
2707 maturity.

2708 (b) "State" means the State of Mississippi.

2709 (c) "Commission" means the State Bond Commission.

2710 (2) (a) (i) A special fund, to be designated as the "2006
2711 B.B. King Museum Fund," is created within the State Treasury. The
2712 fund shall be maintained by the State Treasurer as a separate and
2713 special fund, separate and apart from the General Fund of the
2714 state. Unexpended amounts remaining in the fund at the end of a
2715 fiscal year shall not lapse into the State General Fund, and any
2716 interest earned or investment earnings on amounts in the fund
2717 shall be deposited into such fund.

2718 (ii) Monies deposited into the fund shall be
2719 disbursed, in the discretion of the Department of Finance and
2720 Administration, to pay the costs of:

2721 1. Construction, furnishing, equipping and
2722 repairs and renovations at the B.B. King Museum in Indianola,
2723 Mississippi; and

2724 2. Designing, producing, developing and
2725 equipping exhibits and audiovisual projects and programs for such
2726 museum.

2727 (b) Amounts deposited into such special fund shall be
2728 disbursed to pay the costs of the projects described in paragraph
2729 (a) of this subsection. Promptly after the commission has
2730 certified, by resolution duly adopted, that the project(s)
2731 described in paragraph (a) of this subsection shall have been
2732 completed, abandoned, or cannot be completed in a timely fashion,
2733 any amounts remaining in such special fund shall be applied to pay
2734 debt service on the bonds issued under this section, in accordance
2735 with the proceedings authorizing the issuance of such bonds and as
2736 directed by the commission.

2737 (c) The Department of Finance and Administration,
2738 acting through the Bureau of Building, Grounds and Real Property
2739 Management, is expressly authorized and empowered to receive and
2740 expend any local or other source funds in connection with the
2741 expenditure of funds provided for in this subsection. The
2742 expenditure of monies deposited into the special fund shall be
2743 under the direction of the Department of Finance and
2744 Administration, and such funds shall be paid by the State
2745 Treasurer upon warrants issued by such department, which warrants
2746 shall be issued upon requisitions signed by the Executive Director
2747 of the Department of Finance and Administration, or his designee.

2748 (3) (a) The commission, at one time, or from time to time,
2749 may declare by resolution the necessity for issuance of general
2750 obligation bonds of the State of Mississippi to provide funds for
2751 all costs incurred or to be incurred for the purposes described in
2752 this section. Upon the adoption of a resolution by the Department
2753 of Finance and Administration, declaring the necessity for the
2754 issuance of any part or all of the general obligation bonds
2755 authorized by this section, the Department of Finance and
2756 Administration shall deliver a certified copy of its resolution or
2757 resolutions to the commission. Upon receipt of such resolution,
2758 the commission, in its discretion, may act as the issuing agent,

2759 prescribe the form of the bonds, advertise for and accept bids,
2760 issue and sell the bonds so authorized to be sold and do any and
2761 all other things necessary and advisable in connection with the
2762 issuance and sale of such bonds. The total amount of bonds issued
2763 under this section shall not exceed Two Million Dollars
2764 (\$2,000,000.00). No bonds shall be issued under this section
2765 after July 1, 2009.

2766 (b) Any investment earnings on amounts deposited into
2767 the special fund created in subsection (2) of this section shall
2768 be used to pay debt service on bonds issued under this section, in
2769 accordance with the proceedings authorizing issuance of such
2770 bonds.

2771 (4) The principal of and interest on the bonds authorized
2772 under this section shall be payable in the manner provided in this
2773 subsection. Such bonds shall bear such date or dates, be in such
2774 denomination or denominations, bear interest at such rate or rates
2775 (not to exceed the limits set forth in Section 75-17-101,
2776 Mississippi Code of 1972), be payable at such place or places
2777 within or without the State of Mississippi, shall mature
2778 absolutely at such time or times not to exceed twenty-five (25)
2779 years from date of issue, be redeemable before maturity at such
2780 time or times and upon such terms, with or without premium, shall
2781 bear such registration privileges, and shall be substantially in
2782 such form, all as shall be determined by resolution of the
2783 commission.

2784 (5) The bonds authorized by this section shall be signed by
2785 the chairman of the commission, or by his facsimile signature, and
2786 the official seal of the commission shall be affixed thereto,
2787 attested by the secretary of the commission. The interest
2788 coupons, if any, to be attached to such bonds may be executed by
2789 the facsimile signatures of such officers. Whenever any such
2790 bonds shall have been signed by the officials designated to sign
2791 the bonds who were in office at the time of such signing but who
2792 may have ceased to be such officers before the sale and delivery
2793 of such bonds, or who may not have been in office on the date such

2794 bonds may bear, the signatures of such officers upon such bonds
2795 and coupons shall nevertheless be valid and sufficient for all
2796 purposes and have the same effect as if the person so officially
2797 signing such bonds had remained in office until their delivery to
2798 the purchaser, or had been in office on the date such bonds may
2799 bear. However, notwithstanding anything herein to the contrary,
2800 such bonds may be issued as provided in the Registered Bond Act of
2801 the State of Mississippi.

2802 (6) All bonds and interest coupons issued under the
2803 provisions of this section have all the qualities and incidents of
2804 negotiable instruments under the provisions of the Uniform
2805 Commercial Code, and in exercising the powers granted by this
2806 section, the commission shall not be required to and need not
2807 comply with the provisions of the Uniform Commercial Code.

2808 (7) The commission shall act as the issuing agent for the
2809 bonds authorized under this section, prescribe the form of the
2810 bonds, advertise for and accept bids, issue and sell the bonds so
2811 authorized to be sold, pay all fees and costs incurred in such
2812 issuance and sale, and do any and all other things necessary and
2813 advisable in connection with the issuance and sale of such bonds.
2814 The commission is authorized and empowered to pay the costs that
2815 are incident to the sale, issuance and delivery of the bonds
2816 authorized under this section from the proceeds derived from the
2817 sale of such bonds. The commission shall sell such bonds on
2818 sealed bids at public sale, and for such price as it may determine
2819 to be for the best interest of the State of Mississippi, but no
2820 such sale shall be made at a price less than par plus accrued
2821 interest to the date of delivery of the bonds to the purchaser.
2822 All interest accruing on such bonds so issued shall be payable
2823 semiannually or annually; however, the first interest payment may
2824 be for any period of not more than one (1) year.

2825 Notice of the sale of any such bonds shall be published at
2826 least one time, not less than ten (10) days before the date of
2827 sale, and shall be so published in one or more newspapers
2828 published or having a general circulation in the City of Jackson,

2829 Mississippi, and in one or more other newspapers or financial
2830 journals with a national circulation, to be selected by the
2831 commission.

2832 The commission, when issuing any bonds under the authority of
2833 this section, may provide that bonds, at the option of the State
2834 of Mississippi, may be called in for payment and redemption at the
2835 call price named therein and accrued interest on such date or
2836 dates named therein.

2837 (8) The bonds issued under the provisions of this section
2838 are general obligations of the State of Mississippi, and for the
2839 payment thereof the full faith and credit of the State of
2840 Mississippi is irrevocably pledged. If the funds appropriated by
2841 the Legislature are insufficient to pay the principal of and the
2842 interest on such bonds as they become due, then the deficiency
2843 shall be paid by the State Treasurer from any funds in the State
2844 Treasury not otherwise appropriated. All such bonds shall contain
2845 recitals on their faces substantially covering the provisions of
2846 this subsection.

2847 (9) Upon the issuance and sale of bonds under the provisions
2848 of this section, the commission shall transfer the proceeds of any
2849 such sale or sales to the special fund created in subsection (2)
2850 of this section. The proceeds of such bonds shall be disbursed
2851 solely upon the order of the Department of Finance and
2852 Administration under such restrictions, if any, as may be
2853 contained in the resolution providing for the issuance of the
2854 bonds.

2855 (10) The bonds authorized under this section may be issued
2856 without any other proceedings or the happening of any other
2857 conditions or things other than those proceedings, conditions and
2858 things which are specified or required by this section. Any
2859 resolution providing for the issuance of bonds under the
2860 provisions of this section shall become effective immediately upon
2861 its adoption by the commission, and any such resolution may be
2862 adopted at any regular or special meeting of the commission by a
2863 majority of its members.

2864 (11) The bonds authorized under the authority of this
2865 section may be validated in the Chancery Court of the First
2866 Judicial District of Hinds County, Mississippi, in the manner and
2867 with the force and effect provided by Chapter 13, Title 31,
2868 Mississippi Code of 1972, for the validation of county, municipal,
2869 school district and other bonds. The notice to taxpayers required
2870 by such statutes shall be published in a newspaper published or
2871 having a general circulation in the City of Jackson, Mississippi.

2872 (12) Any holder of bonds issued under the provisions of this
2873 section or of any of the interest coupons pertaining thereto may,
2874 either at law or in equity, by suit, action, mandamus or other
2875 proceeding, protect and enforce any and all rights granted under
2876 this section, or under such resolution, and may enforce and compel
2877 performance of all duties required by this section to be
2878 performed, in order to provide for the payment of bonds and
2879 interest thereon.

2880 (13) All bonds issued under the provisions of this section
2881 shall be legal investments for trustees and other fiduciaries, and
2882 for savings banks, trust companies and insurance companies
2883 organized under the laws of the State of Mississippi, and such
2884 bonds shall be legal securities which may be deposited with and
2885 shall be received by all public officers and bodies of this state
2886 and all municipalities and political subdivisions for the purpose
2887 of securing the deposit of public funds.

2888 (14) Bonds issued under the provisions of this section and
2889 income therefrom shall be exempt from all taxation in the State of
2890 Mississippi.

2891 (15) The proceeds of the bonds issued under this section
2892 shall be used solely for the purposes herein provided, including
2893 the costs incident to the issuance and sale of such bonds.

2894 (16) The State Treasurer is authorized, without further
2895 process of law, to certify to the Department of Finance and
2896 Administration the necessity for warrants, and the Department of
2897 Finance and Administration is authorized and directed to issue
2898 such warrants, in such amounts as may be necessary to pay when due

2899 the principal of, premium, if any, and interest on, or the
2900 accreted value of, all bonds issued under this section; and the
2901 State Treasurer shall forward the necessary amount to the
2902 designated place or places of payment of such bonds in ample time
2903 to discharge such bonds, or the interest thereon, on the due dates
2904 thereof.

2905 (17) This section shall be deemed to be full and complete
2906 authority for the exercise of the powers herein granted, but this
2907 section shall not be deemed to repeal or to be in derogation of
2908 any existing law of this state.

2909 **SECTION 12.** (1) As used in this section, the following
2910 words shall have the meanings ascribed herein unless the context
2911 clearly requires otherwise:

2912 (a) "Accreted value" of any bond means, as of any date
2913 of computation, an amount equal to the sum of (i) the stated
2914 initial value of such bond, plus (ii) the interest accrued thereon
2915 from the issue date to the date of computation at the rate,
2916 compounded semiannually, that is necessary to produce the
2917 approximate yield to maturity shown for bonds of the same
2918 maturity.

2919 (b) "State" means the State of Mississippi.

2920 (c) "Commission" means the State Bond Commission.

2921 (2) (a) (i) A special fund, to be designated as the
2922 "Ethanol Producers Payment Fund," is created within the State
2923 Treasury. The fund shall be maintained by the State Treasurer as
2924 a separate and special fund, separate and apart from the General
2925 Fund of the state. Unexpended amounts remaining in the fund at
2926 the end of a fiscal year shall not lapse into the State General
2927 Fund, and any interest earned or investment earnings on amounts in
2928 the fund shall be deposited into such fund.

2929 (ii) Monies deposited into the fund shall be
2930 disbursed, in the discretion of the Mississippi Department of
2931 Agriculture and Commerce, for the purpose of making payments to
2932 ethanol producers under Section 69-51-5.

2933 (b) The expenditure of monies deposited into the
2934 special fund shall be under the direction of the Mississippi
2935 Department of Agriculture and Commerce, and such funds shall be
2936 paid by the State Treasurer upon warrants issued by such
2937 department, which warrants shall be issued upon requisitions
2938 signed by the Commissioner of the Mississippi Department of
2939 Agriculture and Commerce, or his designee.

2940 (3) (a) The commission, at one time, or from time to time,
2941 may declare by resolution the necessity for issuance of general
2942 obligation bonds of the State of Mississippi to provide funds for
2943 all costs incurred or to be incurred for the purposes described in
2944 this section. Upon the adoption of a resolution by the
2945 Mississippi Department of Agriculture and Commerce, declaring the
2946 necessity for the issuance of any part or all of the general
2947 obligation bonds authorized by this section, the Mississippi
2948 Department of Agriculture and Commerce shall deliver a certified
2949 copy of its resolution or resolutions to the commission. Upon
2950 receipt of such resolution, the commission, in its discretion, may
2951 act as the issuing agent, prescribe the form of the bonds,
2952 advertise for and accept bids, issue and sell the bonds so
2953 authorized to be sold and do any and all other things necessary
2954 and advisable in connection with the issuance and sale of such
2955 bonds. The total amount of bonds issued under this section shall
2956 not exceed Two Million Dollars (\$2,000,000.00).

2957 (b) Any investment earnings on amounts deposited into
2958 the special fund created in subsection (2) of this section shall
2959 be used to pay debt service on bonds issued under this section, in
2960 accordance with the proceedings authorizing issuance of such
2961 bonds.

2962 (4) The principal of and interest on the bonds authorized
2963 under this section shall be payable in the manner provided in this
2964 subsection. Such bonds shall bear such date or dates, be in such
2965 denomination or denominations, bear interest at such rate or rates
2966 (not to exceed the limits set forth in Section 75-17-101,
2967 Mississippi Code of 1972), be payable at such place or places

2968 within or without the State of Mississippi, shall mature
2969 absolutely at such time or times not to exceed twenty-five (25)
2970 years from date of issue, be redeemable before maturity at such
2971 time or times and upon such terms, with or without premium, shall
2972 bear such registration privileges, and shall be substantially in
2973 such form, all as shall be determined by resolution of the
2974 commission.

2975 (5) The bonds authorized by this section shall be signed by
2976 the chairman of the commission, or by his facsimile signature, and
2977 the official seal of the commission shall be affixed thereto,
2978 attested by the secretary of the commission. The interest
2979 coupons, if any, to be attached to such bonds may be executed by
2980 the facsimile signatures of such officers. Whenever any such
2981 bonds shall have been signed by the officials designated to sign
2982 the bonds who were in office at the time of such signing but who
2983 may have ceased to be such officers before the sale and delivery
2984 of such bonds, or who may not have been in office on the date such
2985 bonds may bear, the signatures of such officers upon such bonds
2986 and coupons shall nevertheless be valid and sufficient for all
2987 purposes and have the same effect as if the person so officially
2988 signing such bonds had remained in office until their delivery to
2989 the purchaser, or had been in office on the date such bonds may
2990 bear. However, notwithstanding anything herein to the contrary,
2991 such bonds may be issued as provided in the Registered Bond Act of
2992 the State of Mississippi.

2993 (6) All bonds and interest coupons issued under the
2994 provisions of this section have all the qualities and incidents of
2995 negotiable instruments under the provisions of the Uniform
2996 Commercial Code, and in exercising the powers granted by this
2997 section, the commission shall not be required to and need not
2998 comply with the provisions of the Uniform Commercial Code.

2999 (7) The commission shall act as the issuing agent for the
3000 bonds authorized under this section, prescribe the form of the
3001 bonds, advertise for and accept bids, issue and sell the bonds so
3002 authorized to be sold, pay all fees and costs incurred in such

3003 issuance and sale, and do any and all other things necessary and
3004 advisable in connection with the issuance and sale of such bonds.
3005 The commission is authorized and empowered to pay the costs that
3006 are incident to the sale, issuance and delivery of the bonds
3007 authorized under this section from the proceeds derived from the
3008 sale of such bonds. The commission shall sell such bonds on
3009 sealed bids at public sale, and for such price as it may determine
3010 to be for the best interest of the State of Mississippi, but no
3011 such sale shall be made at a price less than par plus accrued
3012 interest to the date of delivery of the bonds to the purchaser.
3013 All interest accruing on such bonds so issued shall be payable
3014 semiannually or annually; however, the first interest payment may
3015 be for any period of not more than one (1) year.

3016 Notice of the sale of any such bonds shall be published at
3017 least one time, not less than ten (10) days before the date of
3018 sale, and shall be so published in one or more newspapers
3019 published or having a general circulation in the City of Jackson,
3020 Mississippi, and in one or more other newspapers or financial
3021 journals with a national circulation, to be selected by the
3022 commission.

3023 The commission, when issuing any bonds under the authority of
3024 this section, may provide that bonds, at the option of the State
3025 of Mississippi, may be called in for payment and redemption at the
3026 call price named therein and accrued interest on such date or
3027 dates named therein.

3028 (8) The bonds issued under the provisions of this section
3029 are general obligations of the State of Mississippi, and for the
3030 payment thereof the full faith and credit of the State of
3031 Mississippi is irrevocably pledged. If the funds appropriated by
3032 the Legislature are insufficient to pay the principal of and the
3033 interest on such bonds as they become due, then the deficiency
3034 shall be paid by the State Treasurer from any funds in the State
3035 Treasury not otherwise appropriated. All such bonds shall contain
3036 recitals on their faces substantially covering the provisions of
3037 this subsection.

3038 (9) Upon the issuance and sale of bonds under the provisions
3039 of this section, the commission shall transfer the proceeds of any
3040 such sale or sales to the special fund created in subsection (2)
3041 of this section. The proceeds of such bonds shall be disbursed
3042 solely upon the order of the Mississippi Department of Agriculture
3043 and Commerce under such restrictions, if any, as may be contained
3044 in the resolution providing for the issuance of the bonds.

3045 (10) The bonds authorized under this section may be issued
3046 without any other proceedings or the happening of any other
3047 conditions or things other than those proceedings, conditions and
3048 things which are specified or required by this section. Any
3049 resolution providing for the issuance of bonds under the
3050 provisions of this section shall become effective immediately upon
3051 its adoption by the commission, and any such resolution may be
3052 adopted at any regular or special meeting of the commission by a
3053 majority of its members.

3054 (11) The bonds authorized under the authority of this
3055 section may be validated in the Chancery Court of the First
3056 Judicial District of Hinds County, Mississippi, in the manner and
3057 with the force and effect provided by Chapter 13, Title 31,
3058 Mississippi Code of 1972, for the validation of county, municipal,
3059 school district and other bonds. The notice to taxpayers required
3060 by such statutes shall be published in a newspaper published or
3061 having a general circulation in the City of Jackson, Mississippi.

3062 (12) Any holder of bonds issued under the provisions of this
3063 section or of any of the interest coupons pertaining thereto may,
3064 either at law or in equity, by suit, action, mandamus or other
3065 proceeding, protect and enforce any and all rights granted under
3066 this section, or under such resolution, and may enforce and compel
3067 performance of all duties required by this section to be
3068 performed, in order to provide for the payment of bonds and
3069 interest thereon.

3070 (13) All bonds issued under the provisions of this section
3071 shall be legal investments for trustees and other fiduciaries, and
3072 for savings banks, trust companies and insurance companies

3073 organized under the laws of the State of Mississippi, and such
3074 bonds shall be legal securities which may be deposited with and
3075 shall be received by all public officers and bodies of this state
3076 and all municipalities and political subdivisions for the purpose
3077 of securing the deposit of public funds.

3078 (14) Bonds issued under the provisions of this section and
3079 income therefrom shall be exempt from all taxation in the State of
3080 Mississippi.

3081 (15) The proceeds of the bonds issued under this section
3082 shall be used solely for the purposes herein provided, including
3083 the costs incident to the issuance and sale of such bonds.

3084 (16) The State Treasurer is authorized, without further
3085 process of law, to certify to the Department of Finance and
3086 Administration the necessity for warrants, and the Department of
3087 Finance and Administration is authorized and directed to issue
3088 such warrants, in such amounts as may be necessary to pay when due
3089 the principal of, premium, if any, and interest on, or the
3090 accreted value of, all bonds issued under this section; and the
3091 State Treasurer shall forward the necessary amount to the
3092 designated place or places of payment of such bonds in ample time
3093 to discharge such bonds, or the interest thereon, on the due dates
3094 thereof.

3095 (17) This section shall be deemed to be full and complete
3096 authority for the exercise of the powers herein granted, but this
3097 section shall not be deemed to repeal or to be in derogation of
3098 any existing law of this state.

3099 **SECTION 13.** (1) The Department of Finance and
3100 Administration shall establish a loan program to provide loans to
3101 individuals who sustained physical damage to homes due to flooding
3102 or storm surge as a result of Hurricane Katrina and who had no
3103 flood insurance or other insurance providing coverage for such
3104 damage or had flood insurance but had a flood loss that exceeded
3105 such insurance and was not covered by other insurance or source of
3106 reimbursement. For the purposes of the program authorized under

3107 this section, a home shall be the primary homestead of the
3108 applicant.

3109 (2) (a) The amount of a loan made under this section shall
3110 not exceed Twenty-five Thousand Dollars (\$25,000.00); however,
3111 loans made under this section shall be made only to the extent
3112 that federal or other assistance is not available or does not
3113 provide adequate assistance or coverage needed to repair or
3114 rebuild a home for which a loan is made under this section. No
3115 interest shall be charged on loans made under this section, and
3116 the term of any such loans shall not exceed twenty (20) years.
3117 The proceeds of the loans authorized under this section shall be
3118 used only for the purpose of repairing or rebuilding a home for
3119 which a loan is made under this section. An individual receiving
3120 a loan to rebuild a home must rebuild the home in the county in
3121 which it was located at the time of the damage. All repayments of
3122 loans made under this section shall be deposited into the State
3123 General Fund. In making loans under this section, the Department
3124 of Finance and Administration shall attempt to provide for the
3125 equitable distribution of such loans in order to address the
3126 housing needs caused as a result of Hurricane Katrina.

3127 (b) To be eligible for a loan under this section, an
3128 individual must:

3129 (i) Own or have owned a home that sustained
3130 physical damage due to flooding or storm surge as a result of
3131 Hurricane Katrina;

3132 (ii) Not have had flood insurance or other
3133 insurance providing coverage for such damage or had flood
3134 insurance but had a flood loss that exceeded such insurance and
3135 was not covered by other insurance or source of reimbursement; and

3136 (iii) Agree to obtain and maintain flood insurance
3137 coverage on the property for which assistance is requested.

3138 (3) Any individual who receives a loan under this section
3139 and who fails to maintain flood insurance coverage on the property
3140 for which assistance is provided as required in this section shall

3141 not be eligible for state assistance for any flood damage that
3142 occurs after the loan is made.

3143 (4) An individual desiring assistance under this section
3144 must submit an application to the Department of Finance and
3145 Administration. The application must include a description of the
3146 property and the purpose for which assistance is requested, the
3147 cost of the project for which assistance is requested and any
3148 other information required by the department.

3149 (5) The Department of Finance and Administration shall have
3150 all powers necessary to implement and administer the program
3151 established under this section, and the department shall
3152 promulgate rules and regulations, in accordance with the
3153 Mississippi Administrative Procedures Law, necessary for the
3154 implementation of this section. However, if the Department of
3155 Finance and Administration desires to contract with any entity or
3156 entities to assist in the administration the program established
3157 under this section, the department shall utilize a request for
3158 proposals procedure before awarding any contract for any such
3159 assistance purposes.

3160 (6) (a) There is created in the State Treasury a special
3161 fund to be designated as the "Mississippi Disaster Home Flood Loan
3162 Fund," which shall consist of funds appropriated or otherwise made
3163 available by the Legislature in any manner and funds from any
3164 other source designated for deposit into such fund. Unexpended
3165 amounts remaining in the fund at the end of a fiscal year shall
3166 not lapse into the State General Fund, and any investment earnings
3167 or interest earned on amounts in the fund shall be deposited to
3168 the credit of the fund. Monies in the fund shall be used by the
3169 Department of Finance and Administration for the purposes
3170 described in this section.

3171 (b) Monies in the special fund which are derived from
3172 proceeds of bonds issued under Sections 14 through 29 of this act
3173 may be used to reimburse reasonable actual and necessary costs
3174 incurred by the Department of Finance and Administration in
3175 administering or providing assistance under the program

established in this section. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the Department of Finance and Administration. Reimbursement of reasonable actual and necessary costs under this paragraph shall not exceed one percent (1%) of the proceeds of bonds issued under Sections 14 through 29 of this act for the program established in this section.

SECTION 14. As used in Sections 14 through 29 of this act, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

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

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

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

(d) "This act" means Sections 14 through 29 of this act.

SECTION 15. (1) The commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for the program authorized in Section 13 of this act. Upon the adoption of a resolution by the Department of Finance and Administration, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Department of Finance and Administration shall deliver a certified copy of its resolution or resolutions to the commission. Upon receipt of such resolution, the commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale

3211 of such bonds. The total amount of bonds issued under this act
3212 shall not exceed Two Hundred Fifty Million Dollars
3213 (\$250,000,000.00).

3214 (2) The proceeds of bonds issued pursuant to this act shall
3215 be deposited into the special fund created in Section 13 of this
3216 act. Any investment earnings on bonds issued pursuant to this act
3217 shall be used to pay debt service on bonds issued under this act,
3218 in accordance with the proceedings authorizing issuance of such
3219 bonds.

3220 **SECTION 16.** The principal of and interest on the bonds
3221 authorized under this act shall be payable in the manner provided
3222 in this section. Such bonds shall bear such date or dates, be in
3223 such denomination or denominations, bear interest at such rate or
3224 rates (not to exceed the limits set forth in Section 75-17-101,
3225 Mississippi Code of 1972), be payable at such place or places
3226 within or without the State of Mississippi, shall mature
3227 absolutely at such time or times not to exceed twenty-five (25)
3228 years from date of issue, be redeemable before maturity at such
3229 time or times and upon such terms, with or without premium, shall
3230 bear such registration privileges, and shall be substantially in
3231 such form, all as shall be determined by resolution of the
3232 commission.

3233 **SECTION 17.** The bonds authorized by this act shall be signed
3234 by the chairman of the commission, or by his facsimile signature,
3235 and the official seal of the commission shall be affixed thereto,
3236 attested by the secretary of the commission. The interest
3237 coupons, if any, to be attached to such bonds may be executed by
3238 the facsimile signatures of such officers. Whenever any such
3239 bonds shall have been signed by the officials designated to sign
3240 the bonds who were in office at the time of such signing but who
3241 may have ceased to be such officers before the sale and delivery
3242 of such bonds, or who may not have been in office on the date such
3243 bonds may bear, the signatures of such officers upon such bonds
3244 and coupons shall nevertheless be valid and sufficient for all
3245 purposes and have the same effect as if the person so officially

3246 signing such bonds had remained in office until their delivery to
3247 the purchaser, or had been in office on the date such bonds may
3248 bear. However, notwithstanding anything herein to the contrary,
3249 such bonds may be issued as provided in the Registered Bond Act of
3250 the State of Mississippi.

3251 **SECTION 18.** All bonds and interest coupons issued under the
3252 provisions of this act have all the qualities and incidents of
3253 negotiable instruments under the provisions of the Uniform
3254 Commercial Code, and in exercising the powers granted by this act,
3255 the commission shall not be required to and need not comply with
3256 the provisions of the Uniform Commercial Code.

3257 **SECTION 19.** The commission shall act as the issuing agent
3258 for the bonds authorized under this act, prescribe the form of the
3259 bonds, advertise for and accept bids, issue and sell the bonds so
3260 authorized to be sold, pay all fees and costs incurred in such
3261 issuance and sale, and do any and all other things necessary and
3262 advisable in connection with the issuance and sale of such bonds.
3263 The commission is authorized and empowered to pay the costs that
3264 are incident to the sale, issuance and delivery of the bonds
3265 authorized under this act from the proceeds derived from the sale
3266 of such bonds. The commission shall sell such bonds on sealed
3267 bids at public sale, and for such price as it may determine to be
3268 for the best interest of the State of Mississippi, but no such
3269 sale shall be made at a price less than par plus accrued interest
3270 to the date of delivery of the bonds to the purchaser. All
3271 interest accruing on such bonds so issued shall be payable
3272 semiannually or annually; however, the first interest payment may
3273 be for any period of not more than one (1) year.

3274 Notice of the sale of any such bonds shall be published at
3275 least one time, not less than ten (10) days before the date of
3276 sale, and shall be so published in one or more newspapers
3277 published or having a general circulation in the City of Jackson,
3278 Mississippi, and in one or more other newspapers or financial
3279 journals with a national circulation, to be selected by the
3280 commission.

3281 The commission, when issuing any bonds under the authority of
3282 this act, may provide that bonds, at the option of the State of
3283 Mississippi, may be called in for payment and redemption at the
3284 call price named therein and accrued interest on such date or
3285 dates named therein.

3286 **SECTION 20.** The bonds issued under the provisions of this
3287 act are general obligations of the State of Mississippi, and for
3288 the payment thereof the full faith and credit of the State of
3289 Mississippi is irrevocably pledged. If the funds appropriated by
3290 the Legislature are insufficient to pay the principal of and the
3291 interest on such bonds as they become due, then the deficiency
3292 shall be paid by the State Treasurer from any funds in the State
3293 Treasury not otherwise appropriated. All such bonds shall contain
3294 recitals on their faces substantially covering the provisions of
3295 this section.

3296 **SECTION 21.** Upon the issuance and sale of bonds under the
3297 provisions of this act, the commission shall transfer the proceeds
3298 of any such sale or sales to the special fund created in Section
3299 13 of this act. The proceeds of such bonds shall be disbursed
3300 solely upon the order of the Department of Finance and
3301 Administration under such restrictions, if any, as may be
3302 contained in the resolution providing for the issuance of the
3303 bonds.

3304 **SECTION 22.** The bonds authorized under this act may be
3305 issued without any other proceedings or the happening of any other
3306 conditions or things other than those proceedings, conditions and
3307 things which are specified or required by this act. Any
3308 resolution providing for the issuance of bonds under the
3309 provisions of this act shall become effective immediately upon its
3310 adoption by the commission, and any such resolution may be adopted
3311 at any regular or special meeting of the commission by a majority
3312 of its members.

3313 **SECTION 23.** The bonds authorized under the authority of this
3314 act may be validated in the Chancery Court of the First Judicial
3315 District of Hinds County, Mississippi, in the manner and with the

force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

SECTION 24. Any holder of bonds issued under the provisions of this act or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under this act, or under such resolution, and may enforce and compel performance of all duties required by this act to be performed, in order to provide for the payment of bonds and interest thereon.

SECTION 25. All bonds issued under the provisions of this act shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

SECTION 26. Bonds issued under the provisions of this act and income therefrom shall be exempt from all taxation in the State of Mississippi.

SECTION 27. The proceeds of the bonds issued under this act shall be used solely for the purposes therein provided, including the costs incident to the issuance and sale of such bonds.

SECTION 28. The State Treasurer is authorized, without further process of law, to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under this act; and the State Treasurer shall forward the necessary amount to the designated

3351 place or places of payment of such bonds in ample time to
3352 discharge such bonds, or the interest thereon, on the due dates
3353 thereof.

3354 **SECTION 29.** This act shall be deemed to be full and complete
3355 authority for the exercise of the powers therein granted, but this
3356 act shall not be deemed to repeal or to be in derogation of any
3357 existing law of this state.

3358 **SECTION 30.** This act shall take effect and be in force from
3359 and after July 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR
3 INSTITUTIONS OF HIGHER LEARNING, STATE AGENCIES AND COMMUNITY AND
4 JUNIOR COLLEGES; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL
5 OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE
6 SOUTHERN ARTS AND ENTERTAINMENT CENTER; TO AUTHORIZE THE ISSUANCE
7 OF STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR CAPITAL
8 IMPROVEMENTS AT AN ECONOMIC DEVELOPMENT AND TOURISM DESTINATION
9 FACILITY IN HANCOCK COUNTY, MISSISSIPPI, THAT FEATURES A SPACE,
10 SCIENCE AND EDUCATION CENTER; TO REQUIRE THE COMMITMENT OF A
11 CERTAIN AMOUNT OF PRIVATE, LOCAL OR FEDERAL FUNDS FOR SUCH PROJECT
12 AS A CONDITION PRECEDENT TO THE ISSUANCE OF SUCH BONDS; TO AMEND
13 SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE
14 DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR
15 ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE
16 OF 1972, TO AUTHORIZE THE ISSUANCE OF BONDS FOR CERTAIN PROJECTS
17 UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTIONS
18 3 THROUGH 18, CHAPTER 541, LAWS OF 2001, AS LAST AMENDED BY
19 CHAPTER 1, LAWS OF 2004 THIRD EXTRAORDINARY SESSION, TO INCREASE
20 THE AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT MAY BE ISSUED
21 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE BUILDING FUND FOR THE
22 ARTS; TO AMEND SECTION 39-11-13, MISSISSIPPI CODE OF 1972, IN
23 CONFORMITY THERETO; TO AMEND SECTIONS 210 THROUGH 226, CHAPTER 1,
24 LAWS OF 2004 THIRD EXTRAORDINARY SESSION, AS AMENDED BY CHAPTER
25 458, LAWS OF 2005, TO INCREASE THE AMOUNT OF GENERAL OBLIGATION
26 BONDS AUTHORIZED TO BE ISSUED FOR THE MISSISSIPPI MUSEUM OF ART
27 FUND; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE
28 STATE OF MISSISSIPPI FOR THE PURPOSE OF PROVIDING FUNDS FOR THE
29 REPAIR, RENOVATION, FURNISHING AND EQUIPPING OF A BUILDING AND
30 FACILITIES FOR A NEW STATE RECORDS CENTER AT THE OLD FARMERS'
31 MARKET LOCATION IN JACKSON, MISSISSIPPI, AND EXPENSES RELATED TO
32 MOVING RECORDS TO THE NEW CENTER; TO AUTHORIZE THE ISSUANCE OF
33 STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS
34 FOR THE B.B. KING MUSEUM; TO AUTHORIZE THE ISSUANCE OF STATE
35 GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO THE
36 MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE FOR USE IN
37 MAKING PAYMENTS TO ETHANOL PRODUCERS; TO ESTABLISH A DISASTER HOME
38 FLOOD LOAN PROGRAM TO PROVIDE LOANS TO INDIVIDUALS WHO SUSTAINED
39 PHYSICAL DAMAGE TO HOMES DUE TO FLOODING OR STORM SURGE AS A
40 RESULT OF HURRICANE KATRINA AND WHO HAD NO FLOOD INSURANCE OR
41 OTHER INSURANCE PROVIDING COVERAGE FOR SUCH DAMAGE OR HAD FLOOD
42 INSURANCE BUT HAD A FLOOD LOSS THAT EXCEEDED SUCH INSURANCE AND
43 WAS NOT COVERED BY OTHER INSURANCE OR SOURCE OF REIMBURSEMENT; TO
44 PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL
45 ADMINISTER THE LOAN PROGRAM; TO PROVIDE THE MAXIMUM AMOUNT FOR
46 SUCH LOANS; TO ESTABLISH CERTAIN ELIGIBILITY REQUIREMENTS FOR THE

47 RECEIPT OF SUCH LOANS; TO AUTHORIZE THE ISSUANCE OF
48 \$250,000,000.00 WORTH OF STATE GENERAL OBLIGATION BONDS FOR THE
49 PURPOSE OF PROVIDING FUNDS FOR THE LOAN PROGRAM; AND FOR RELATED
50 PURPOSES.

HR03\SB3080A.2J

Don Richardson
Clerk of the House of Representatives