

House Amendments to Senate Bill No. 3172

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:

40 **SECTION 1.** Sections 1 through 4 of this act shall be known
41 and may be cited as the "Dairy Industry Stabilization Act."

42 **SECTION 2.** The Legislature hereby finds and declares that:

43 (a) Dairy products are basic foods that are a valuable
44 part of the human diet;

45 (b) The production of dairy products plays a
46 significant role in the state's economy, the milk from which dairy
47 products are manufactured is produced by milk producers and dairy
48 products are consumed by thousands of people throughout the state
49 and the United States;

50 (c) Dairy products must be readily available and
51 marketed efficiently to ensure that the people of the state
52 receive adequate nourishment;

53 (d) The maintenance and expansion of existing markets
54 for dairy products are vital to the welfare of milk producers and
55 those concerned with marketing, using and producing dairy
56 products, as well as to the general economy of the state;

57 (e) Dairy products move in intrastate, interstate and
58 foreign commerce.

59 **SECTION 3.** (1) For the purposes of Sections 1 through 4 of
60 this act, the following words and phrases shall have the meanings
61 ascribed in this section unless the context clearly indicates
62 otherwise:

63 (a) "Dairy products" means products manufactured for
64 human consumption which are derived from the processing of milk
65 and includes fluid milk products.

66 (b) "Fluid milk products" means those products normally
67 consumed in a liquid form as a beverage.

68 (c) "MDA" means the Mississippi Development Authority.

69 (d) "Milk" means any class of cow's milk produced in
70 the state.

71 (e) "Dairy producer" means any person engaged in the
72 production of milk for commercial use.

73 (2) It, therefore, is declared to be the policy of the
74 Legislature that it is in the public interest to authorize the
75 establishment, through the exercise of the powers provided in
76 Sections 1 through 4 of this act, of an orderly procedure to
77 provide financing and carrying out a coordinate program of
78 assistance designed to strengthen, restore and modernize the
79 state's dairy industry in the marketplace and to maintain and
80 expand the capability of dairy producers to increase and meet, by
81 one hundred percent (100%), the state's consumption need of fluid
82 milk products.

83 **SECTION 4.** (1) (a) There is created in the State Treasury
84 a special fund to be designated as the "Dairy Industry
85 Stabilization Fund," a revolving fund, which funds shall consist
86 of monies as provided in Sections 5 through 20 of this act. The
87 fund shall be maintained in perpetuity for the purposes
88 established in this act. Unexpended amounts remaining in the fund
89 at the end of a fiscal year shall not lapse into the State General
90 Fund, and any investment earnings or interest earned on amounts in
91 the fund shall be deposited to the credit of the fund. Monies in
92 the fund shall not be used for any purpose, except making loans
93 for the following purposes, based on priority as listed below:

94 (i) To restore dairies destroyed or damaged by
95 Hurricane Katrina;

96 (ii) Upgrades and modernization of equipment for
97 all dairy producers throughout the state; and

98 (iii) Refinancing existing debt of dairy producers
99 at zero percent (0%).

100 (b) Monies in the fund which are derived from proceeds
101 of bonds issued after the effective date of this act, may be used
102 to reimburse reasonable actual and necessary costs incurred by the
103 MDA in providing assistance to dairy producers for which funding
104 is provided under this section from the use of proceeds of such
105 bonds. An accounting of actual costs incurred for which
106 reimbursement is sought shall be maintained for each project by
107 the MDA. Reimbursement of reasonable actual and necessary costs
108 for a project shall not exceed three percent (3%) of the proceeds
109 of bonds issued for such project. Monies authorized for a
110 particular project may not be used to reimburse administrative
111 costs for unrelated projects. Reimbursements under this paragraph
112 (b) shall satisfy any applicable federal tax law requirements.

113 (2) The MDA shall establish a program to make loans to dairy
114 producers from the Dairy Industry Stabilization Fund. A dairy
115 producer may apply to the MDA for a loan under this section in the
116 manner provided in this section.

117 (3) A dairy producer desiring assistance under this section
118 must submit an application to the MDA. The application must
119 include a description of the project for which assistance is
120 requested, the cost of the project for which assistance is
121 requested and any other information required by the MDA. The MDA
122 may waive any requirements of the program established under this
123 section in order to expedite funding for unique projects.

124 (4) The MDA shall have all powers necessary to implement and
125 administer the program established under this section, and the MDA
126 shall promulgate rules and regulations, in accordance with the
127 Mississippi Administrative Procedures Law, necessary for the
128 implementation of this section.

129 **SECTION 5.** As used in Sections 5 through 20 of this act, the
130 following words shall have the meanings ascribed herein unless the
131 context clearly requires otherwise:

132 (a) "Accreted value" of any bonds means, as of any date
133 of computation, an amount equal to the sum of (i) the stated
134 initial value of such bond, plus (ii) the interest accrued thereon

135 from the issue date to the date of computation at the rate,
136 compounded semiannually, that is necessary to produce the
137 approximate yield to maturity shown for bonds of the same
138 maturity.

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

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

141 **SECTION 6.** (1) The commission, at one time, or from time to
142 time, may declare by resolution the necessity for issuance of
143 general obligation bonds of the State of Mississippi to provide
144 funds for the program authorized in Section 4 of this act. Upon
145 the adoption of a resolution by the Mississippi Development
146 Authority, declaring the necessity for the issuance of any part or
147 all of the general obligation bonds authorized by this section,
148 the Mississippi Development Authority shall deliver a certified
149 copy of its resolution or resolutions to the commission. Upon
150 receipt of such resolution, the commission, in its discretion, may
151 act as the issuing agent, prescribe the form of the bonds,
152 advertise for and accept bids, issue and sell the bonds so
153 authorized to be sold and do any and all other things necessary
154 and advisable in connection with the issuance and sale of such
155 bonds. The total amount of bonds issued under Sections 5 through
156 20 of this act shall not exceed Ten Million Dollars
157 (\$10,000,000.00). No bonds authorized under Sections 5 through 20
158 of this act shall be issued after July 1, 2010.

159 (2) The proceeds of bonds issued pursuant to Sections 5
160 through 20 of this act shall be deposited into the Dairy Industry
161 Stabilization Fund created pursuant to Section 4 of this act. Any
162 investment earnings on bonds issued pursuant to Sections 5 through
163 20 of this act shall be used to pay debt service on bonds issued
164 under Sections 5 through 20 of this act, in accordance with the
165 proceedings authorizing issuance of such bonds.

166 **SECTION 7.** The principal of and interest on the bonds
167 authorized under Sections 5 through 20 of this act shall be
168 payable in the manner provided in this section. Such bonds shall
169 bear such date or dates, be in such denomination or denominations,

170 bear interest at such rate or rates (not to exceed the limits set
171 forth in Section 75-17-101, Mississippi Code of 1972), be payable
172 at such place or places within or without the State of
173 Mississippi, shall mature absolutely at such time or times not to
174 exceed twenty-five (25) years from date of issue, be redeemable
175 before maturity at such time or times and upon such terms, with or
176 without premium, shall bear such registration privileges, and
177 shall be substantially in such form, all as shall be determined by
178 resolution of the commission.

179 **SECTION 8.** The bonds authorized by Sections 5 through 20 of
180 this act shall be signed by the chairman of the commission, or by
181 his facsimile signature, and the official seal of the commission
182 shall be affixed thereto, attested by the secretary of the
183 commission. The interest coupons, if any, to be attached to such
184 bonds may be executed by the facsimile signatures of such
185 officers. Whenever any such bonds shall have been signed by the
186 officials designated to sign the bonds who were in office at the
187 time of such signing but who may have ceased to be such officers
188 before the sale and delivery of such bonds, or who may not have
189 been in office on the date such bonds may bear, the signatures of
190 such officers upon such bonds and coupons shall nevertheless be
191 valid and sufficient for all purposes and have the same effect as
192 if the person so officially signing such bonds had remained in
193 office until their delivery to the purchaser, or had been in
194 office on the date such bonds may bear. However, notwithstanding
195 anything herein to the contrary, such bonds may be issued as
196 provided in the Registered Bond Act of the State of Mississippi.

197 **SECTION 9.** All bonds and interest coupons issued under the
198 provisions of Sections 5 through 20 of this act have all the
199 qualities and incidents of negotiable instruments under the
200 provisions of the Uniform Commercial Code, and in exercising the
201 powers granted by Sections 5 through 20 of this act, the
202 commission shall not be required to and need not comply with the
203 provisions of the Uniform Commercial Code.

204 **SECTION 10.** The commission shall act as the issuing agent
205 for the bonds authorized under Sections 5 through 20 of this act,
206 prescribe the form of the bonds, advertise for and accept bids,
207 issue and sell the bonds so authorized to be sold, pay all fees
208 and costs incurred in such issuance and sale, and do any and all
209 other things necessary and advisable in connection with the
210 issuance and sale of such bonds. The commission is authorized and
211 empowered to pay the costs that are incident to the sale, issuance
212 and delivery of the bonds authorized under Sections 5 through 20
213 of this act from the proceeds derived from the sale of such bonds.
214 The commission shall sell such bonds on sealed bids at public
215 sale, and for such price as it may determine to be for the best
216 interest of the State of Mississippi, but no such sale shall be
217 made at a price less than par plus accrued interest to the date of
218 delivery of the bonds to the purchaser. All interest accruing on
219 such bonds so issued shall be payable semiannually or annually;
220 however, the first interest payment may be for any period of not
221 more than one (1) year.

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

229 The commission, when issuing any bonds under the authority of
230 Sections 5 through 20 of this act, may provide that bonds, at the
231 option of the State of Mississippi, may be called in for payment
232 and redemption at the call price named therein and accrued
233 interest on such date or dates named therein.

234 **SECTION 11.** The bonds issued under the provisions of
235 Sections 5 through 20 of this act are general obligations of the
236 State of Mississippi, and for the payment thereof the full faith
237 and credit of the State of Mississippi is irrevocably pledged. If
238 the funds appropriated by the Legislature are insufficient to pay

239 the principal of and the interest on such bonds as they become
240 due, then the deficiency shall be paid by the State Treasurer from
241 any funds in the State Treasury not otherwise appropriated. All
242 such bonds shall contain recitals on their faces substantially
243 covering the provisions of this section.

244 **SECTION 12.** Upon the issuance and sale of bonds under the
245 provisions of Sections 5 through 20 of this act, the commission
246 shall transfer the proceeds of any such sale or sales to the Dairy
247 Industry Stabilization Fund created in Section 4 of this act. The
248 proceeds of such bonds shall be disbursed solely upon the order of
249 the Mississippi Development Authority under such restrictions, if
250 any, as may be contained in the resolution providing for the
251 issuance of the bonds.

252 **SECTION 13.** The bonds authorized under Sections 5 through 20
253 of this act may be issued without any other proceedings or the
254 happening of any other conditions or things other than those
255 proceedings, conditions and things which are specified or required
256 by Sections 5 through 20 of this act. Any resolution providing
257 for the issuance of bonds under the provisions of Sections 5
258 through 20 of this act shall become effective immediately upon its
259 adoption by the commission, and any such resolution may be adopted
260 at any regular or special meeting of the commission by a majority
261 of its members.

262 **SECTION 14.** The bonds authorized under the authority of
263 Sections 5 through 20 of this act may be validated in the Chancery
264 Court of the First Judicial District of Hinds County, Mississippi,
265 in the manner and with the force and effect provided by Chapter
266 13, Title 31, Mississippi Code of 1972, for the validation of
267 county, municipal, school district and other bonds. The notice to
268 taxpayers required by such statutes shall be published in a
269 newspaper published or having a general circulation in the City of
270 Jackson, Mississippi.

271 **SECTION 15.** Any holder of bonds issued under the provisions
272 of Sections 5 through 20 of this act or of any of the interest
273 coupons pertaining thereto may, either at law or in equity, by

274 suit, action, mandamus or other proceeding, protect and enforce
275 any and all rights granted under Sections 5 through 20 of this
276 act, or under such resolution, and may enforce and compel
277 performance of all duties required by Sections 5 through 20 of
278 this act to be performed, in order to provide for the payment of
279 bonds and interest thereon.

280 **SECTION 16.** All bonds issued under the provisions of
281 Sections 5 through 20 of this act shall be legal investments for
282 trustees and other fiduciaries, and for savings banks, trust
283 companies and insurance companies organized under the laws of the
284 State of Mississippi, and such bonds shall be legal securities
285 which may be deposited with and shall be received by all public
286 officers and bodies of this state and all municipalities and
287 political subdivisions for the purpose of securing the deposit of
288 public funds.

289 **SECTION 17.** Bonds issued under the provisions of Sections 5
290 through 20 of this act and income therefrom shall be exempt from
291 all taxation in the State of Mississippi.

292 **SECTION 18.** The proceeds of the bonds issued under Sections
293 5 through 20 of this act shall be used solely for the purposes
294 therein provided, including the costs incident to the issuance and
295 sale of such bonds.

296 **SECTION 19.** The State Treasurer is authorized, without
297 further process of law, to certify to the Department of Finance
298 and Administration the necessity for warrants, and the Department
299 of Finance and Administration is authorized and directed to issue
300 such warrants, in such amounts as may be necessary to pay when due
301 the principal of, premium, if any, and interest on, or the
302 accreted value of, all bonds issued under Sections 5 through 20 of
303 this act; and the State Treasurer shall forward the necessary
304 amount to the designated place or places of payment of such bonds
305 in ample time to discharge such bonds, or the interest thereon, on
306 the due dates thereof.

307 **SECTION 20.** Sections 5 through 20 of this act shall be
308 deemed to be full and complete authority for the exercise of the

309 powers therein granted, but Sections 5 through 20 of this act
310 shall not be deemed to repeal or to be in derogation of any
311 existing law of this state.

312 **SECTION 21.** Section 69-2-13, Mississippi Code of 1972, is
313 amended as follows:

314 69-2-13. (1) There is hereby established in the State
315 Treasury a fund to be known as the "Emerging Crops Fund," which
316 shall be used to pay the interest on loans made to farmers for
317 nonland capital costs of establishing production of emerging crops
318 on land in Mississippi, and to make loans and grants which are
319 authorized under this section to be made from the fund. The fund
320 shall be administered by the Mississippi Development Authority. A
321 board comprised of the directors of the authority, the Mississippi
322 Cooperative Extension Service, the Mississippi Small Farm
323 Development Center and the Mississippi Agricultural and Forestry
324 Experiment Station, or their designees, shall develop definitions,
325 guidelines and procedures for the implementation of this chapter.
326 Funds for the Emerging Crops Fund shall be provided from the
327 issuance of bonds or notes under Sections 69-2-19 through 69-2-37
328 and from repayment of interest loans made from the fund.

329 (2) (a) The Mississippi Development Authority shall develop
330 a program which gives fair consideration to making loans for the
331 processing and manufacturing of goods and services by
332 agribusiness, greenhouse production horticulture, and small
333 business concerns. It is the policy of the State of Mississippi
334 that the Mississippi Development Authority shall give due
335 recognition to and shall aid, counsel, assist and protect, insofar
336 as is possible, the interests of agribusiness, greenhouse
337 production horticulture, and small business concerns. To ensure
338 that the purposes of this subsection are carried out, the
339 Mississippi Development Authority shall loan not more than One
340 Million Dollars (\$1,000,000.00) to finance any single
341 agribusiness, greenhouse production horticulture, or small
342 business concern. Loans made pursuant to this subsection shall be

343 made in accordance with the criteria established in Section
344 57-71-11.

345 (b) The Mississippi Development Authority may, out of
346 the total amount of bonds authorized to be issued under this
347 chapter, make available funds to any planning and development
348 district in accordance with the criteria established in Section
349 57-71-11. Planning and development districts which receive monies
350 pursuant to this provision shall use such monies to make loans to
351 private companies for purposes consistent with this subsection.

352 (c) The Mississippi Development Authority is hereby
353 authorized to engage legal services, financial advisors,
354 appraisers and consultants if needed to review and close loans
355 made hereunder and to establish and assess reasonable fees,
356 including, but not limited to, liquidation expenses.

357 (3) (a) The Mississippi Development Authority shall, in
358 addition to the other programs described in this section, provide
359 for a program of loans to be made to agribusiness or greenhouse
360 production horticulture enterprises for the purpose of encouraging
361 thereby the extension of conventional financing and the issuance
362 of letters of credit to such agribusiness or greenhouse production
363 horticulture enterprises by private institutions. Monies to make
364 such loans by the Mississippi Development Authority shall be drawn
365 from the Emerging Crops Fund. The amount of a loan to any single
366 agribusiness or greenhouse production horticulture enterprise
367 under this paragraph (a) shall not exceed twenty percent (20%) of
368 the total cost of the project for which financing is sought or Two
369 Hundred Thousand Dollars (\$200,000.00), whichever is less. No
370 interest shall be charged on such loans, and only the amount
371 actually loaned shall be required to be repaid. Repayments shall
372 be deposited into the Emerging Crops Fund. The Mississippi
373 Development Authority also may make loans under this paragraph (a)
374 to agribusinesses engaged in poultry production operations for the
375 purpose of assisting such agribusinesses to make upgrades,
376 renovations, repairs and other improvements to their equipment,
377 facilities and operations. Persons who currently have

378 applications on file for loan requests with the Mississippi
379 Development Authority for agribusiness assistance shall be given
380 priority for loan disbursements, subject to having met the
381 necessary requirements and approval of the Mississippi Development
382 Authority. Persons who apply for poultry-production operation
383 loans under this paragraph, whether such poultry production
384 operation is in existence on July 1, 2007, or is established after
385 such date, shall be required to obtain a written letter of
386 agreement, establishing a commitment from a poultry company, which
387 has met approval of the Mississippi Development Authority, with
388 which such person contracts, that such poultry company has signed
389 off and agrees to comply with the terms of the Ten Point Agreement
390 made by the Governor's Special Poultry Committee as agreed on
391 November 19, 1996, being more particularly described as follows:

392 (i) All live birds will be weighed by a bonded
393 weighmaster on certified scales. Provisions will be made for
394 alternate certified scales in the event the primary scales are
395 "red tagged" by the State Weights and Measures Department.
396 Producers, their family or employees, with proper identification,
397 will be allowed to watch, without prior notice, live birds being
398 weighed.

399 (ii) All feed will be weighed under the same
400 agreement, including the observation of the weighing.

401 (iii) Processors will provide producers all
402 documentation that impacts a producer's settlement check, in a
403 legible manner, including, but not limited to:

404 1. Producer's copy of USDA Form 9061-2
405 (Sanderson will provide upon request).

406 2. A loading ticket, at the time of catching,
407 that gives truck number, trailer number, number of birds per coop
408 and number of full coops.

409 3. Copy of weight tickets for live birds.

410 4. A copy of medication charges, either at
411 the time of delivery or with settlement check.

412 5. A sample computation of the payment
413 formula, using the producer's actual figures. Growers will
414 produce and provide several sample computation formulas.

415 (iv) Processors will use all available means to
416 insure proper handling of birds from farm to plant. Damage by
417 catching crew of producer's equipment or facilities will be
418 reimbursed by his processor. Equipment stolen from poultry farms,
419 upon verification, will be replaced by the company.

420 (v) Equipment changes, on equipment in good
421 working order, will not be the sole basis for density cuts or
422 termination of a contract unless health or safety are the basis
423 for change. Placements will take into account seasonal
424 differences and product mix. Equipment changes on integrator
425 approved equipment will not be required on equipment in good
426 working order without integrator incentives. Integrators will
427 test, upon request of growers, new equipment that growers wish to
428 be added to the integrator's approved equipment list.

429 (vi) Producers and their immediate family who are
430 employed by the companies in live production will not be ranked
431 with other contract producers. Lady Forest will not be included
432 in this item.

433 (vii) Producers may join or assist any
434 organization or association of their choice. A producer's
435 membership in any organization will not affect his settlement in
436 any way.

437 (viii) Where requested and available, the
438 processor will furnish the producer a copy of veterinary reports
439 within forty-eight (48) hours of the time the report is received
440 by the processor. The processor will share with the producer all
441 known information and causes dealing with problematic situations
442 that affect farm management, including parent stock and age.

443 (ix) Processors will provide producers with
444 information on feed delivery procedures. When requested, feed
445 delivery trucks will be sealed at the plant with corresponding,
446 numbered seals that will be listed on the feed delivery ticket.

447 The seal will not be broken unless the grower is not available at
448 the time of actual delivery. The grower may request that he be
449 notified by telephone before the truck leaves the feed mill.

450 (x) Processors will provide producers applicable
451 management guidelines for broiler, pullet or breeder management.

452 (b) The Mississippi Development Authority shall, in
453 addition to the other programs described in this section, provide
454 for a program of loans or loan guaranties, or both, to be made to
455 or on behalf of any agribusiness enterprise engaged in beef
456 processing for the purpose of encouraging thereby the extension of
457 conventional financing and the issuance of letters of credit to
458 such agribusiness enterprises by private institutions. Monies to
459 make such loans or loan guaranties, or both, by the Mississippi
460 Development Authority shall be drawn from the Emerging Crops Fund
461 and shall not exceed Thirty-five Million Dollars (\$35,000,000.00)
462 in the aggregate. The amount of a loan to any single agribusiness
463 enterprise or loan guaranty on behalf of such agribusiness
464 enterprise, or both, under this paragraph (b) shall not exceed the
465 total cost of the project for which financing is sought or
466 Thirty-five Million Dollars (\$35,000,000.00), whichever is less.
467 The interest charged on a loan made under this paragraph (b) shall
468 be at a rate determined by the Mississippi Development Authority.
469 All repayments of any loan made under this paragraph (b) shall be
470 deposited into the Emerging Crops Fund. Assistance received by an
471 agribusiness enterprise under this paragraph (b) shall not
472 disqualify the agribusiness enterprise from obtaining any other
473 assistance under this chapter.

474 (4) (a) Through June 30, 2010, the Mississippi Development
475 Authority may loan or grant to qualified planning and development
476 districts, and to small business investment corporations,
477 bank-based community development corporations, the Recruitment and
478 Training Program, Inc., the City of Jackson Business Development
479 Loan Fund, the Lorman Southwest Mississippi Development
480 Corporation, the West Jackson Community Development Corporation,
481 the East Mississippi Development Corporation, and other entities

482 meeting the criteria established by the Mississippi Development
483 Authority (all referred to hereinafter as "qualified entities"),
484 funds for the purpose of establishing loan revolving funds to
485 assist in providing financing for minority economic development.
486 The monies loaned or granted by the Mississippi Development
487 Authority shall be drawn from the Emerging Crops Fund and shall
488 not exceed Twenty-seven Million Dollars (\$27,000,000.00) in the
489 aggregate. Planning and development districts or qualified
490 entities which receive monies pursuant to this provision shall use
491 such monies to make loans to minority business enterprises
492 consistent with criteria established by the Mississippi
493 Development Authority. Such criteria shall include, at a minimum,
494 the following:

495 (i) The business enterprise must be a private,
496 for-profit enterprise.

497 (ii) If the business enterprise is a
498 proprietorship, the borrower must be a resident citizen of the
499 State of Mississippi; if the business enterprise is a corporation
500 or partnership, at least fifty percent (50%) of the owners must be
501 resident citizens of the State of Mississippi.

502 (iii) The borrower must have at least five percent
503 (5%) equity interest in the business enterprise.

504 (iv) The borrower must demonstrate ability to
505 repay the loan.

506 (v) The borrower must not be in default of any
507 previous loan from the state or federal government.

508 (vi) Loan proceeds may be used for financing all
509 project costs associated with development or expansion of a new
510 small business, including fixed assets, working capital, start-up
511 costs, rental payments, interest expense during construction and
512 professional fees related to the project.

513 (vii) Loan proceeds shall not be used to pay off
514 existing debt for loan consolidation purposes; to finance the
515 acquisition, construction, improvement or operation of real
516 property which is to be held primarily for sale or investment; to

517 provide for, or free funds, for speculation in any kind of
518 property; or as a loan to owners, partners or stockholders of the
519 applicant which do not change ownership interest by the applicant.
520 However, this does not apply to ordinary compensation for services
521 rendered in the course of business.

522 (viii) The maximum amount that may be loaned to
523 any one (1) borrower shall be Two Hundred Fifty Thousand Dollars
524 (\$250,000.00).

525 (ix) The Mississippi Development Authority shall
526 review each loan before it is made, and no loan shall be made to
527 any borrower until the loan has been reviewed and approved by the
528 Mississippi Development Authority.

529 (b) For the purpose of this subsection, the term
530 "minority business enterprise" means a socially and economically
531 disadvantaged small business concern, organized for profit,
532 performing a commercially useful function which is owned and
533 controlled by one or more minorities or minority business
534 enterprises certified by the Mississippi Development Authority, at
535 least fifty percent (50%) of whom are resident citizens of the
536 State of Mississippi. Except as otherwise provided, for purposes
537 of this subsection, the term "socially and economically
538 disadvantaged small business concern" shall have the meaning
539 ascribed to such term under the Small Business Act (15 USCS,
540 Section 637(a)), or women, and the term "owned and controlled"
541 means a business in which one or more minorities or minority
542 business enterprises certified by the Mississippi Development
543 Authority own sixty percent (60%) or, in the case of a
544 corporation, sixty percent (60%) of the voting stock, and control
545 sixty percent (60%) of the management and daily business
546 operations of the business. However, an individual whose personal
547 net worth exceeds Five Hundred Thousand Dollars (\$500,000.00)
548 shall not be considered to be an economically disadvantaged
549 individual.

550 From and after July 1, 2010, monies not loaned or granted by
551 the Mississippi Development Authority to planning and development

552 districts or qualified entities under this subsection, and monies
553 not loaned by planning and development districts or qualified
554 entities, shall be deposited to the credit of the sinking fund
555 created and maintained in the State Treasury for the retirement of
556 bonds issued under Section 69-2-19.

557 (c) Notwithstanding any other provision of this
558 subsection to the contrary, if federal funds are not available for
559 commitments made by a planning and development district to provide
560 assistance under any federal loan program administered by the
561 planning and development district in coordination with the
562 Appalachian Regional Commission or Economic Development
563 Administration, or both, a planning and development district may
564 use funds in its loan revolving fund, which have not been
565 committed otherwise to provide assistance, for the purpose of
566 providing temporary funding for such commitments. If a planning
567 and development district uses uncommitted funds in its loan
568 revolving fund to provide such temporary funding, the district
569 shall use funds repaid to the district under the temporarily
570 funded federal loan program to replenish the funds used to provide
571 the temporary funding. Funds used by a planning and development
572 district to provide temporary funding under this paragraph (c)
573 must be repaid to the district's loan revolving fund no later than
574 twelve (12) months after the date the district provides the
575 temporary funding. A planning and development district may not
576 use uncommitted funds in its loan revolving fund to provide
577 temporary funding under this paragraph (c) on more than two (2)
578 occasions during a calendar year. A planning and development
579 district may provide temporary funding for multiple commitments on
580 each such occasion. The maximum aggregate amount of uncommitted
581 funds in a loan revolving fund that may be used for such purposes
582 during a calendar year shall not exceed seventy percent (70%) of
583 the uncommitted funds in the loan revolving fund on the date the
584 district first provides temporary funding during the calendar
585 year.

586 (d) If the Mississippi Development Authority determines
587 that a planning and development district or qualified entity has
588 provided loans to minority businesses in a manner inconsistent
589 with the provisions of this subsection, then the amount of such
590 loans so provided shall be withheld by the Mississippi Development
591 Authority from any additional grant funds to which the planning
592 and development district or qualified entity becomes entitled
593 under this subsection. If the Mississippi Development Authority
594 determines, after notifying such planning and development district
595 or qualified entity twice in writing and providing such planning
596 and development district or qualified entity a reasonable
597 opportunity to comply, that a planning and development district or
598 qualified entity has consistently failed to comply with this
599 subsection, the Mississippi Development Authority may declare such
600 planning and development district or qualified entity in default
601 under this subsection and, upon receipt of notice thereof from the
602 Mississippi Development Authority, such planning and development
603 district or qualified entity shall immediately cease providing
604 loans under this subsection, shall refund to the Mississippi
605 Development Authority for distribution to other planning and
606 development districts or qualified entities all funds held in its
607 revolving loan fund and, if required by the Mississippi
608 Development Authority, shall convey to the Mississippi Development
609 Authority all administrative and management control of loans
610 provided by it under this subsection.

611 (e) If the Mississippi Development Authority
612 determines, after notifying a planning and development district or
613 qualified entity twice in writing and providing copies of such
614 notification to each member of the Legislature in whose district
615 or in a part of whose district such planning and development
616 district or qualified entity is located and providing such
617 planning and development district or qualified entity a reasonable
618 opportunity to take corrective action, that a planning and
619 development district or qualified entity administering a revolving
620 loan fund under the provisions of this subsection is not actively

621 engaged in lending as defined by the rules and regulations of the
622 Mississippi Development Authority, the Mississippi Development
623 Authority may declare such planning and development district or
624 qualified entity in default under this subsection and, upon
625 receipt of notice thereof from the Mississippi Development
626 Authority, such planning and development district or qualified
627 entity shall immediately cease providing loans under this
628 subsection, shall refund to the Mississippi Development Authority
629 for distribution to other planning and development districts or
630 qualified entities all funds held in its revolving loan fund and,
631 if required by the Mississippi Development Authority, shall convey
632 to the Mississippi Development Authority all administrative and
633 management control of loans provided by it under this subsection.

634 (5) The Mississippi Development Authority shall develop a
635 program which will assist minority business enterprises by
636 guaranteeing bid, performance and payment bonds which such
637 minority businesses are required to obtain in order to contract
638 with federal agencies, state agencies or political subdivisions of
639 the state. Monies for such program shall be drawn from the monies
640 allocated under subsection (4) of this section to assist the
641 financing of minority economic development and shall not exceed
642 Three Million Dollars (\$3,000,000.00) in the aggregate. The
643 Mississippi Development Authority may promulgate rules and
644 regulations for the operation of the program established pursuant
645 to this subsection. For the purpose of this subsection (5) the
646 term "minority business enterprise" has the meaning assigned such
647 term in subsection (4) of this section.

648 (6) The Mississippi Development Authority may loan or grant
649 to public entities and to nonprofit corporations funds to defray
650 the expense of financing (or to match any funds available from
651 other public or private sources for the expense of financing)
652 projects in this state which are devoted to the study, teaching
653 and/or promotion of regional crafts and which are deemed by the
654 authority to be significant tourist attractions. The monies
655 loaned or granted shall be drawn from the Emerging Crops Fund and

656 shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00)
657 in the aggregate.

658 (7) Through June 30, 2006, the Mississippi Development
659 Authority shall make available to the Mississippi Department of
660 Agriculture and Commerce funds for the purpose of establishing
661 loan revolving funds and other methods of financing for
662 agribusiness programs administered under the Mississippi
663 Agribusiness Council Act of 1993. The monies made available by
664 the Mississippi Development Authority shall be drawn from the
665 Emerging Crops Fund and shall not exceed One Million Two Hundred
666 Thousand Dollars (\$1,200,000.00) in the aggregate. The
667 Mississippi Department of Agriculture and Commerce shall establish
668 control and auditing procedures for use of these funds. These
669 funds will be used primarily for quick payment to farmers for
670 vegetable and fruit crops processed and sold through vegetable
671 processing plants associated with the Department of Agriculture
672 and Commerce and the Mississippi State Extension Service.

673 (8) From and after July 1, 1996, the Mississippi Development
674 Authority shall make available to the Mississippi Small Farm
675 Development Center One Million Dollars (\$1,000,000.00) to be used
676 by the center to assist small entrepreneurs as provided in Section
677 37-101-25, Mississippi Code of 1972. The monies made available by
678 the Mississippi Development Authority shall be drawn from the
679 Emerging Crops Fund.

680 (9) The Mississippi Development Authority shall make
681 available to the Agribusiness and Natural Resource Development
682 Center through Alcorn State University an amount not to exceed Two
683 Hundred Fifty Thousand Dollars (\$250,000.00) in fiscal year 2001
684 and Two Hundred Fifty Thousand Dollars (\$250,000.00) in fiscal
685 year 2002 from the cash balance of the Emerging Crops Fund to
686 support the development of a cooperative program for agribusiness
687 development, marketing and natural resources development. This
688 subsection (9) shall stand repealed on June 30, 2006.

689 (10) The Mississippi Development Authority shall make
690 available to the Small Farm Development Center at Alcorn State

691 University funds in an aggregate amount not to exceed Three
692 Hundred Thousand Dollars (\$300,000.00), to be drawn from the cash
693 balance of the Emerging Crops Fund. The Small Farm Development
694 Center at Alcorn State University shall use such funds to make
695 loans to producers of sweet potatoes and cooperatives anywhere in
696 the State of Mississippi owned by sweet potato producers to assist
697 in the planting of sweet potatoes and the purchase of sweet potato
698 production and harvesting equipment. A report of the loans made
699 under this subsection shall be furnished by January 15 of each
700 year to the Chairman of the Senate Agriculture Committee and the
701 Chairman of the House Agriculture Committee.

702 (11) The Mississippi Development Authority shall make
703 available to the Mississippi Department of Agriculture and
704 Commerce "Make Mine Mississippi" program an amount not to exceed
705 One Hundred Fifty Thousand Dollars (\$150,000.00) to be drawn from
706 the cash balance of the Emerging Crops Fund.

707 (12) The Mississippi Development Authority shall make
708 available to the Mississippi Department of Agriculture and
709 Commerce an amount not to exceed One Hundred Fifty Thousand
710 Dollars (\$150,000.00) to be drawn from the cash balance of the
711 Emerging Crops Fund to be used for the rehabilitation and
712 maintenance of the Mississippi Farmers Central Market in Jackson,
713 Mississippi.

714 (13) The Mississippi Development Authority shall make
715 available to the Mississippi Department of Agriculture and
716 Commerce an amount not to exceed Twenty-five Thousand Dollars
717 (\$25,000.00) to be drawn from the cash balance of the Emerging
718 Crops Fund to be used for advertising purposes related to the
719 Mississippi Farmers Central Market in Jackson, Mississippi.

720 (14) (a) The Mississippi Development Authority shall, in
721 addition to the other programs described in this section, provide
722 for a program of loan guaranties to be made on behalf of any
723 nonprofit entity qualified under Section 501(c)(3) of the Internal
724 Revenue Code and certified by the United States Department of the
725 Treasury as a community development financial institution for the

726 purpose of encouraging the extension of financing to such an
727 entity which financing the entity will use to make funds available
728 to other entities for the purpose of making loans available in
729 low-income communities in Mississippi. Monies to make such loan
730 guaranties by the Mississippi Development Authority shall be drawn
731 from the Emerging Crops Fund and shall not exceed Two Million
732 Dollars (\$2,000,000.00) in the aggregate. The amount of a loan
733 guaranty on behalf of such an entity under this subsection (14)
734 shall not exceed Two Million Dollars (\$2,000,000.00). Assistance
735 received by an entity under this subsection (14) shall not
736 disqualify the entity from obtaining any other assistance under
737 this chapter.

738 (b) An entity desiring assistance under this subsection
739 (14) must submit an application to the Mississippi Development
740 Authority. The application must include any information required
741 by the Mississippi Development Authority.

742 (c) The Mississippi Development Authority shall have
743 all powers necessary to implement and administer the program
744 established under this subsection (14), and the Mississippi
745 Development Authority shall promulgate rules and regulations, in
746 accordance with the Mississippi Administrative Procedures Law,
747 necessary for the implementation of this subsection (14).

748 (15) (a) The Mississippi Development Authority, in addition
749 to the other programs described in this section, shall provide for
750 a program of loans to agribusinesses that sustained damage to the
751 property of the agribusiness as a result of a natural disaster
752 that occurred in calendar year 2005 and for which a portion of the
753 damage was not reimbursed by insurance. In administering this
754 program, the Mississippi Development Authority shall follow the
755 Agribusiness Enterprise Loan Program guidelines to the extent that
756 the guidelines are not inconsistent with the provisions of this
757 subsection (15).

758 (b) In order to be eligible to receive a loan under
759 this program, an agribusiness must:

760 (i) Be located in an area of the state for which a
761 disaster declaration was issued by the Governor, or for which a
762 major disaster declaration was issued by the President of the
763 United States, as a result of a natural disaster that occurred in
764 calendar year 2005;

765 (ii) Have had insurance on the property of the
766 agribusiness at the time that the natural disaster occurred;

767 (iii) Have sustained damage to the property of the
768 agribusiness as a result of the natural disaster in an amount
769 equal to at least twenty-five percent (25%) of the value of the
770 property, as determined and documented by the insurer of the
771 property; and

772 (iv) Have a portion of the damage to the property
773 of the agribusiness as a result of the natural disaster that was
774 not reimbursed by insurance.

775 (c) Subject to the provisions of paragraph (d), the
776 maximum amount of a loan that may be made to an agribusiness under
777 this program shall be as follows:

778 (i) If the damage to the property of the
779 agribusiness as a result of the natural disaster was at least
780 twenty-five percent (25%) but less than fifty percent (50%) of the
781 value of the property, as determined and documented by the insurer
782 of the property, the maximum amount of the loan shall be thirty
783 percent (30%) of the amount of the damage that was not reimbursed
784 by insurance or Fifty Thousand Dollars (\$50,000.00), whichever is
785 less.

786 (ii) If the damage to the property of the
787 agribusiness from the natural disaster was at least fifty percent
788 (50%) of the value of the property, as determined and documented
789 by the insurer of the property, the maximum amount of the loan
790 shall be forty percent (40%) of the amount of the damage that was
791 not reimbursed by insurance or One Hundred Thousand Dollars
792 (\$100,000.00), whichever is less.

793 (d) The maximum amount of a loan for which an
794 agribusiness is eligible under this program shall be reduced by

795 the amount of any federal assistance that the agribusiness
796 received for damage to the property of the agribusiness as a
797 result of a natural disaster that occurred in calendar year 2005.

798 (e) The proceeds of a loan under this program may be
799 used to: pay for construction, repairs to or replacement of
800 structures; pay for purchases, repairs to or replacement of
801 equipment; and/or pay off existing debt that was incurred for any
802 of those purposes, because of damage to the property of the
803 agribusiness as a result of the natural disaster.

804 (f) Monies to make the loans under this program shall
805 be drawn from the Emerging Crops Fund and shall not exceed Ten
806 Million Dollars (\$10,000,000.00) in the aggregate. No interest
807 shall be charged on loans made under this program, and only the
808 amount actually loaned shall be required to be repaid. All
809 repayments of loans shall be deposited into the bond sinking fund
810 created in paragraph (g) of this subsection.

811 (g) There is created in the State Treasury a sinking
812 fund for repayment of the principal of and interest on the Ten
813 Million Dollars (\$10,000,000.00) of bonds issued to fund this
814 program. All monies paid into the sinking fund that are not
815 appropriated to pay accruing bonds and interest shall be invested
816 by the State Treasurer in such securities as are provided by law
817 for the investment of the sinking funds of the state.

818 (h) To the extent allowed under federal law and
819 regulations, any federal funds received by the State of
820 Mississippi on or after the effective date of House Bill No. 1736,
821 2007 Regular Session, that may be used to provide assistance to
822 agribusinesses that sustained damage as a result of a natural
823 disaster that occurred in calendar year 2005 shall be deposited
824 into the Emerging Crops Fund and used for funding the program
825 established under this subsection (15).

826 (i) The receipt of assistance by an agribusiness under
827 any other program described in this section shall not disqualify
828 the agribusiness from obtaining a loan under the program
829 established in this subsection (15) if the agribusiness is

830 otherwise eligible under this program. In addition, the receipt
831 of a loan by an agribusiness under the program established under
832 this subsection (15) shall not disqualify the agribusiness from
833 obtaining assistance under any other program described in this
834 section.

835 **SECTION 22.** Section 69-2-19, Mississippi Code of 1972, is
836 amended as follows:

837 69-2-19. (1) The Mississippi Development Authority is
838 authorized, at one time, or from time to time, to declare by
839 resolution the necessity for issuance of negotiable general
840 obligation bonds of the State of Mississippi to provide funds for
841 the Emerging Crops Fund established in Section 69-2-13. Upon the
842 adoption of a resolution by the board, declaring the necessity for
843 the issuance of any part or all of the general obligation bonds
844 authorized by Sections 69-2-19 through 69-2-39, the authority
845 shall deliver a certified copy of its resolution or resolutions to
846 the State Bond Commission. Upon receipt of same, the State Bond
847 Commission, in its discretion, shall act as the issuing agent,
848 prescribe the form of the bonds, advertise for and accept bids,
849 issue and sell the bonds so authorized to be sold, and do any and
850 all other things necessary and advisable in connection with the
851 issuance and sale of such bonds. The amount of bonds issued under
852 Sections 69-2-19 through 69-2-39 shall not exceed One Hundred
853 Fifteen Million Dollars (\$115,000,000.00) in the aggregate;
854 however:

855 (a) An additional amount of bonds may be issued under
856 Sections 69-2-19 through 69-2-39 in an amount not to exceed
857 Thirty-five Million Dollars (\$35,000,000.00), and the proceeds of
858 any such additional bonds shall be used solely for the purposes
859 described in Section 69-2-13(3)(b); and

860 (b) An additional amount of bonds may be issued under
861 Sections 69-2-19 through 69-2-39 in an amount not to exceed Two
862 Million Dollars (\$2,000,000.00), and the proceeds of any such
863 additional bonds shall be used solely for the purposes described
864 in Section 69-2-13(14).

865 (2) No bonds may be issued under Sections 69-2-19 through
866 69-2-39 after October 1, 2019.

867 **SECTION 23.** Section 69-2-15, Mississippi Code of 1972, is
868 brought forward as follows:

869 69-2-15. (1) Any lender which has made a loan to a farmer
870 to finance the nonland capital costs of establishing production of
871 an emerging crop on land in Mississippi may make application to
872 the department for payment of the interest on the loan during the
873 period from beginning of production to harvest or initial sale of
874 the product, which payment shall be made from the fund. The
875 maximum amount of interest loans from the fund for the benefit of
876 any one (1) farmer shall be Fifty Thousand Dollars (\$50,000.00).
877 During the period that the department pays the interest on a loan,
878 the maximum rate of interest which may be charged on the loan by
879 the lender shall be four percent (4%) per annum above the New York
880 prime rate. By payment of the interest on a loan, neither the
881 department nor the State of Mississippi shall be a guarantor of
882 the loan, but the state shall have a lien junior to any lien that
883 the lender may have on the loan.

884 (2) If a farmer defaults on the interest loan the Attorney
885 General of the State of Mississippi shall take the necessary legal
886 action, as soon as practicable, to recover the monies due and
887 owing to the State of Mississippi. A suit against a defaulting
888 party under this section may be brought in the county in which the
889 lender is located, or in any Hinds County court.

890 **SECTION 24.** Section 69-2-17, Mississippi Code of 1972, is
891 brought forward as follows:

892 69-2-17. (1) Repayment of the interest loan from the fund
893 shall be deferred for a period of time not more than five (5)
894 years or the time when the emerging crop should reach maturity.
895 The schedule for repayment of the interest loan shall be a period
896 of time equal to two (2) times the period that interest is paid on
897 the loan for that emerging crop from the fund. No interest shall
898 be charged on interest loans from the fund, and only the amount
899 actually loaned from the fund shall be required to be repaid.

900 (2) Repayment of interest loans from the fund shall be made
901 to the lender, which shall remit the amounts collected to the
902 department for deposit into the fund. However, if the repayment
903 period for an interest loan exceeds the time for repayment of the
904 principal loan amount to the lender, when the final principal
905 payment is made to the lender all subsequent interest loan
906 payments shall be made by the farmer, directly to the department
907 to be deposited into the fund.

908 (3) The lender shall notify the department, as soon as
909 possible, of any change in the principal loan status, release of
910 collateral or any other matter that may adversely affect the
911 security of the state's loan.

912 **SECTION 25.** Section 69-2-21, Mississippi Code of 1972, is
913 brought forward as follows:

914 69-2-21. For the payment of such bonds and the interest
915 thereon, the full faith, credit, and taxing power of the State of
916 Mississippi are hereby irrevocably pledged. If the Legislature
917 finds that there are sufficient funds available in the General
918 Fund of the State Treasury to pay maturing principal and accruing
919 interest of the bonds, and if the Legislature appropriates such
920 available funds for the purpose of paying such maturing principal
921 and accruing interest, then the maturing principal and accruing
922 interest of the bonds shall be paid from appropriations made by
923 the Legislature from the General Fund of the State Treasury.
924 However, if there are not sufficient funds available in the
925 General Fund of the State Treasury to pay the maturing principal
926 and accruing interest of the bonds, or if such funds are available
927 but the Legislature fails to appropriate a sufficient amount
928 thereof to pay such maturing principal and accruing interest as
929 the same becomes due, then there shall be levied annually upon all
930 taxable property in the State of Mississippi an ad valorem tax at
931 the rate sufficient to provide the funds required to pay the bonds
932 at maturity and the interest on the bonds as it accrues.

933 **SECTION 26.** Section 69-2-23, Mississippi Code of 1972, is
934 brought forward as follows:

935 69-2-23. Such bonds may be executed and delivered by the
936 state at any time and from time to time, may be in such form and
937 denominations and of such terms and maturities, may be in fully
938 registered form or in bearer form registrable either as to
939 principal or interest or both, may bear such conversion privileges
940 and be payable in such installments and at such time or times not
941 exceeding twenty (20) years from the date thereof, may be payable
942 at such place or places, whether within or without the State of
943 Mississippi, may bear interest payable at such time or times and
944 at such place or places and evidenced in such manner, and may
945 contain such provisions not inconsistent herewith, all as shall be
946 provided in the proceedings of the State Bond Commission under
947 which the bonds are authorized to be issued. Such bonds shall not
948 bear a greater overall maximum interest rate to maturity than that
949 authorized by law for general obligation bonds. If deemed
950 advisable by the State Bond Commission, there may be retained in
951 the proceedings under which any such bonds are authorized to be
952 issued an option to redeem all or any part thereof as may be
953 specified in such proceedings, at such price or prices and after
954 such notice or notices and on such terms and conditions as may be
955 set forth in such proceedings and briefly recited or referred to
956 on the face of the bonds, but nothing herein contained shall be
957 construed to confer on the state any right or option to redeem any
958 bonds, except as may be provided in the proceedings under which
959 they shall be issued. Any such bonds shall be sold on sealed bids
960 at public sale, and for such price as the State Bond Commission
961 determines to be in the best interest of the State of Mississippi,
962 but no such sale shall be made at a price less than par value plus
963 accrued interest to date of delivery of the bonds to the
964 purchaser. The state may pay all expenses, premiums and
965 commissions which the State Bond Commission may deem necessary or
966 advantageous in connection with the issuance thereof, but solely
967 from the proceeds of the bonds. The issuance by the state of one
968 or more series of bonds shall not preclude it from issuing other
969 series of bonds, but the proceedings under which any subsequent

970 bonds may be issued shall recognize and protect any prior pledge
971 made for any prior issuance of bonds.

972 **SECTION 27.** Section 69-2-25, Mississippi Code of 1972, is
973 brought forward as follows:

974 69-2-25. No bond issued under Sections 69-2-19 through
975 69-2-39 of this chapter shall bear more than one (1) rate of
976 interest; each bond shall bear interest from its date to its
977 stated maturity date at the interest rate specified on the bonds;
978 and all bonds of the same maturity shall bear the same rate of
979 interest from date to maturity. All interest accruing on bonds
980 shall be payable semiannually or annually, except the first
981 interest coupon attached to any bond may be for any period not
982 exceeding one (1) year. If bonds are issued in coupon form, no
983 interest payment shall be evidenced by more than one (1) coupon,
984 and neither cancelled nor supplemental coupons shall be permitted.
985 If serial bonds, such bonds shall mature annually, and the first
986 maturity date thereof shall not be more than five (5) years from
987 the date of such bonds.

988 **SECTION 28.** Section 69-2-27, Mississippi Code of 1972, is
989 brought forward as follows:

990 69-2-27. Notice of the sale of any such bonds shall be
991 published at least one time which shall be made not less than ten
992 (10) days prior to the date of sale, and shall be so published in
993 one or more newspapers having a general circulation in the City of
994 Jackson and in one or more other newspapers or financial journals
995 with a large national circulation, to be selected by the State
996 Bond Commission.

997 **SECTION 29.** Section 69-2-29, Mississippi Code of 1972, is
998 brought forward as follows:

999 69-2-29. All bonds shall be executed on behalf of the state
1000 by the manual or facsimile signature of the Chairman of the State
1001 Bond Commission and shall be countersigned by the manual or
1002 facsimile signature of the Secretary of the State Bond Commission.
1003 All coupons shall be executed on behalf of the state by the
1004 facsimile signatures of the Chairman and Secretary of the State

1005 Bond Commission. If the officers whose signatures or
1006 countersignatures appear on the bonds or interest coupons shall
1007 cease to be such officers before delivery of the bonds, such
1008 signatures or countersignatures shall nevertheless be valid and
1009 sufficient for all purposes, the same as if they had remained in
1010 office until such delivery, or had been in office on the date such
1011 bonds may bear.

1012 **SECTION 30.** Section 69-2-30, Mississippi Code of 1972, is
1013 brought forward as follows:

1014 69-2-30. (1) In lieu of the issuance of bonds pursuant to
1015 the authority granted in Section 69-2-19, Mississippi Code of
1016 1972, the State Bond Commission is authorized and empowered, if
1017 more economically feasible, to borrow funds in an aggregate
1018 principal amount not to exceed the amount specified in Section
1019 69-2-19, Mississippi Code of 1972. The Bond Commission, to
1020 evidence such loan, may issue and sell the negotiable coupon notes
1021 of the State of Mississippi, which notes may be issued in series,
1022 from time to time, as the proceeds thereof are needed. The notes
1023 shall be in such form and shall have such details as may be
1024 provided by the commission, except that the notes of each series
1025 shall be issued with final maturity not more than five (5) years
1026 from the date of such series. For the prompt payment of such
1027 notes at maturity, both principal and interest, the same pledges
1028 may be made as are authorized for the repayment of bonds in
1029 Section 69-2-21, Mississippi Code of 1972.

1030 (2) The notes herein authorized shall be sold from time to
1031 time by the Bond Commission as the need for the proceeds thereof
1032 may arise, and the Bond Commission shall advertise and accept bids
1033 therefor and issue and sell such notes at a price which will
1034 result in the lowest interest rate on the best terms obtainable
1035 for the state.

1036 (3) The Bond Commission in providing for the issuance of the
1037 notes herein authorized shall have discretion in fixing the terms
1038 and details thereof and may provide for the issuance of such notes
1039 in such form, executed in such manner, and payable at such place

1040 or places, and containing such terms, covenants and provisions as
1041 the Bond Commission may provide.

1042 **SECTION 31.** Section 69-2-31, Mississippi Code of 1972, is
1043 brought forward as follows:

1044 69-2-31. Upon the issuance and sale of bonds or notes, the
1045 State Bond Commission shall transfer the proceeds of any such sale
1046 or sales to the Emerging Crops Fund. The proceeds of such bonds
1047 or notes shall be disbursed solely upon the order of the
1048 department under such restrictions, if any, as may be contained in
1049 the resolution providing for the issuance of the bonds or notes.

1050 **SECTION 32.** Section 69-2-33, Mississippi Code of 1972, is
1051 brought forward as follows:

1052 69-2-33. The Attorney General of the State of Mississippi
1053 shall represent the department in issuing, selling and validating
1054 bonds or notes authorized under Sections 69-2-19 through 69-2-39
1055 of this chapter, and the department is authorized to pay from the
1056 proceeds derived from the sale of such bonds or notes, or from
1057 other funds available to the department, the reasonable cost of
1058 approving attorney's fees, validating, printing and cost of
1059 delivery of such bonds or notes.

1060 **SECTION 33.** Section 69-2-35, Mississippi Code of 1972, is
1061 brought forward as follows:

1062 69-2-35. Bonds or notes issued under Sections 69-2-19
1063 through 69-2-39 of this chapter shall be legal investments for
1064 commercial banks, trust companies, savings and loan associations,
1065 and insurance companies organized under the laws of this state.

1066 **SECTION 34.** Section 69-2-37, Mississippi Code of 1972, is
1067 brought forward as follows:

1068 69-2-37. All bonds or notes issued under Sections 69-2-19
1069 through 69-2-39 of this chapter and the income therefrom shall be
1070 exempt from all taxation in the State of Mississippi except gift,
1071 transfer and inheritance taxes.

1072 **SECTION 35.** Section 69-2-39, Mississippi Code of 1972, is
1073 brought forward as follows:

1074 69-2-39. Sections 69-2-19 through 69-2-39 of this chapter,
1075 without reference to any statute not referred to herein, shall be
1076 deemed to be full and complete authority for the issuance of such
1077 bonds or notes, and shall be construed as an additional and
1078 alternative method therefor, and none of the present restrictions,
1079 requirements, conditions or limitations of law applicable to the
1080 issuance or sale of bonds, notes or other obligations by the state
1081 shall apply to the issuance and sale of bonds or notes under
1082 Sections 69-2-19 through 69-2-39 of this chapter, and no
1083 proceedings shall be required for the issuance of such bonds or
1084 notes other than those provided for and required herein, and all
1085 powers necessary to be exercised in order to carry out the
1086 provisions of Sections 69-2-13 through 69-2-37 of this chapter are
1087 hereby conferred.

1088 **SECTION 36.** Section 69-2-40, Mississippi Code of 1972, is
1089 brought forward as follows:

1090 69-2-40. (1) Any attorney's fees paid as the result of the
1091 issuance of bonds under Sections 69-2-19 through 69-2-39 of this
1092 chapter shall be in compliance with the limits on attorney's fees
1093 for bond issues as adopted by the State Bond Commission.
1094 Attorney's fees paid as the result of the issuance of such bonds
1095 are subject to negotiation but in no event may they exceed the
1096 limits established by the State Bond Commission. A detailed
1097 accounting of all expenses incurred by all persons, firms,
1098 corporations, associations or other organizations involved in such
1099 bond issues shall be submitted to the State Bond Commission within
1100 ninety (90) days after the issuance of such bonds and shall be a
1101 matter of public record.

1102 (2) No member of the Legislature, elected official or
1103 appointed official, or any partner or associate of any member of
1104 the Legislature, elected official or appointed official, shall
1105 derive any income from the issuance of any bonds or the
1106 disposition of any property under Sections 69-2-19 through 69-2-39
1107 of this chapter contrary to the provisions of Section 109,

1108 Mississippi Constitution of 1890, or Article 3, Chapter 4, Title
1109 25, Mississippi Code of 1972.

1110 **SECTION 37.** Section 69-2-41, Mississippi Code of 1972, is
1111 brought forward as follows:

1112 69-2-41. If for any reason any section, paragraph,
1113 provision, clause or part of Sections 69-2-13 through 69-2-39 of
1114 this chapter shall be held unconstitutional or invalid, that
1115 section shall not affect or invalidate any other section,
1116 paragraph, provision, clause or part of this chapter not in and of
1117 itself invalid, but the remaining portions thereof shall be in
1118 force without regard to that so invalidated.

1119 **SECTION 38.** This act shall take effect and be in force from
1120 and after its passage.

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

1 AN ACT TO CREATE THE DAIRY INDUSTRY STABILIZATION ACT FOR THE
2 PURPOSE OF REVITALIZING THE DAIRY INDUSTRY AND INCREASING OUTPUT
3 OF DAIRY PRODUCTS IN THE STATE BY PROVIDING FINANCIAL ASSISTANCE
4 TO DAIRY PRODUCERS; TO CREATE THE DAIRY INDUSTRY STABILIZATION
5 FUND; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL
6 ADMINISTER SUCH FUND FOR THE PURPOSE OF MAKING LOANS TO DAIRY
7 PRODUCERS TO ASSIST IN COMPLETING CERTAIN PROJECTS TO RESTORE
8 HURRICANE KATRINA DAMAGED DAIRIES, UPGRADE EQUIPMENT AND REFINANCE
9 DEBT; TO AUTHORIZE THE ISSUANCE OF \$10,000,000.00 IN STATE GENERAL
10 OBLIGATION BONDS TO PROVIDE FUNDS FOR THE DAIRY INDUSTRY
11 STABILIZATION FUND; TO AMEND SECTION 69-2-13, MISSISSIPPI CODE OF
12 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY
13 MAKE LOANS FROM THE EMERGING CROPS FUND TO AGRIBUSINESSES ENGAGED
14 IN POULTRY PRODUCTION OPERATIONS FOR THE PURPOSE OF ASSISTING SUCH
15 AGRIBUSINESSES TO MAKE UPGRADES, RENOVATIONS, REPAIRS AND OTHER
16 IMPROVEMENTS TO THEIR EQUIPMENT, FACILITIES AND OPERATIONS; TO
17 REQUIRE PERSONS APPLYING FOR LOANS TO HAVE A WRITTEN LETTER OF
18 AGREEMENT FROM A CONTRACTING POULTRY COMPANY TO COMPLY WITH TERMS
19 OF THE TEN POINT AGREEMENT; TO DIRECT THE MISSISSIPPI DEVELOPMENT
20 AUTHORITY TO PROVIDE FOR A PROGRAM OF LOANS TO AGRIBUSINESSES THAT
21 SUSTAINED A CERTAIN AMOUNT OF DAMAGE AS A RESULT OF A NATURAL
22 DISASTER THAT OCCURRED IN CALENDAR YEAR 2005 AND FOR WHICH A
23 PORTION OF THE DAMAGE WAS NOT REIMBURSED BY INSURANCE; TO SPECIFY
24 THE CONDITIONS THAT AN AGRIBUSINESS MUST MEET TO BE ELIGIBLE FOR A
25 LOAN UNDER THE PROGRAM; TO SPECIFY THE MAXIMUM AMOUNT OF A LOAN
26 THAT MAY BE MADE TO AN AGRIBUSINESS UNDER THE PROGRAM; TO INCREASE
27 FROM \$26,000,000.00 TO \$27,000,000.00 THE AMOUNT THAT MAY BE DRAWN
28 FROM THE EMERGING CROPS FUND BY THE MISSISSIPPI DEVELOPMENT
29 AUTHORITY TO PROVIDE LOANS OR GRANTS TO ASSIST IN PROVIDING
30 FINANCING FOR MINORITY ECONOMIC DEVELOPMENT; TO AMEND SECTION
31 69-2-19, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM AMOUNT
32 OF STATE GENERAL OBLIGATION BONDS THAT MAY BE ISSUED TO PROVIDE
33 FUNDS FOR THE EMERGING CROPS FUND BY \$10,000,000.00 FROM
34 \$105,000,000.00 TO \$115,000,000.00; TO BRING FORWARD SECTIONS
35 69-2-15, 69-2-17, 69-2-21, 69-2-23, 69-2-25, 69-2-27, 69-2-29,
36 69-2-30, 69-2-31, 69-2-33, 69-2-35, 69-2-37, 69-2-39, 69-2-40 AND
37 69-2-41, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE EMERGING
38 CROPS FUND, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

HR03\SB3172A.J

Don Richardson
Clerk of the House of Representatives