

By: Representatives Watson, Peranich,
Holland, Scott, Clark, Coleman (29th),
Reynolds, Dedeaux

To: Ways and Means

HOUSE BILL NO. 1701
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR STATE
3 INSTITUTIONS OF HIGHER LEARNING, STATE AGENCIES AND COMMUNITY AND
4 JUNIOR COLLEGES; TO PROVIDE THAT PROGRAMS AND PROJECTS PROMOTING
5 THE HERITAGE, HISTORY AND CULTURE OF THE STATE AND DEMONSTRATING
6 THE STATE'S ATTRACTIVENESS AS A TOURISM DESTINATION ARE A PRIORITY
7 FOR THE DIVISION OF TOURISM DEVELOPMENT OF THE MISSISSIPPI
8 DEVELOPMENT AUTHORITY; TO AMEND SECTION 6, CHAPTER 538, LAWS OF
9 2006, AS AMENDED BY SECTION 5, CHAPTER 607, LAWS OF 2007, TO
10 INCREASE THE AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT MAY BE
11 ISSUED TO PROVIDE FUNDS FOR CAPITAL IMPROVEMENTS AT A SPACE,
12 SCIENCE AND EDUCATION FACILITY IN HANCOCK COUNTY, MISSISSIPPI; TO
13 AUTHORIZE THE STATE BOND COMMISSION TO NEGOTIATE THE SALE OF SUCH
14 BONDS AND TO DELETE THE REQUIREMENT THAT THE NOTICE OF THE SALE OF
15 THE BONDS BE PUBLISHED IN A NEWSPAPER OR FINANCIAL JOURNAL WITH A
16 LARGE NATIONAL CIRCULATION; TO AMEND SECTION 9, CHAPTER 580, LAWS
17 OF 2007, TO INCREASE THE AMOUNT OF STATE GENERAL OBLIGATION BONDS
18 THAT MAY BE ISSUED TO PROVIDE FUNDS FOR THE CONSTRUCTION,
19 FURNISHING AND EQUIPPING OF A CHILDREN'S MUSEUM IN HINDS COUNTY,
20 MISSISSIPPI; TO AUTHORIZE THE STATE BOND COMMISSION TO NEGOTIATE
21 THE SALE OF SUCH BONDS AND TO DELETE THE REQUIREMENT THAT THE
22 NOTICE OF THE SALE OF THE BONDS BE PUBLISHED IN A NEWSPAPER OR
23 FINANCIAL JOURNAL WITH A LARGE NATIONAL CIRCULATION; TO AMEND
24 SECTION 2, CHAPTER 557, LAWS OF 2009, TO INCREASE THE AMOUNT OF
25 STATE GENERAL OBLIGATION BONDS THAT MAY BE ISSUED TO PROVIDE FUNDS
26 FOR IMPROVEMENTS TO THE OHR-O'KEEFE MUSEUM OF ART IN BILOXI,
27 MISSISSIPPI; TO REMOVE THE PROVISION REQUIRING THAT THE AMOUNT OF
28 BONDS AUTHORIZED FOR THE PROJECT WILL BE REDUCED BY THE AMOUNT OF
29 ANY FEDERAL FUNDS MADE AVAILABLE FOR THE PROJECT; TO ESTABLISH THE
30 STATEWIDE TOURISM PROJECTS FUND INTO WHICH THE PROCEEDS OF THE
31 ISSUANCE OF STATE GENERAL OBLIGATION BONDS SHALL BE DEPOSITED FOR
32 THE PURPOSE OF FUNDING CERTAIN PROJECTS; TO ESTABLISH THE
33 MISSISSIPPI HERITAGE, HISTORY AND CULTURE TOURISM FUND INTO WHICH
34 THE PROCEEDS OF THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS
35 SHALL BE DEPOSITED FOR THE PURPOSE OF TOURISM PROJECTS AND
36 PROGRAMS IN THE STATE ADDRESSING THE STATE'S HERITAGE, HISTORY AND
37 CULTURE; TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
38 BONDS TO PROVIDE FUNDS FOR THE STATEWIDE TOURISM PROJECTS FUND AND
39 THE MISSISSIPPI HERITAGE, HISTORY AND CULTURE TOURISM FUND; TO
40 AMEND SECTION 57-1-59, MISSISSIPPI CODE OF 1972, IN CONFORMITY
41 THERETO; TO ESTABLISH THE MISSISSIPPI SMALL BUSINESS PARTICIPATING
42 LOAN PROGRAM TO BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT
43 AUTHORITY; TO PROVIDE THAT THE PROGRAM SHALL PROVIDE LOANS TO
44 SMALL BUSINESSES FOR THE PURPOSE OF ENCOURAGING THE EXTENSION OF
45 CONVENTIONAL FINANCING AND THE ISSUANCE OF LETTERS OF CREDIT TO
46 SMALL BUSINESSES OR EXISTING FORESTRY INDUSTRY ENTERPRISES BY



47 PRIVATE INSTITUTIONS; TO PROVIDE THAT THE AMOUNT OF A LOAN TO ANY
48 SINGLE SMALL BUSINESS AND EXISTING FORESTRY INDUSTRY ENTERPRISES
49 UNDER THE PROGRAM SHALL NOT EXCEED 50% OF THE TOTAL COST OF THE
50 PROJECT FOR WHICH FINANCING IS SOUGHT; TO CREATE THE MISSISSIPPI
51 SMALL BUSINESS AND EXISTING FORESTRY INDUSTRY ENTERPRISES
52 PARTICIPATING LOAN PROGRAM REVOLVING FUND IN THE STATE TREASURY
53 FROM WHICH MONEY TO MAKE THE LOANS UNDER THE PROGRAM SHALL BE
54 DRAWN; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN
55 THE AMOUNT OF \$30,000,000.00 TO PROVIDE FUNDS FOR THE PROGRAM; TO
56 AMEND SECTION 57-10-505, MISSISSIPPI CODE OF 1972, TO REVISE THE
57 DEFINITION OF THE TERM "SMALL BUSINESS" UNDER THE MISSISSIPPI
58 SMALL BUSINESS ASSISTANCE ACT; TO AMEND SECTION 57-10-511,
59 MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT THAT PLANNING AND
60 DEVELOPMENT DISTRICTS AND QUALIFIED ENTITIES MAY RETAIN TO AID IN
61 THE ADMINISTRATION AND MANAGEMENT OF THE MISSISSIPPI SMALL
62 BUSINESS ASSISTANCE PROGRAM; TO PROVIDE THAT CERTAIN BUSINESS
63 ENTERPRISES THAT LOCATE OR EXPAND IN THIS STATE THAT OWN OR
64 OPERATE A FACILITY FOR THE MANUFACTURE OR ASSEMBLY OF SYSTEMS OR
65 COMPONENTS USED IN THE GENERATION OF CLEAN ENERGY, OR OWN OR
66 OPERATE A FACILITY THAT MANUFACTURES OR ASSEMBLES PRODUCTS FOR THE
67 AEROSPACE INDUSTRY OR PROVIDES RESEARCH AND DEVELOPMENT OR
68 TRAINING SERVICES IN THE AEROSPACE INDUSTRY, SHALL BE EXEMPT FOR A
69 PERIOD OF TEN YEARS FROM ANY SALES AND USE TAX RELATED TO THE
70 PURCHASE OF COMPONENT BUILDING MATERIALS AND EQUIPMENT FOR INITIAL
71 CONSTRUCTION OF FACILITIES OR EXPANSION OF FACILITIES, ALL INCOME
72 TAX IMPOSED ON INCOME EARNED BY THE BUSINESS ENTERPRISE, FRANCHISE
73 TAX IMPOSED ON THE BUSINESS ENTERPRISE AND ANY SALES AND USE TAX
74 IMPOSED ON THE LEASE OF MACHINERY AND EQUIPMENT ACQUIRED IN THE
75 INITIAL CONSTRUCTION TO ESTABLISH THE FACILITY OR FOR AN EXPANSION
76 OF A FACILITY; TO PROVIDE THAT CERTAIN BUSINESS ENTERPRISES THAT
77 OPERATE DATA CENTERS IN THIS STATE SHALL BE EXEMPT FROM ANY SALES
78 AND USE TAX IMPOSED ON THE BUSINESS ENTERPRISE FOR THE PURCHASE OF
79 COMPONENT BUILDING MATERIALS AND EQUIPMENT FOR INITIAL
80 CONSTRUCTION OF FACILITIES OR EXPANSION OF FACILITIES, AND ANY
81 SALES AND USE TAX IMPOSED ON THE PURCHASE OF REPLACEMENT HARDWARE,
82 SOFTWARE OR OTHER NECESSARY TECHNOLOGY TO OPERATE A DATA CENTER;
83 TO PROVIDE THAT APPLICATIONS FOR THE TAX EXEMPTIONS SHALL BE MADE
84 TO THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE FOR THE
85 MINIMUM CONTENTS OF THE APPLICATION; TO PROVIDE CERTAIN CONDITIONS
86 THAT APPLY TO THE EXEMPTIONS; TO AMEND SECTIONS 27-7-21, 27-13-5,
87 27-13-7 AND 27-65-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY
88 THERETO; TO CREATE THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING
89 REVOLVING FUND TO PROVIDE LOANS OR GRANTS TO LOCAL GOVERNMENTS AND
90 CERTAIN BUSINESS ENTERPRISES TO CONSTRUCT OR OTHERWISE PROVIDE
91 CERTAIN FACILITIES; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED
92 BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE THAT LOCAL
93 GOVERNMENTS AND BUSINESS ENTERPRISES DESIRING A LOAN OR A GRANT
94 MUST SUBMIT AN APPLICATION TO THE MISSISSIPPI DEVELOPMENT
95 AUTHORITY; TO PROVIDE FOR THE MINIMUM CONTENT OF SUCH
96 APPLICATIONS; TO PROVIDE THAT CONTRACTS BY LOCAL GOVERNMENTS FOR
97 THE ACQUISITION, PURCHASE, CONSTRUCTION OR INSTALLATION OF A
98 PROJECT SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 31-7-13,
99 MISSISSIPPI CODE OF 1972, IF CERTAIN CONDITIONS ARE MET; TO
100 AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT
101 OF \$100,000,000.00 TO PROVIDE FUNDS FOR THE MISSISSIPPI INDUSTRY
102 INCENTIVE FINANCING REVOLVING FUND; TO AMEND SECTION 31-7-13,
103 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
104 57-61-25, MISSISSIPPI CODE OF 1972, TO INCREASE FROM



105 \$316,000,000.00 TO \$323,000,000.00 THE AMOUNT OF GENERAL
106 OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI BUSINESS
107 INVESTMENT ACT; TO AMEND SECTION 57-61-27, MISSISSIPPI CODE OF
108 1972, TO REVISE CERTAIN LANGUAGE PROVIDING FOR THE ISSUANCE OF
109 BONDS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND
110 SECTION 57-61-36, MISSISSIPPI CODE OF 1972, TO EXTEND FROM JULY 1,
111 2010, TO JULY 1, 2015, THE DATE OF REPEAL ON THE AUTHORITY OF THE
112 MISSISSIPPI DEVELOPMENT AUTHORITY TO USE A PORTION OF THE BOND
113 PROCEEDS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT TO MAKE
114 INTEREST-BEARING LOANS TO CERTAIN ENTITIES THROUGH A HOUSING
115 DEVELOPMENT REVOLVING LOAN FUND FOR LOW TO MODERATE INCOME HOUSING
116 PURPOSES; TO INCREASE FROM \$27,500,000.00 TO \$32,500,000.00 THE
117 AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY
118 MAY UTILIZE UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT TO MAKE
119 LOANS OR GRANTS TO COUNTIES AND MUNICIPALITIES THROUGH AN
120 EQUIPMENT AND PUBLIC FACILITIES GRANT AND LOAN FUND TO AID IN
121 INFRASTRUCTURE-RELATED IMPROVEMENTS, THE PURCHASE OF EQUIPMENT AND
122 IN THE PURCHASE, CONSTRUCTION OR REPAIR AND RENOVATION OF PUBLIC
123 FACILITIES; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO
124 USE NOT MORE THAN \$2,000,000.00 OF THE BOND PROCEEDS UNDER THE
125 MISSISSIPPI INVESTMENT ACT FOR THE PURPOSE OF ASSISTING IN PAYING
126 THE COSTS OF CONSTRUCTING A NEW SPILLWAY AND RELATED BRIDGE AND
127 DAM STRUCTURES AT LAKE MARY IN WILKINSON COUNTY, MISSISSIPPI; TO
128 AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE NOT MORE
129 THAN \$100,000.00 OF THE BOND PROCEEDS UNDER THE MISSISSIPPI
130 INVESTMENT ACT FOR THE PURPOSE OF ASSISTING THE CITY OF HOLLY
131 SPRINGS, MISSISSIPPI, IN PROVIDING WATER AND SEWER AND OTHER
132 INFRASTRUCTURE SERVICES IN THE MARSHALL, BENTON AND TIPPAAH
133 COUNTIES AREA; TO AUTHORIZE THE ISSUANCE OF \$2,000,000.00 IN STATE
134 GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE MISSISSIPPI
135 RURAL IMPACT FUND; TO AMEND SECTIONS 57-62-3, 57-62-5, 57-62-9,
136 57-62-11, 57-62-13 AND 57-62-15, MISSISSIPPI CODE OF 1972, TO
137 REVISE CERTAIN LEGISLATIVE INTENT PROVISIONS REGARDING THE
138 MISSISSIPPI ADVANTAGE JOBS ACT; TO REVISE CERTAIN DEFINITIONS AND
139 PROVISIONS REGARDING INCENTIVE PAYMENTS MADE TO QUALIFIED
140 BUSINESSES UNDER THE MISSISSIPPI ADVANTAGE JOBS ACT; TO CHANGE
141 INTERNAL REFERENCES REGARDING THE STATE TAX COMMISSION AND
142 DEPARTMENT OF REVENUE; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE
143 OF 1972, TO REVISE THE MINIMUM NEW JOBS REQUIREMENT FOR PURPOSES
144 OF THE ADDITIONAL INCOME TAX CREDIT AUTHORIZED FOR A COMPANY
145 ESTABLISHING OR TRANSFERRING ITS NATIONAL OR REGIONAL HEADQUARTERS
146 FROM WITHIN OR OUTSIDE THE STATE OF MISSISSIPPI; TO PROVIDE THAT
147 THE MISSISSIPPI DEVELOPMENT AUTHORITY, INSTEAD OF THE STATE TAX
148 COMMISSION, SHALL ESTABLISH CRITERIA AND PRESCRIBE PROCEDURES TO
149 DETERMINE IF A COMPANY QUALIFIES AS A NATIONAL OR REGIONAL
150 HEADQUARTERS FOR PURPOSES OF RECEIVING THE TAX CREDIT; TO
151 AUTHORIZE THE ISSUANCE OF \$1,000,000.00 IN STATE GENERAL
152 OBLIGATION BONDS TO PROVIDE FUNDS FOR THE SMALL MUNICIPALITIES AND
153 LIMITED POPULATION COUNTIES FUND; TO AMEND SECTION 57-1-18,
154 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PORTION OF THE
155 PROCEEDS OF CERTAIN BONDS MAY BE USED BY THE MISSISSIPPI
156 DEVELOPMENT AUTHORITY TO REIMBURSE CERTAIN COSTS RELATED TO THE
157 ADMINISTRATION OF THE FUND; TO AUTHORIZE THE ISSUANCE OF
158 \$100,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR
159 IMPROVEMENTS TO THE JACKSON ZOO; TO AUTHORIZE THE ISSUANCE OF
160 \$17,000,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS
161 FOR THE PURPOSE OF MAKING ADDITIONS, UPGRADES AND IMPROVEMENTS TO
162 THE STATE TAX COMMISSION'S INFORMATION TECHNOLOGY SYSTEMS; TO



163 AUTHORIZE THE ISSUANCE OF \$800,000.00 IN STATE GENERAL OBLIGATION
164 BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST THE CITY OF
165 HATTIESBURG, MISSISSIPPI, IN PAYING THE COSTS ASSOCIATED WITH
166 CONSTRUCTING AND MAKING IMPROVEMENTS TO THE LONG LEAF TRACE AND
167 ESTABLISHING A PARK IN THE CITY; TO AMEND CHAPTER 465, LAWS OF
168 1999, TO INCREASE FROM \$6,000,000.00 TO \$6,500,000.00 THE AMOUNT
169 OF STATE GENERAL OBLIGATION BONDS THAT MAY BE ISSUED TO PROVIDE
170 FUNDS TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR THE PURPOSE OF
171 MAKING LOANS OR GRANTS AVAILABLE TO THE APPROPRIATE PLANNING AND
172 DEVELOPMENT DISTRICT TO MAKE LOW INTEREST LOANS AVAILABLE TO
173 PERSONS OR ENTITIES WHO DEVELOP CERTAIN PROPERTY IN THE FARISH
174 STREET HISTORIC DISTRICT; TO CLARIFY THE PURPOSES FOR WHICH THE
175 PROCEEDS OF SUCH LOANS MAY BE USED; TO REMOVE THE PROVISION THAT
176 LIMITS THE MAXIMUM AMOUNT OF A LOAN THAT MAY BE MADE TO ANY ONE
177 PERSON OR ENTITY; TO AUTHORIZE THE STATE BOND COMMISSION TO
178 NEGOTIATE THE SALE OF SUCH BONDS AND TO DELETE THE REQUIREMENT
179 THAT THE NOTICE OF THE SALE OF THE BONDS BE PUBLISHED IN A
180 NEWSPAPER OR FINANCIAL JOURNAL WITH A LARGE NATIONAL CIRCULATION;
181 TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO PROVIDE
182 INTEREST-FREE NONRECOURSE LOANS TO THE CITY OF JACKSON,
183 MISSISSIPPI, TO ASSIST THE CITY OF JACKSON IN PAYING THE COSTS
184 ASSOCIATED WITH MAKING REPAIRS, UPGRADES AND IMPROVEMENTS TO
185 PORTIONS OF THE CITY'S WATER AND SEWER SYSTEMS INFRASTRUCTURE
186 LOCATED IN THE AREAS WITHIN AND IN CLOSE PROXIMITY TO CERTAIN
187 STATE GROUNDS AND LANDS IN THE CITY; TO PROVIDE THAT THE AGGREGATE
188 AMOUNT OF ALL LOANS SHALL NOT EXCEED \$6,000,000.00; TO AUTHORIZE
189 THE ISSUANCE OF \$6,000,000.00 IN STATE GENERAL OBLIGATION BONDS TO
190 PROVIDE FUNDS FOR SUCH LOANS; TO AUTHORIZE THE ISSUANCE OF STATE
191 GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$2,470,000.00 TO PROVIDE
192 MATCHING FUNDS FOR FEDERAL FUNDS FOR THE WATER POLLUTION CONTROL
193 REVOLVING FUND; TO AMEND SECTION 49-17-85, MISSISSIPPI CODE OF
194 1972, TO AUTHORIZE INTEREST AND INVESTMENT EARNINGS ON MONEY IN
195 THE WATER POLLUTION CONTROL REVOLVING FUND TO BE UTILIZED TO PAY
196 DEBT SERVICE ON THE BONDS AUTHORIZED TO BE ISSUED BY THIS ACT; TO
197 AMEND SECTIONS 6 THROUGH 20, CHAPTER 521, LAWS OF 1995, AS LAST
198 AMENDED BY SECTION 3, CHAPTER 492, LAWS OF 2008, TO INCREASE FROM
199 \$24,743,000.00 TO \$26,143,000.00 THE AMOUNT OF STATE GENERAL
200 OBLIGATION BONDS THAT MAY BE ISSUED FOR THE LOCAL GOVERNMENTS AND
201 RURAL WATER SYSTEMS IMPROVEMENTS REVOLVING LOAN FUND; TO AMEND
202 SECTIONS 136 THROUGH 151, CHAPTER 1, LAWS OF 2004 THIRD
203 EXTRAORDINARY SESSION, AS LAST AMENDED BY SECTION 7, CHAPTER 557,
204 LAWS OF 2009, TO INCREASE THE AMOUNT OF BONDS THAT MAY BE ISSUED
205 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SUPPLEMENTARY RURAL
206 FIRE TRUCK FUND AND THE RURAL FIRE TRUCK FUND; TO AUTHORIZE THE
207 ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF
208 PROVIDING FUNDS FOR THE MISSISSIPPI COMMUNITY HERITAGE
209 PRESERVATION GRANT FUND; TO AMEND SECTION 39-5-145, MISSISSIPPI
210 CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 210 THROUGH
211 226, CHAPTER 1, LAWS OF 2004 THIRD EXTRAORDINARY SESSION, AS LAST
212 AMENDED BY SECTION 4, CHAPTER 557, LAWS OF 2009, TO INCREASE THE
213 AMOUNT OF STATE GENERAL OBLIGATION BONDS AUTHORIZED TO BE ISSUED
214 FOR THE MISSISSIPPI MUSEUM OF ART IN JACKSON, MISSISSIPPI; AND FOR
215 RELATED PURPOSES.

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



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

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

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

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

229 (2) (a) (i) A special fund, to be designated as the "2010
230 IHL and State Agencies Capital Improvements Fund," is created
231 within the State Treasury. The fund shall be maintained by the
232 State Treasurer as a separate and special fund, separate and apart
233 from the General Fund of the state. Unexpended amounts remaining
234 in the fund at the end of a fiscal year shall not lapse into the
235 State General Fund, and any interest earned or investment earnings
236 on amounts in the fund shall be deposited into such fund.

237 (ii) Monies deposited into the fund shall be
238 disbursed, in the discretion of the Department of Finance and
239 Administration, with the approval of the Board of Trustees of
240 State Institutions of Higher Learning on those projects related to
241 the universities under its management and control to pay the costs
242 of capital improvements, renovation and/or repair of existing
243 facilities, furnishings and/or equipping facilities for public
244 facilities as hereinafter described:

		AMOUNT
NAME	PROJECT	ALLOCATED
	INSTITUTIONS OF HIGHER LEARNING.....	\$ 89,000,000.00
	Alcorn State University.....	\$ 7,000,000.00
	Construction of a natural	



250 gas line and related
 251 infrastructure to serve
 252 the campus and purchase of
 253 necessary rights-of-way for such
 254 gas line, repair, renovation
 255 and improvement of the water
 256 plant, and repair, renovation
 257 and improvement of campus
 258 infrastructure, buildings and
 259 facilities and continuation/
 260 completion of previously authorized
 261 projects \$ 7,000,000.00
 262 Delta State University.....\$ 8,000,000.00
 263 Phase II of repair and renovation
 264 of and construction of
 265 improvements and additions to
 266 Caylor-White and Walters
 267 Halls; repair and renovation
 268 of campus buildings and
 269 facilities, repair, renovation,
 270 replacement and improvement of
 271 campus infrastructure and
 272 continuation/completion of
 273 previously authorized
 274 projects \$ 8,000,000.00
 275 Jackson State University.....\$ 8,000,000.00
 276 Upgrades and improvements to
 277 campus security
 278 infrastructure; repair and
 279 renovation of campus buildings
 280 and facilities, repair,
 281 renovation, replacement and
 282 improvement of campus



283 infrastructure and
 284 continuation/completion of
 285 previously authorized
 286 projects \$ 8,000,000.00
 287 Mississippi University for Women.....\$ 5,000,000.00
 288 Improvements necessary to comply
 289 with the Americans With
 290 Disabilities Act and building
 291 codes, and repair,
 292 renovation, replacement and
 293 improvement of campus
 294 infrastructure and buildings
 295 necessary to improve campus
 296 safety and continuation/
 297 completion of previously
 298 authorized projects..... \$ 5,000,000.00
 299 Mississippi State University\$ 10,000,000.00
 300 Repair and renovation of campus
 301 buildings and facilities, repair,
 302 renovation, replacement and
 303 improvement of campus
 304 infrastructure and
 305 continuation/completion of
 306 previously authorized
 307 projects \$10,000,000.00
 308 Mississippi State University/Division of
 309 Agriculture, Forestry and Veterinary Medicine....\$ 11,000,000.00
 310 Phase I of repair and renovation
 311 of the Wise Center; repair and
 312 renovation of Division of Agriculture,
 313 Forestry and Veterinary Medicine
 314 buildings and facilities, repair,
 315 renovation, replacement and



316 improvement of division
 317 infrastructure and
 318 continuation/completion of
 319 previously authorized
 320 projects \$11,000,000.00
 321 Mississippi Valley State University.....\$ 6,000,000.00
 322 Repair and renovation of campus
 323 buildings and facilities,
 324 repair, renovation,
 325 replacement and improvement
 326 of campus infrastructure and
 327 continuation/completion of
 328 previously authorized
 329 projects \$ 6,000,000.00
 330 University of Mississippi.....\$ 10,000,000.00
 331 Construction of central
 332 chiller plants; repair and
 333 renovation of campus buildings
 334 and facilities, repair,
 335 renovation, replacement and
 336 improvement of campus
 337 infrastructure and
 338 continuation/completion of
 339 previously authorized
 340 projects \$10,000,000.00
 341 University of Mississippi Medical Center\$ 6,000,000.00
 342 Repair and renovation of campus
 343 buildings and facilities, repair,
 344 renovation, replacement and
 345 improvement of campus
 346 infrastructure and
 347 continuation/completion of
 348 previously authorized



349 projects \$ 6,000,000.00
 350 University of Southern Mississippi\$ 13,000,000.00
 351 Completion of planning of
 352 and Phase I of construction,
 353 furnishing and equipping of
 354 a building to house the
 355 School of Business; repair and
 356 renovation of campus buildings
 357 and facilities, repair,
 358 renovation, replacement and
 359 improvement of campus
 360 infrastructure and
 361 continuation/completion of
 362 previously authorized
 363 projects \$13,000,000.00
 364 University of Southern Mississippi/
 365 Gulf Coast Campuses.....\$ 3,000,000.00
 366 Completion of construction,
 367 furnishing and equipping
 368 of the science building at the
 369 Gulf Park Campus; repair and
 370 renovation of campus buildings
 371 and facilities, repair,
 372 renovation, replacement and
 373 improvement of campus
 374 infrastructure and continuation/
 375 completion of previously
 376 authorized projects \$ 3,000,000.00
 377 IHL Education and Research Center.....\$ 2,000,000.00
 378 Repair and renovation of campus
 379 buildings and facilities, and repair,
 380 renovation, replacement and
 381 improvement of campus



382 infrastructure and continuation/
383 completion of previously
384 authorized projects \$ 2,000,000.00

385 **AMOUNT**
386 **ALLOCATED**

387 **STATE AGENCIES\$ 65,325,000.00**

388 Department of Archives and History.....\$ 445,000.00

389 Repair and renovation of the
390 foundation at the Manship
391 House Museum \$ 445,000.00

392 Department of Finance and Administration.....\$24,200,000.00

393 Waterproofing of the
394 New Capitol \$ 6,000,000.00

395 Costs associated with the
396 implementation of MAGIC
397 (Mississippi's Accountability
398 system for Government Information
399 and Collaboration, the state's
400 Enterprise Resource
401 Planning System) \$15,000,000.00

402 Costs associated with the
403 conversion of Capitol Street
404 in the City of Jackson,
405 Mississippi, into a
406 two-way thoroughfare \$ 2,000,000.00

407 Repair and renovation of the
408 101 Capitol Centre property
409 located at 101 West Capitol
410 Street in the City of Jackson,
411 Mississippi\$ 1,200,000.00

412 Department of Wildlife, Fisheries and Parks.....\$ 3,000,000.00

413 Renovation and
414 improvement of dams and



415 spillways at
 416 state-owned lakes \$ 1,500,000.00
 417 Repair and renovation and
 418 construction of improvements,
 419 upgrades and additions to
 420 buildings, facilities and
 421 infrastructure at state
 422 parks as determined necessary
 423 by the Department of Wildlife,
 424 Fisheries and Parks \$ 1,500,000.00
 425 Mississippi Authority for Educational Television...\$ 1,200,000.00
 426 Acquiring and installing
 427 equipment and facilities
 428 necessary for a microwave
 429 relay system \$ 1,200,000.00
 430 Department of Mental Health.....\$ 4,500,000.00
 431 Phase II of construction,
 432 furnishing and equipping of
 433 a new psychiatric receiving
 434 unit and related buildings
 435 and facilities at East
 436 Mississippi State
 437 Hospital \$ 4,500,000.00
 438 Department of Public Safety.....\$ 19,600,000.00
 439 Phase II of construction, furnishing
 440 and equipping of a central office
 441 of the Mississippi Crime Laboratory
 442 and the State Medical
 443 Examiner in Rankin County,
 444 Mississippi \$15,000,000.00
 445 Phase I of construction, furnishing
 446 and equipping of a substation in
 447 Meridian, Mississippi \$ 4,600,000.00



448 State Veterans Affairs Board.....\$ 1,200,000.00
 449 Correction of roofing deficiencies
 450 and correction of smoking room
 451 ventilation systems at veteran's
 452 homes in Collins, Jackson and
 453 Oxford \$ 1,200,000.00
 454 State Fire Academy.....\$ 500,000.00
 455 Completion of construction,
 456 furnishing and equipping
 457 of new classrooms
 458 and related facilities at the
 459 State Fire Academy in
 460 Rankin County,
 461 Mississippi \$ 500,000.00
 462 Military Department.....\$ 4,430,000.00
 463 Matching funds for construction
 464 of a National Guard readiness
 465 center in Monticello,
 466 Mississippi \$ 4,430,000.00
 467 Department of Information Technology Services.....\$ 5,000,000.00
 468 Funding for information technology
 469 efficiency projects to include
 470 server virtualization, e-mail
 471 consolidation, and expansion of
 472 online government services;
 473 improvements to information
 474 technology security for state
 475 government to include individual
 476 agency security assessments; and
 477 replacement of obsolete telephone
 478 equipment for agencies with
 479 statewide offices \$ 5,000,000.00
 480 Mississippi Industries for the Blind.....\$ 250,000.00



481 Equipping of the
482 Mississippi Industries
483 for the Blind facility ... \$ 250,000.00
484 Department of Rehabilitation Services.....\$ 1,000,000.00
485 Repair and renovation of
486 parking facilities and
487 repair and renovation of
488 buildings and facilities . \$ 1,000,000.00
489 **TOTAL.....\$154,325,000.00**

490 (b) (i) Amounts deposited into such special fund shall
491 be disbursed to pay the costs of projects described in paragraph
492 (a) of this subsection. If any monies in such special fund are
493 not used within four (4) years after the date the proceeds of the
494 bonds authorized under this section are deposited into the special
495 fund, then the agency or institution of higher learning for which
496 any unused monies are allocated under paragraph (a) of this
497 subsection shall provide an accounting of such unused monies to
498 the commission. Promptly after the commission has certified, by
499 resolution duly adopted, that the projects described in paragraph
500 (a) of this subsection shall have been completed, abandoned, or
501 cannot be completed in a timely fashion, any amounts remaining in
502 such special fund shall be applied to pay debt service on the
503 bonds issued under this section, in accordance with the
504 proceedings authorizing the issuance of such bonds and as directed
505 by the commission.

506 (ii) Monies in the special fund may be used to
507 reimburse reasonable actual and necessary costs incurred by the
508 Department of Finance and Administration, acting through the
509 Bureau of Building, Grounds and Real Property Management, in
510 administering or providing assistance directly related to a
511 project described in paragraph (a) of this subsection. An
512 accounting of actual costs incurred for which reimbursement is
513 sought shall be maintained for each project by the Department of



514 Finance and Administration, Bureau of Building, Grounds and Real
515 Property Management. Reimbursement of reasonable actual and
516 necessary costs for a project shall not exceed two percent (2%) of
517 the proceeds of bonds issued for such project. Monies authorized
518 for a particular project may not be used to reimburse
519 administrative costs for unrelated projects.

520 (c) The Department of Finance and Administration,
521 acting through the Bureau of Building, Grounds and Real Property
522 Management, is expressly authorized and empowered to receive and
523 expend any local or other source funds in connection with the
524 expenditure of funds provided for in this subsection. The
525 expenditure of monies deposited into the special fund shall be
526 under the direction of the Department of Finance and
527 Administration, and such funds shall be paid by the State
528 Treasurer upon warrants issued by such department, which warrants
529 shall be issued upon requisitions signed by the Executive Director
530 of the Department of Finance and Administration, or his designee.

531 (d) Any amounts allocated to an agency that are in
532 excess of that needed to complete the projects at such agency that
533 are described in paragraph (a) of this subsection may be used for
534 general repairs and renovations at the agency.

535 (3) (a) (i) A special fund, to be designated as the "2010
536 Bureau of Building State-Owned Buildings Discretionary Fund" is
537 created within the State Treasury. The fund shall be maintained
538 by the State Treasurer as a separate and special fund, separate
539 and apart from the General Fund of the state. Unexpended amounts
540 remaining in the fund at the end of a fiscal year shall not lapse
541 into the State General Fund, and any interest earned or investment
542 earnings on amounts in the fund shall be deposited into such fund.

543 (ii) Monies deposited into the fund shall be
544 disbursed, in the discretion of the Department of Finance and
545 Administration, to pay the costs of site improvements, general
546 weatherization, demolition and roofing, environmental, mechanical,



547 electrical and structural repairs required for state-owned
548 facilities and community and junior colleges, repair and
549 renovation of state-owned facilities and community and junior
550 colleges necessary for compliance with the Americans with
551 Disabilities Act, purchase and installation of necessary furniture
552 and equipment, completion of previously authorized projects and
553 payment of lease-purchase agreements; however, of the monies
554 authorized to be deposited into the fund, not less than Four
555 Million Dollars (\$4,000,000.00) shall be allocated for such
556 purposes at community and junior colleges, Two Hundred Fifty
557 Thousand Dollars (\$250,000.00) shall be allocated for repair and
558 renovation of the Mississippi Sports Hall of Fame and One Million
559 Dollars (\$1,000,000.00) shall be allocated for a lighting project
560 along Mississippi Highway 475 between Interstate Highway 20 and
561 U.S. Highway 80.

562 (b) Amounts deposited into such special fund shall be
563 disbursed to pay the costs of the projects described in paragraph
564 (a) of this subsection. Promptly after the commission has
565 certified, by resolution duly adopted, that the projects described
566 in paragraph (a) of this subsection shall have been completed,
567 abandoned, or cannot be completed in a timely fashion, any amounts
568 remaining in such special fund shall be applied to pay debt
569 service on the bonds issued under this section, in accordance with
570 the proceedings authorizing the issuance of such bonds and as
571 directed by the commission.

572 (c) The Department of Finance and Administration,
573 acting through the Bureau of Building, Grounds and Real Property
574 Management, is expressly authorized and empowered to receive and
575 expend any local or other source funds in connection with the
576 expenditure of funds provided for in this subsection. The
577 expenditure of monies deposited into the special fund shall be
578 under the direction of the Department of Finance and
579 Administration, and such funds shall be paid by the State



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

583 (4) (a) (i) A special fund, to be designated as the "2010
584 Bureau of Building State-Owned Buildings Energy Discretionary
585 Fund," is created within the State Treasury. The fund shall be
586 maintained by the State Treasurer as a separate and special fund,
587 separate and apart from the General Fund of the state. Unexpended
588 amounts remaining in the fund at the end of a fiscal year shall
589 not lapse into the State General Fund, and any interest earned or
590 investment earnings on amounts in the fund shall be deposited into
591 such fund.

592 (ii) Monies deposited into the fund shall be
593 disbursed, in the discretion of the Department of Finance and
594 Administration, to pay the costs of improvements designed to
595 conserve or assist in the conservation of energy at state-owned
596 facilities and community and junior colleges.

597 (b) Amounts deposited into such special fund shall be
598 disbursed to pay the costs of the projects described in paragraph
599 (a) of this subsection. Promptly after the commission has
600 certified, by resolution duly adopted, that the projects described
601 in paragraph (a) of this subsection shall have been completed,
602 abandoned, or cannot be completed in a timely fashion, any amounts
603 remaining in such special fund shall be applied to pay debt
604 service on the bonds issued under this section, in accordance with
605 the proceedings authorizing the issuance of such bonds and as
606 directed by the commission.

607 (c) The Department of Finance and Administration,
608 acting through the Bureau of Building, Grounds and Real Property
609 Management, is expressly authorized and empowered to receive and
610 expend any local or other source funds in connection with the
611 expenditure of funds provided for in this subsection. The
612 expenditure of monies deposited into the special fund shall be



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

618 (5) (a) (i) A special fund, to be designated as the "2010
619 Community and Junior Colleges Capital Improvements Fund" is
620 created within the State Treasury. The fund shall be maintained
621 by the State Treasurer as a separate and special fund, separate
622 and apart from the General Fund of the state. Unexpended amounts
623 remaining in the fund at the end of a fiscal year shall not lapse
624 into the State General Fund, and any interest earned or investment
625 earnings on amounts in the fund shall be deposited to the credit
626 of the fund. Monies in the fund may not be used or expended for
627 any purpose except as authorized under this act.

628 (ii) 1. Of the monies deposited into the fund,
629 Twenty Million Dollars (\$20,000,000.00) shall be disbursed, in the
630 discretion of the Department of Finance and Administration, to pay
631 the costs of acquisition of real property, construction of new
632 facilities, equipping and furnishing facilities, including
633 furniture and technology equipment and infrastructure, and
634 addition to or renovation of existing facilities for community and
635 junior college campuses as recommended by the State Board for
636 Community and Junior Colleges. The amount to be expended at each
637 community and junior college is as follows:

638	Coahoma.....	\$ 927,000.00
639	Copiah-Lincoln.....	1,124,000.00
640	East Central.....	1,025,000.00
641	East Mississippi.....	1,235,000.00
642	Hinds.....	2,105,000.00
643	Holmes.....	1,400,000.00
644	Itawamba.....	1,704,000.00
645	Jones.....	1,389,000.00



646	Meridian.....	1,155,000.00
647	Mississippi Delta.....	1,104,000.00
648	Mississippi Gulf Coast.....	1,886,000.00
649	Northeast Mississippi.....	1,132,000.00
650	Northwest Mississippi.....	1,636,000.00
651	Pearl River.....	1,248,000.00
652	Southwest Mississippi.....	930,000.00
653	GRAND TOTAL.....	\$20,000,000.00

654 2. Of the monies deposited into the fund,
655 Three Hundred Thousand Dollars (\$300,000.00) shall be disbursed,
656 in the discretion of the Department of Finance and Administration,
657 to pay the costs of repair, renovation, furnishing, equipping,
658 replacement and improvement of buildings and related facilities at
659 the Greenville Higher Education Center/Mississippi Delta Community
660 College.

661 (b) Amounts deposited into such special fund shall be
662 disbursed to pay the costs of projects described in paragraph (a)
663 of this subsection. If any monies in such special fund are not
664 used within four (4) years after the date the proceeds of the
665 bonds authorized under this section are deposited into the special
666 fund, then the community college or junior college for which any
667 such monies are allocated under paragraph (a) of this subsection
668 shall provide an accounting of such unused monies to the
669 commission. Promptly after the commission has certified, by
670 resolution duly adopted, that the projects described in paragraph
671 (a) of this section shall have been completed, abandoned, or
672 cannot be completed in a timely fashion, any amounts remaining in
673 such special fund shall be applied to pay debt service on the
674 bonds issued under this section, in accordance with the
675 proceedings authorizing the issuance of such bonds and as directed
676 by the commission.

677 (c) The Department of Finance and Administration,
678 acting through the Bureau of Building, Grounds and Real Property



679 Management, is expressly authorized and empowered to receive and
680 expend any local or other source funds in connection with the
681 expenditure of funds provided for in this section. The
682 expenditure of monies deposited into the special fund shall be
683 under the direction of the Department of Finance and
684 Administration, and such funds shall be paid by the State
685 Treasurer upon warrants issued by such department, which warrants
686 shall be issued upon requisitions signed by the Executive Director
687 of the Department of Finance and Administration, or his designee.

688 (6) (a) The commission, at one time, or from time to time,
689 may declare by resolution the necessity for issuance of general
690 obligation bonds of the State of Mississippi to provide funds for
691 all costs incurred or to be incurred for the purposes described in
692 subsections (2), (3), (4) and (5) of this section. Upon the
693 adoption of a resolution by the Department of Finance and
694 Administration, declaring the necessity for the issuance of any
695 part or all of the general obligation bonds authorized by this
696 section, the Department of Finance and Administration shall
697 deliver a certified copy of its resolution or resolutions to the
698 commission. Upon receipt of such resolution, the commission, in
699 its discretion, may act as issuing agent, prescribe the form of
700 the bonds, determine the appropriate method for sale of the bonds,
701 advertise for and accept bids or negotiate the sale of the bonds,
702 issue and sell the bonds so authorized to be sold and do any and
703 all other things necessary and advisable in connection with the
704 issuance and sale of such bonds. The total amount of bonds issued
705 under this section shall not exceed Two Hundred Fifteen Million
706 Six Hundred Twenty-five Thousand Dollars (\$215,625,000.00). No
707 bonds shall be issued under this section after July 1, 2014.

708 (b) The proceeds of the bonds issued pursuant to this
709 act shall be deposited into the following special funds in not
710 more than the following amounts:



711 (i) The 2010 IHL and State Agencies Capital
712 Improvements Fund created pursuant to subsection (2) of this
713 section.....\$154,325,000.00.

714 (ii) The 2010 Bureau of Building State-Owned
715 Buildings Discretionary Fund created pursuant to subsection (3) of
716 this section.....\$ 36,000,000.00.

717 (iii) The 2010 Bureau of Building State-Owned
718 Buildings Energy Discretionary Fund created pursuant to subsection
719 (4) of this section.....\$ 5,000,000.00.

720 (iv) The 2010 Community and Junior Colleges
721 Capital Improvements Fund created pursuant to subsection (5) of
722 this section.....\$ 20,300,000.00.

723 (c) Any investment earnings on amounts deposited into
724 the special funds created in subsections (2), (3), (4) and (5) of
725 this section shall be used to pay debt service on bonds issued
726 under this section, in accordance with the proceedings authorizing
727 issuance of such bonds.

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

741 (8) The bonds authorized by this section shall be signed by
742 the chairman of the commission, or by his facsimile signature, and
743 the official seal of the commission shall be affixed thereto,



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

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

765 (10) The commission shall act as issuing agent for the bonds
766 authorized under this section, prescribe the form of the bonds,
767 determine the appropriate method for sale of the bonds, advertise
768 for and accept bids or negotiate the sale of the bonds, issue and
769 sell the bonds, pay all fees and costs incurred in such issuance
770 and sale, and do any and all other things necessary and advisable
771 in connection with the issuance and sale of such bonds. The
772 commission is authorized and empowered to pay the costs that are
773 incident to the sale, issuance and delivery of the bonds
774 authorized under this section from the proceeds derived from the
775 sale of such bonds. The commission may sell such bonds on sealed
776 bids at public sale or may negotiate the sale of the bonds for



777 such price as it may determine to be for the best interest of the
778 State of Mississippi. All interest accruing on such bonds so
779 issued shall be payable semiannually or annually.

780 If such bonds are sold by sealed bids at public sale, notice
781 of the sale shall be published at least one time, not less than
782 ten (10) days before the date of sale, and shall be so published
783 in one or more newspapers published or having a general
784 circulation in the City of Jackson, Mississippi, selected by the
785 commission.

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

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

801 (12) Upon the issuance and sale of bonds under the
802 provisions of this section, the commission shall transfer the
803 proceeds of any such sale or sales to the special funds created in
804 subsections (2), (3), (4) and (5) of this section in the amounts
805 provided for in subsection (6) (b) of this section. The proceeds
806 of such bonds shall be disbursed solely upon the order of the
807 Department of Finance and Administration under such restrictions,
808 if any, as may be contained in the resolution providing for the
809 issuance of the bonds.



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

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

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

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



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

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

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

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

864 **SECTION 2.** The Legislature recognizes that the tourism
865 industry stimulates economic development throughout the State of
866 Mississippi in the same manner as that resulting from the location
867 of an industrial, scientific or educational project in the state
868 and that promoting tourism programs and projects is equally as
869 important as attracting certain industries to the state. The
870 Legislature finds that an integral component of the tourism
871 industry in the state consists of programs and projects promoting
872 the heritage, history and culture of the state and demonstrating
873 the state's attractiveness as a tourism destination for those
874 reasons. Therefore, creating and enhancing opportunities for
875 visitors to Mississippi to learn about and appreciate the state's



876 heritage, history and culture, including literature and the arts,
877 is a priority for the Division of Tourism Development of the
878 Mississippi Development Authority.

879 **SECTION 3.** Section 6, Chapter 538, Laws of 2006, as amended
880 by Section 5, Chapter 607, Laws of 2007, is amended as follows:

881 Section 6. (1) As used in this section, the following words
882 shall have the meanings ascribed herein unless the context clearly
883 requires otherwise:

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

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

892 (c) "Project" means an economic development and tourism
893 destination facility in Hancock County, Mississippi, that will
894 feature a space, science and education center.

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

896 (e) "Authority" means the Mississippi Development
897 Authority.

898 (2) The authority may use the proceeds from general
899 obligation bonds issued under this section for the project as it
900 considers necessary to further the project.

901 (3) (a) (i) A special fund, to be designated as the
902 "Infinity Space, Science and Education Center Fund," is created
903 within the State Treasury. The fund shall be maintained by the
904 State Treasurer as a separate and special fund, separate and apart
905 from the General Fund of the state. Unexpended amounts remaining
906 in the fund at the end of a fiscal year shall not lapse into the
907 State General Fund, and any interest earned or investment earnings
908 on amounts in the fund shall be deposited into such fund.



909 (ii) Monies deposited into the fund shall be
910 disbursed, in the discretion of the authority, to pay the costs
911 incurred for the construction, furnishing and equipping the
912 project.

913 (b) Amounts deposited into such special fund shall be
914 disbursed to pay the costs of the project. If any monies in the
915 special fund are not used within four (4) years after the date the
916 proceeds of the bonds authorized under this section are deposited
917 into such fund, then the authority shall provide an accounting of
918 such unused monies to the commission. Promptly after the
919 commission has certified, by resolution duly adopted, that the
920 project shall have been completed, abandoned, or cannot be
921 completed in a timely fashion, any amounts remaining in such
922 special fund shall be applied to pay debt service on the bonds
923 issued under this section, in accordance with the proceedings
924 authorizing the issuance of such bonds and as directed by the
925 commission. Before monies in the special fund may be used for the
926 project, the authority shall require that the developer and
927 operator of the project enter into binding commitments regarding
928 at least the following:

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

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

938 (4) (a) The commission, at one time, or from time to time,
939 may declare by resolution the necessity for issuance of general
940 obligation bonds of the State of Mississippi to provide funds for
941 all costs incurred or to be incurred for the purposes described in



942 subsection (3) of this section. No bonds shall be issued under
943 this section until the authority is provided proof that the funds
944 from private, local or federal sources have been irrevocably
945 dedicated to the project in the amount of not less than Twelve
946 Million Five Hundred Thousand Dollars (\$12,500,000.00). Upon the
947 adoption of a resolution by the authority, declaring that funds
948 have been irrevocably dedicated in the required amount and
949 declaring the necessity for the issuance of any part or all of the
950 general obligation bonds authorized by this subsection, the
951 authority shall deliver a certified copy of its resolution or
952 resolutions to the commission. Upon receipt of such resolution,
953 the commission, in its discretion, may act as the issuing agent,
954 prescribe the form of the bonds, determine the appropriate method
955 for sale of the bonds, advertise for and accept bids or negotiate
956 the sale of the bonds, issue and sell the bonds so authorized to
957 be sold and do any and all other things necessary and advisable in
958 connection with the issuance and sale of such bonds. The total
959 amount of bonds issued under this section shall not exceed Twelve
960 Million Five Hundred Thousand Dollars (\$12,500,000.00). No bonds
961 shall be issued under this section after July 1, 2011.

962 (b) Any investment earnings on amounts deposited into
963 the special fund created in subsection (3) of this section shall
964 be used to pay debt service on bonds issued under this section, in
965 accordance with the proceedings authorizing issuance of such
966 bonds.

967 (5) The principal of and interest on the bonds authorized
968 under this section shall be payable in the manner provided in this
969 subsection. Such bonds shall bear such date or dates, be in such
970 denomination or denominations, bear interest at such rate or rates
971 (not to exceed the limits set forth in Section 75-17-101,
972 Mississippi Code of 1972), be payable at such place or places
973 within or without the State of Mississippi, shall mature
974 absolutely at such time or times not to exceed twenty (20) years



975 from date of issue, be redeemable before maturity at such time or
976 times and upon such terms, with or without premium, shall bear
977 such registration privileges, and shall be substantially in such
978 form, all as shall be determined by resolution of the commission.

979 (6) The bonds authorized by this section shall be signed by
980 the chairman of the commission, or by his facsimile signature, and
981 the official seal of the commission shall be affixed thereto,
982 attested by the secretary of the commission. The interest
983 coupons, if any, to be attached to such bonds may be executed by
984 the facsimile signatures of such officers. Whenever any such
985 bonds shall have been signed by the officials designated to sign
986 the bonds who were in office at the time of such signing but who
987 may have ceased to be such officers before the sale and delivery
988 of such bonds, or who may not have been in office on the date such
989 bonds may bear, the signatures of such officers upon such bonds
990 and coupons shall nevertheless be valid and sufficient for all
991 purposes and have the same effect as if the person so officially
992 signing such bonds had remained in office until their delivery to
993 the purchaser, or had been in office on the date such bonds may
994 bear. However, notwithstanding anything herein to the contrary,
995 such bonds may be issued as provided in the Registered Bond Act of
996 the State of Mississippi.

997 (7) All bonds and interest coupons issued under the
998 provisions of this section have all the qualities and incidents of
999 negotiable instruments under the provisions of the Uniform
1000 Commercial Code, and in exercising the powers granted by this
1001 section, the commission shall not be required to and need not
1002 comply with the provisions of the Uniform Commercial Code.

1003 (8) The commission shall act as the issuing agent for the
1004 bonds authorized under this section, prescribe the form of the
1005 bonds, determine the appropriate method for sale of the bonds,
1006 advertise for and accept bids or negotiate the sale of the bonds,
1007 issue and sell the bonds so authorized to be sold, pay all fees



1008 and costs incurred in such issuance and sale, and do any and all
1009 other things necessary and advisable in connection with the
1010 issuance and sale of such bonds. The commission is authorized and
1011 empowered to pay the costs that are incident to the sale, issuance
1012 and delivery of the bonds authorized under this section from the
1013 proceeds derived from the sale of such bonds. The commission may
1014 sell such bonds on sealed bids at public sale or may negotiate the
1015 sale of the bonds for such price as it may determine to be for the
1016 best interest of the State of Mississippi * * *. All interest
1017 accruing on such bonds so issued shall be payable semiannually or
1018 annually * * *.

1019 If such bonds are sold by sealed bids at public sale, notice
1020 of the sale of any such bonds shall be published at least one
1021 time, not less than ten (10) days before the date of sale, and
1022 shall be so published in one or more newspapers published or
1023 having a general circulation in the City of Jackson,
1024 Mississippi, * * * selected by the commission.

1025 The commission, when issuing any bonds under the authority of
1026 this section, may provide that bonds, at the option of the State
1027 of Mississippi, may be called in for payment and redemption at the
1028 call price named therein and accrued interest on such date or
1029 dates named therein.

1030 (9) The bonds issued under the provisions of this section
1031 are general obligations of the State of Mississippi, and for the
1032 payment thereof the full faith and credit of the State of
1033 Mississippi is irrevocably pledged. If the funds appropriated by
1034 the Legislature for such purposes are insufficient to pay the
1035 principal of and the interest on such bonds as they become due,
1036 then the deficiency shall be paid by the State Treasurer from any
1037 funds in the State Treasury not otherwise appropriated. All such
1038 bonds shall contain recitals on their faces substantially covering
1039 the provisions of this subsection.



1040 (10) Upon the issuance and sale of bonds under the
1041 provisions of this section, the commission shall transfer the
1042 proceeds of any such sale or sales to the special fund created in
1043 subsection (3) of this section. The proceeds of such bonds shall
1044 be disbursed solely upon the order of the authority under such
1045 restrictions, if any, as may be contained in the resolution
1046 providing for the issuance of the bonds.

1047 (11) The bonds authorized under this section may be issued
1048 without any other proceedings or the happening of any other
1049 conditions or things other than those proceedings, conditions and
1050 things which are specified or required by this section. Any
1051 resolution providing for the issuance of bonds under the
1052 provisions of this section shall become effective immediately upon
1053 its adoption by the commission, and any such resolution may be
1054 adopted at any regular or special meeting of the commission by a
1055 majority of its members.

1056 (12) The bonds authorized under the authority of this
1057 section may be validated in the Chancery Court of the First
1058 Judicial District of Hinds County, Mississippi, in the manner and
1059 with the force and effect provided by Chapter 13, Title 31,
1060 Mississippi Code of 1972, for the validation of county, municipal,
1061 school district and other bonds. The notice to taxpayers required
1062 by such statutes shall be published in a newspaper published or
1063 having a general circulation in the City of Jackson, Mississippi.

1064 (13) Any holder of bonds issued under the provisions of this
1065 section or of any of the interest coupons pertaining thereto may,
1066 either at law or in equity, by suit, action, mandamus or other
1067 proceeding, protect and enforce any and all rights granted under
1068 this section, or under such resolution, and may enforce and compel
1069 performance of all duties required by this section to be
1070 performed, in order to provide for the payment of bonds and
1071 interest thereon.



1072 (14) All bonds issued under the provisions of this section
1073 shall be legal investments for trustees and other fiduciaries, and
1074 for savings banks, trust companies and insurance companies
1075 organized under the laws of the State of Mississippi, and such
1076 bonds shall be legal securities which may be deposited with and
1077 shall be received by all public officers and bodies of this state
1078 and all municipalities and political subdivisions for the purpose
1079 of securing the deposit of public funds.

1080 (15) Bonds issued under the provisions of this section and
1081 income therefrom shall be exempt from all taxation in the State of
1082 Mississippi.

1083 (16) The proceeds of the bonds issued under this section
1084 shall be used solely for the purposes provided in this section,
1085 including the costs incident to the issuance and sale of such
1086 bonds.

1087 (17) The State Treasurer is authorized, without further
1088 process of law, to certify to the Department of Finance and
1089 Administration the necessity for warrants, and the Department of
1090 Finance and Administration is authorized and directed to issue
1091 such warrants, in such amounts as may be necessary to pay when due
1092 the principal of, premium, if any, and interest on, or the
1093 accreted value of, all bonds issued under this section; and the
1094 State Treasurer shall forward the necessary amount to the
1095 designated place or places of payment of such bonds in ample time
1096 to discharge such bonds, or the interest thereon, on the due dates
1097 thereof.

1098 (18) This section shall be deemed to be full and complete
1099 authority for the exercise of the powers herein granted, but this
1100 section shall not be deemed to repeal or to be in derogation of
1101 any existing law of this state.

1102 **SECTION 4.** Section 9, Chapter 580, Laws of 2007, is amended
1103 as follows:



1104 Section 9. (1) As used in this section, the following words
1105 shall have the meanings ascribed herein unless the context clearly
1106 requires otherwise:

1107 (a) "Accreted value" of any bond means, as of any date
1108 of computation, an amount equal to the sum of (i) the stated
1109 initial value of such bond, plus (ii) the interest accrued thereon
1110 from the issue date to the date of computation at the rate,
1111 compounded semiannually, that is necessary to produce the
1112 approximate yield to maturity shown for bonds of the same
1113 maturity.

1114 (b) "State" means the State of Mississippi.

1115 (c) "Commission" means the State Bond Commission.

1116 (2) (a) (i) A special fund, to be designated as the "2007
1117 Mississippi Children's Museum Fund," is created within the State
1118 Treasury. The fund shall be maintained by the State Treasurer as
1119 a separate and special fund, separate and apart from the General
1120 Fund of the state. Unexpended amounts remaining in the fund at
1121 the end of a fiscal year shall not lapse into the State General
1122 Fund, and any interest earned or investment earnings on amounts in
1123 the fund shall be deposited into such fund.

1124 (ii) Monies deposited into the fund shall be
1125 disbursed, in the discretion of the Department of Finance and
1126 Administration, to pay the costs described in subsection (3) (a) of
1127 this section.

1128 (b) Amounts deposited into such special fund shall be
1129 disbursed to pay the costs of the projects described in paragraph
1130 (a) of this subsection. Promptly after the commission has
1131 certified, by resolution duly adopted, that the projects described
1132 in paragraph (a) of this subsection shall have been completed,
1133 abandoned, or cannot be completed in a timely fashion, any amounts
1134 remaining in such special fund shall be applied to pay debt
1135 service on the bonds issued under this section, in accordance with



1136 the proceedings authorizing the issuance of such bonds and as
1137 directed by the commission.

1138 (3) (a) Upon the receipt of matching funds or verification
1139 that the matching funds described in this paragraph are
1140 forthcoming, the Department of Finance and Administration, at one
1141 time, or from time to time, may declare by resolution the
1142 necessity for issuance of general obligation bonds to provide
1143 funds for the: (i) repair, renovation, remodeling, equipping,
1144 furnishing, adding to or improving the old National Guard Armory
1145 on the State Fairgrounds in Jackson, Mississippi, or another
1146 structure if approved by the Department of Finance and
1147 Administration as provided in Section 39-23-3(a), for use as a
1148 children's museum; (ii) repair, renovation, furnishing and
1149 equipping of the facility at the location described in Section
1150 39-23-3(c); (iii) construction, furnishing and equipping of a
1151 facility at the location described in Section 39-23-3(d); or (iv)
1152 construction, furnishing and equipping of a facility at a location
1153 selected as provided in Section 39-23-3(e). The issuance of the
1154 bonds described in this paragraph and the allocation of such funds
1155 are conditioned upon the private sector or local or federal
1156 government providing Five Million Five Hundred Thousand Dollars
1157 (\$5,500,000.00) to match the funds provided under this section.
1158 The matching funds required pursuant to this subsection may be
1159 provided in the form of cash or in-kind contributions or any
1160 combination of cash or in-kind contributions. In-kind
1161 contributions shall include, but not be limited to, the value of
1162 exhibits that are contributed to the children's museum.

1163 (b) Upon the adoption of a resolution by the Department
1164 of Finance and Administration, declaring the necessity for the
1165 issuance of any part or all of the general obligation bonds
1166 authorized by this section, the department shall deliver a
1167 certified copy of its resolution or resolutions to the commission.
1168 Upon receipt of such resolution, the commission, in its



1169 discretion, may act as the issuing agent, prescribe the form of
1170 the bonds, determine the appropriate method for sale of the bonds,
1171 advertise for and accept bids or negotiate the sale of the bonds,
1172 issue and sell the bonds so authorized to be sold, and do any and
1173 all other things necessary and advisable in connection with the
1174 issuance and sale of such bonds. The amount of bonds issued under
1175 this section shall not exceed Five Million Five Hundred Thousand
1176 Dollars (\$5,500,000.00).

1177 (c) Any investment earnings on amounts deposited into
1178 the special fund created in subsection (2) of this section shall
1179 be used to pay debt service on bonds issued under this section, in
1180 accordance with the proceedings authorizing issuance of such
1181 bonds.

1182 (4) The principal of and interest on the bonds authorized
1183 under this section shall be payable in the manner provided in this
1184 subsection. Such bonds shall bear such date or dates, be in such
1185 denomination or denominations, bear interest at such rate or rates
1186 (not to exceed the limits set forth in Section 75-17-101,
1187 Mississippi Code of 1972), be payable at such place or places
1188 within or without the State of Mississippi, shall mature
1189 absolutely at such time or times not to exceed twenty-five (25)
1190 years from date of issue, be redeemable before maturity at such
1191 time or times and upon such terms, with or without premium, shall
1192 bear such registration privileges, and shall be substantially in
1193 such form, all as shall be determined by resolution of the
1194 commission.

1195 (5) The bonds authorized by this section shall be signed by
1196 the chairman of the commission, or by his facsimile signature, and
1197 the official seal of the commission shall be affixed thereto,
1198 attested by the secretary of the commission. The interest
1199 coupons, if any, to be attached to such bonds may be executed by
1200 the facsimile signatures of such officers. Whenever any such
1201 bonds shall have been signed by the officials designated to sign



1202 the bonds who were in office at the time of such signing but who
1203 may have ceased to be such officers before the sale and delivery
1204 of such bonds, or who may not have been in office on the date such
1205 bonds may bear, the signatures of such officers upon such bonds
1206 and coupons shall nevertheless be valid and sufficient for all
1207 purposes and have the same effect as if the person so officially
1208 signing such bonds had remained in office until their delivery to
1209 the purchaser, or had been in office on the date such bonds may
1210 bear. However, notwithstanding anything herein to the contrary,
1211 such bonds may be issued as provided in the Registered Bond Act of
1212 the State of Mississippi.

1213 (6) All bonds and interest coupons issued under the
1214 provisions of this section have all the qualities and incidents of
1215 negotiable instruments under the provisions of the Uniform
1216 Commercial Code, and in exercising the powers granted by this
1217 section, the commission shall not be required to and need not
1218 comply with the provisions of the Uniform Commercial Code.

1219 (7) The commission shall act as the issuing agent for the
1220 bonds authorized under this section, prescribe the form of the
1221 bonds, determine the appropriate method for sale of the bonds,
1222 advertise for and accept bids or negotiate the sale of the bonds,
1223 issue and sell the bonds so authorized to be sold, pay all fees
1224 and costs incurred in such issuance and sale, and do any and all
1225 other things necessary and advisable in connection with the
1226 issuance and sale of such bonds. The commission is authorized and
1227 empowered to pay the costs that are incident to the sale, issuance
1228 and delivery of the bonds authorized under this section from the
1229 proceeds derived from the sale of such bonds. The commission may
1230 sell such bonds on sealed bids at public sale or may negotiate the
1231 sale of the bonds for such price as it may determine to be for the
1232 best interest of the State of Mississippi * * *. All interest
1233 accruing on such bonds so issued shall be payable semiannually or
1234 annually * * *.



1235 If such bonds are sold by sealed bids at public sale, notice
1236 of the sale of any such bonds shall be published at least one
1237 time, not less than ten (10) days before the date of sale, and
1238 shall be so published in one or more newspapers published or
1239 having a general circulation in the City of Jackson,
1240 Mississippi, * * * selected by the commission.

1241 The commission, when issuing any bonds under the authority of
1242 this section, may provide that bonds, at the option of the State
1243 of Mississippi, may be called in for payment and redemption at the
1244 call price named therein and accrued interest on such date or
1245 dates named therein.

1246 (8) The bonds issued under the provisions of this section
1247 are general obligations of the State of Mississippi, and for the
1248 payment thereof the full faith and credit of the State of
1249 Mississippi is irrevocably pledged. If the funds appropriated by
1250 the Legislature are insufficient to pay the principal of and the
1251 interest on such bonds as they become due, then the deficiency
1252 shall be paid by the State Treasurer from any funds in the State
1253 Treasury not otherwise appropriated. All such bonds shall contain
1254 recitals on their faces substantially covering the provisions of
1255 this subsection.

1256 (9) Upon the issuance and sale of bonds under the provisions
1257 of this section, the commission shall transfer the proceeds of any
1258 such sale or sales to the special fund created in subsection (2)
1259 of this section. The proceeds of such bonds shall be disbursed
1260 solely upon the order of the Department of Finance and
1261 Administration under such restrictions, if any, as may be
1262 contained in the resolution providing for the issuance of the
1263 bonds.

1264 (10) The bonds authorized under this section may be issued
1265 without any other proceedings or the happening of any other
1266 conditions or things other than those proceedings, conditions and
1267 things which are specified or required by this section. Any



1268 resolution providing for the issuance of bonds under the
1269 provisions of this section shall become effective immediately upon
1270 its adoption by the commission, and any such resolution may be
1271 adopted at any regular or special meeting of the commission by a
1272 majority of its members.

1273 (11) The bonds authorized under the authority of this
1274 section may be validated in the Chancery Court of the First
1275 Judicial District of Hinds County, Mississippi, in the manner and
1276 with the force and effect provided by Chapter 13, Title 31,
1277 Mississippi Code of 1972, for the validation of county, municipal,
1278 school district and other bonds. The notice to taxpayers required
1279 by such statutes shall be published in a newspaper published or
1280 having a general circulation in the City of Jackson, Mississippi.

1281 (12) Any holder of bonds issued under the provisions of this
1282 section or of any of the interest coupons pertaining thereto may,
1283 either at law or in equity, by suit, action, mandamus or other
1284 proceeding, protect and enforce any and all rights granted under
1285 this section, or under such resolution, and may enforce and compel
1286 performance of all duties required by this section to be
1287 performed, in order to provide for the payment of bonds and
1288 interest thereon.

1289 (13) All bonds issued under the provisions of this section
1290 shall be legal investments for trustees and other fiduciaries, and
1291 for savings banks, trust companies and insurance companies
1292 organized under the laws of the State of Mississippi, and such
1293 bonds shall be legal securities which may be deposited with and
1294 shall be received by all public officers and bodies of this state
1295 and all municipalities and political subdivisions for the purpose
1296 of securing the deposit of public funds.

1297 (14) Bonds issued under the provisions of this section and
1298 income therefrom shall be exempt from all taxation in the State of
1299 Mississippi.



1300 (15) The proceeds of the bonds issued under this section
1301 shall be used solely for the purposes herein provided, including
1302 the costs incident to the issuance and sale of such bonds.

1303 (16) The State Treasurer is authorized, without further
1304 process of law, to certify to the Department of Finance and
1305 Administration the necessity for warrants, and the Department of
1306 Finance and Administration is authorized and directed to issue
1307 such warrants, in such amounts as may be necessary to pay when due
1308 the principal of, premium, if any, and interest on, or the
1309 accreted value of, all bonds issued under this section; and the
1310 State Treasurer shall forward the necessary amount to the
1311 designated place or places of payment of such bonds in ample time
1312 to discharge such bonds, or the interest thereon, on the due dates
1313 thereof.

1314 (17) This section shall be deemed to be full and complete
1315 authority for the exercise of the powers herein granted, but this
1316 section shall not be deemed to repeal or to be in derogation of
1317 any existing law of this state.

1318 **SECTION 5.** Section 2, Chapter 557, Laws of 2009, is amended
1319 as follows:

1320 Section 2. (1) As used in this section, the following words
1321 shall have the meanings ascribed herein unless the context clearly
1322 requires otherwise:

1323 (a) "Accreted value" of any bond means, as of any date
1324 of computation, an amount equal to the sum of (i) the stated
1325 initial value of such bond, plus (ii) the interest accrued thereon
1326 from the issue date to the date of computation at the rate,
1327 compounded semiannually, that is necessary to produce the
1328 approximate yield to maturity shown for bonds of the same
1329 maturity.

1330 (b) "State" means the State of Mississippi.

1331 (c) "Commission" means the State Bond Commission.



1332 (2) (a) (i) A special fund, to be designated as the "2009
1333 Ohr-O'Keefe Museum of Art Improvements Fund" is created within the
1334 State Treasury. The fund shall be maintained by the State
1335 Treasurer as a separate and special fund, separate and apart from
1336 the General Fund of the state. Unexpended amounts remaining in
1337 the fund at the end of a fiscal year shall not lapse into the
1338 State General Fund, and any interest earned or investment earnings
1339 on amounts in the fund shall be deposited into such fund.

1340 (ii) Monies deposited into the fund shall be
1341 disbursed, in the discretion of the Department of Finance and
1342 Administration, to pay the costs of construction, repair,
1343 renovation, replacement and improvement of buildings, facilities,
1344 exhibits and infrastructure at the Ohr-O'Keefe Museum of Art in
1345 Biloxi, Mississippi.

1346 (b) Amounts deposited into such special fund shall be
1347 disbursed to pay the costs of the projects described in paragraph
1348 (a) of this subsection. Promptly after the commission has
1349 certified, by resolution duly adopted, that the projects described
1350 in paragraph (a) of this subsection shall have been completed,
1351 abandoned, or cannot be completed in a timely fashion, any amounts
1352 remaining in such special fund shall be applied to pay debt
1353 service on the bonds issued under this section, in accordance with
1354 the proceedings authorizing the issuance of such bonds and as
1355 directed by the commission.

1356 (3) (a) The commission, at one time, or from time to time,
1357 may declare by resolution the necessity for issuance of general
1358 obligation bonds of the State of Mississippi to provide funds for
1359 all costs incurred or to be incurred for the purposes described in
1360 subsection (2) of this section. Upon the adoption of a resolution
1361 by the Department of Finance and Administration, declaring the
1362 necessity for the issuance of any part or all of the general
1363 obligation bonds authorized by this subsection, the department
1364 shall deliver a certified copy of its resolution or resolutions to



1365 the commission. Upon receipt of such resolution, the commission,
1366 in its discretion, may act as issuing agent, prescribe the form of
1367 the bonds, determine the appropriate method for sale of the bonds,
1368 advertise for and accept bids or negotiate the sale of the bonds,
1369 issue and sell the bonds so authorized to be sold and do any and
1370 all other things necessary and advisable in connection with the
1371 issuance and sale of such bonds. The total amount of bonds issued
1372 under this section shall not exceed Five Million Dollars
1373 (\$5,000,000.00). * * * No bonds shall be issued under this
1374 section after July 1, 2013.

1375 (b) Any investment earnings on amounts deposited into
1376 the special fund created in subsection (2) of this section shall
1377 be used to pay debt service on bonds issued under this section, in
1378 accordance with the proceedings authorizing issuance of such
1379 bonds.

1380 (4) The principal of and interest on the bonds authorized
1381 under this section shall be payable in the manner provided in this
1382 subsection. Such bonds shall bear such date or dates, be in such
1383 denomination or denominations, bear interest at such rate or rates
1384 (not to exceed the limits set forth in Section 75-17-101,
1385 Mississippi Code of 1972), be payable at such place or places
1386 within or without the State of Mississippi, shall mature
1387 absolutely at such time or times not to exceed twenty-five (25)
1388 years from date of issue, be redeemable before maturity at such
1389 time or times and upon such terms, with or without premium, shall
1390 bear such registration privileges, and shall be substantially in
1391 such form, all as shall be determined by resolution of the
1392 commission.

1393 (5) The bonds authorized by this section shall be signed by
1394 the chairman of the commission, or by his facsimile signature, and
1395 the official seal of the commission shall be affixed thereto,
1396 attested by the secretary of the commission. The interest
1397 coupons, if any, to be attached to such bonds may be executed by



1398 the facsimile signatures of such officers. Whenever any such
1399 bonds shall have been signed by the officials designated to sign
1400 the bonds who were in office at the time of such signing but who
1401 may have ceased to be such officers before the sale and delivery
1402 of such bonds, or who may not have been in office on the date such
1403 bonds may bear, the signatures of such officers upon such bonds
1404 and coupons shall nevertheless be valid and sufficient for all
1405 purposes and have the same effect as if the person so officially
1406 signing such bonds had remained in office until their delivery to
1407 the purchaser, or had been in office on the date such bonds may
1408 bear. However, notwithstanding anything herein to the contrary,
1409 such bonds may be issued as provided in the Registered Bond Act of
1410 the State of Mississippi.

1411 (6) All bonds and interest coupons issued under the
1412 provisions of this section have all the qualities and incidents of
1413 negotiable instruments under the provisions of the Uniform
1414 Commercial Code, and in exercising the powers granted by this
1415 section, the commission shall not be required to and need not
1416 comply with the provisions of the Uniform Commercial Code.

1417 (7) The commission shall act as issuing agent for the bonds
1418 authorized under this section, prescribe the form of the bonds,
1419 determine the appropriate method for sale of the bonds, advertise
1420 for and accept bids or negotiate sale of the bonds, issue and sell
1421 the bonds so authorized to be sold, pay all fees and costs
1422 incurred in such issuance and sale, and do any and all other
1423 things necessary and advisable in connection with the issuance and
1424 sale of such bonds. The commission is authorized and empowered to
1425 pay the costs that are incident to the sale, issuance and delivery
1426 of the bonds authorized under this section from the proceeds
1427 derived from the sale of such bonds. The commission may sell such
1428 bonds on sealed bids at public sale or may negotiate the sale of
1429 the bonds for such price as it may determine to be for the best



1430 interest of the State of Mississippi. All interest accruing on
1431 such bonds so issued shall be payable semiannually or annually.

1432 If such bonds are sold by sealed bids at public sale, notice
1433 of the sale shall be published at least one time, not less than
1434 ten (10) days before the date of sale, and shall be so published
1435 in one or more newspapers published or having a general
1436 circulation in the City of Jackson, Mississippi, selected by the
1437 commission.

1438 The commission, when issuing any bonds under the authority of
1439 this section, may provide that bonds, at the option of the State
1440 of Mississippi, may be called in for payment and redemption at the
1441 call price named therein and accrued interest on such date or
1442 dates named therein.

1443 (8) The bonds issued under the provisions of this section
1444 are general obligations of the State of Mississippi, and for the
1445 payment thereof the full faith and credit of the State of
1446 Mississippi is irrevocably pledged. If the funds appropriated by
1447 the Legislature are insufficient to pay the principal of and the
1448 interest on such bonds as they become due, then the deficiency
1449 shall be paid by the State Treasurer from any funds in the State
1450 Treasury not otherwise appropriated. All such bonds shall contain
1451 recitals on their faces substantially covering the provisions of
1452 this subsection.

1453 (9) Upon the issuance and sale of bonds under the provisions
1454 of this section, the commission shall transfer the proceeds of any
1455 such sale or sales to the special fund created in subsection (2)
1456 of this section. The proceeds of such bonds shall be disbursed
1457 solely upon the order of the Department of Finance and
1458 Administration under such restrictions, if any, as may be
1459 contained in the resolution providing for the issuance of the
1460 bonds.

1461 (10) The bonds authorized under this section may be issued
1462 without any other proceedings or the happening of any other



1463 conditions or things other than those proceedings, conditions and
1464 things which are specified or required by this section. Any
1465 resolution providing for the issuance of bonds under the
1466 provisions of this section shall become effective immediately upon
1467 its adoption by the commission, and any such resolution may be
1468 adopted at any regular or special meeting of the commission by a
1469 majority of its members.

1470 (11) The bonds authorized under the authority of this
1471 section may be validated in the Chancery Court of the First
1472 Judicial District of Hinds County, Mississippi, in the manner and
1473 with the force and effect provided by Chapter 13, Title 31,
1474 Mississippi Code of 1972, for the validation of county, municipal,
1475 school district and other bonds. The notice to taxpayers required
1476 by such statutes shall be published in a newspaper published or
1477 having a general circulation in the City of Jackson, Mississippi.

1478 (12) Any holder of bonds issued under the provisions of this
1479 section or of any of the interest coupons pertaining thereto may,
1480 either at law or in equity, by suit, action, mandamus or other
1481 proceeding, protect and enforce any and all rights granted under
1482 this section, or under such resolution, and may enforce and compel
1483 performance of all duties required by this section to be
1484 performed, in order to provide for the payment of bonds and
1485 interest thereon.

1486 (13) All bonds issued under the provisions of this section
1487 shall be legal investments for trustees and other fiduciaries, and
1488 for savings banks, trust companies and insurance companies
1489 organized under the laws of the State of Mississippi, and such
1490 bonds shall be legal securities which may be deposited with and
1491 shall be received by all public officers and bodies of this state
1492 and all municipalities and political subdivisions for the purpose
1493 of securing the deposit of public funds.



1494 (14) Bonds issued under the provisions of this section and
1495 income therefrom shall be exempt from all taxation in the State of
1496 Mississippi.

1497 (15) The proceeds of the bonds issued under this section
1498 shall be used solely for the purposes herein provided, including
1499 the costs incident to the issuance and sale of such bonds.

1500 (16) The State Treasurer is authorized, without further
1501 process of law, to certify to the Department of Finance and
1502 Administration the necessity for warrants, and the Department of
1503 Finance and Administration is authorized and directed to issue
1504 such warrants, in such amounts as may be necessary to pay when due
1505 the principal of, premium, if any, and interest on, or the
1506 accreted value of, all bonds issued under this section; and the
1507 State Treasurer shall forward the necessary amount to the
1508 designated place or places of payment of such bonds in ample time
1509 to discharge such bonds, or the interest thereon, on the due dates
1510 thereof.

1511 (17) This section shall be deemed to be full and complete
1512 authority for the exercise of the powers herein granted, but this
1513 section shall not be deemed to repeal or to be in derogation of
1514 any existing law of this state.

1515 **SECTION 6.** (1) As used in this section, the following words
1516 shall have the meanings ascribed herein unless the context clearly
1517 requires otherwise:

1518 (a) "Accreted value" of any bond means, as of any date
1519 of computation, an amount equal to the sum of (i) the stated
1520 initial value of such bond, plus (ii) the interest accrued thereon
1521 from the issue date to the date of computation at the rate,
1522 compounded semiannually, that is necessary to produce the
1523 approximate yield to maturity shown for bonds of the same
1524 maturity.

1525 (b) "State" means the State of Mississippi.

1526 (c) "Commission" means the State Bond Commission.



1527 (2) (a) (i) A special fund to be designated as the
1528 "Statewide Tourism Projects Fund" is created within the State
1529 Treasury. The fund shall be maintained by the State Treasurer as
1530 a separate and special fund, separate and apart from the General
1531 Fund of the state. Unexpended amounts remaining in the fund at
1532 the end of a fiscal year shall not lapse into the State General
1533 Fund, and any interest earned or investment earnings on amounts in
1534 the fund shall be deposited to the credit of the fund. Monies in
1535 the fund may not be used or expended for any purpose except as
1536 authorized under this section.

1537 (ii) Monies deposited into the fund shall be
1538 disbursed by the State of Mississippi, through the department or
1539 other entity designated in the description of each specific
1540 project listed in paragraph (c) of this subsection, to pay the
1541 costs of the specific project. If the funds are not disbursed
1542 directly to pay the costs of a specific project, the disbursement
1543 of funds for a specific project may be made to or through a
1544 specific entity designated in the description of that specific
1545 project.

1546 (b) Amounts deposited into the special fund shall be
1547 disbursed by the Department of Finance and Administration to pay
1548 the costs of a specific project described in paragraph (c) of this
1549 subsection. Promptly after the commission has certified, by
1550 resolution duly adopted, that a project described in paragraph (c)
1551 of this subsection shall have been completed, abandoned, or cannot
1552 be completed in a timely fashion, any amounts remaining in such
1553 special fund shall be applied to pay debt service on the bonds
1554 issued under this section, in accordance with the proceedings
1555 authorizing the issuance of such bonds and as directed by the
1556 commission. No monies in the special fund may be used for a
1557 project described in paragraph (c) of this subsection until the
1558 Mississippi Development Authority Division of Tourism Development:



1559 (i) Determines that the project for which funds
1560 are authorized will have a significant impact on promoting tourism
1561 and tourism related activities in the area of the state in which
1562 the project is or is to be located;

1563 (ii) Causes a cost benefit analysis of the project
1564 to be performed;

1565 (iii) Receives proof that the project has been
1566 sufficiently planned and designed to a stage where work may begin
1567 for the purposes for which monies in the special fund are
1568 authorized; and

1569 (iv) Receives proof that funds from private, local
1570 government, and/or federal sources have been irrevocably dedicated
1571 to the project in an amount that is not less than twenty percent
1572 (20%) of the amount of the monies in the special fund that are to
1573 be used for the project. The matching funds may be provided in
1574 the form of cash contributions, in-kind contributions and/or any
1575 combination of cash or in-kind contributions.

1576 (c) Following are descriptions of the specific projects
1577 which shall be funded by the Statewide Tourism Projects Fund:

1578 (i) Elvis Presley Birthplace, Museum and Chapel.
1579 Monies in the special fund, up to a total amount of Two Million
1580 Eight Hundred Thousand Dollars (\$2,800,000.00), shall be disbursed
1581 by the Department of Finance and Administration to assist the
1582 Elvis Presley Memorial Foundation in Tupelo, Mississippi, in
1583 paying costs incurred for repair, renovation and expansion of and
1584 improvements and additions to the Elvis Presley Birthplace, Museum
1585 and Chapel and related facilities in Tupelo, Mississippi.

1586 (ii) Gulf Coast Winter Classics Project. Monies
1587 in the special fund, up to a total amount of One Million Dollars
1588 (\$1,000,000.00), shall be disbursed by the Department of Finance
1589 and Administration to assist in paying costs incurred for
1590 construction, furnishing and equipping of buildings and related
1591 facilities and making infrastructure and infrastructure related



1592 improvements at the Harrison County Fairgrounds property necessary
1593 for hosting the Gulf Coast Winter Classics and related events in
1594 Harrison County, Mississippi.

1595 (iii) Mississippi Civil Rights Historical Sites.
1596 Monies in the special fund, up to a total amount of Two Million
1597 One Hundred Thousand Dollars (\$2,100,000.00), shall be disbursed
1598 by the Department of Finance and Administration, based upon the
1599 recommendations of the Board of Trustees of the Department of
1600 Archives and History, to assist in paying costs incurred for
1601 repair, renovation and expansion of and improvements and additions
1602 to projects determined by the Board of Trustees of the Department
1603 of Archives and History to be civil rights historical sites in the
1604 state. The maximum amount of monies in the special fund that may
1605 be allocated to a project shall not exceed Two Hundred Ten
1606 Thousand Dollars (\$210,000.00).

1607 (iv) J.Z. George Home. Monies in the special
1608 fund, up to a total amount of Two Hundred Fifty Thousand Dollars
1609 (\$250,000.00), shall be disbursed by the Department of Finance and
1610 Administration to assist in paying costs incurred for acquisition
1611 of the J.Z. George Home and related facilities in Carrollton,
1612 Mississippi.

1613 (v) Ida B. Wells Museum. Monies in the special
1614 fund, up to a total amount of One Hundred Fifty Thousand Dollars
1615 (\$150,000.00), shall be disbursed by the Department of Finance and
1616 Administration to assist in paying costs incurred for repair,
1617 renovation and expansion of and improvements and additions to the
1618 Ida B. Wells Museum and related facilities in Holly Springs,
1619 Mississippi.

1620 (vi) Beulah Cemetery. Monies in the special fund,
1621 up to a total amount of Twenty-five Thousand Dollars (\$25,000.00),
1622 shall be disbursed by the Department of Finance and Administration
1623 to assist in paying costs incurred for repair, expansion of and



1624 improvements and additions to the Beulah Cemetery in Vicksburg,
1625 Mississippi.

1626 (vii) E.E. Bass Cultural Arts Center. Monies in
1627 the special fund, up to a total amount of Three Hundred Thousand
1628 Dollars (\$300,000.00), shall be disbursed by the Department of
1629 Finance and Administration to assist in paying costs incurred for
1630 repair, renovation and expansion of and improvements and additions
1631 to the E.E. Bass Cultural Arts Center and related facilities in
1632 Greenville, Mississippi.

1633 (3) (a) A special fund to be designated as the "Mississippi
1634 Heritage, History and Culture Tourism Fund" is created within the
1635 State Treasury. The fund shall be maintained by the State
1636 Treasurer as a separate and special fund, separate and apart from
1637 the General Fund of the state. Unexpended amounts remaining in
1638 the fund at the end of a fiscal year shall not lapse into the
1639 State General Fund, and any interest earned or investment earnings
1640 on amounts in the fund shall be deposited to the credit of the
1641 fund. Monies in the fund may not be used or expended for any
1642 purpose except as authorized under this act.

1643 (b) Monies deposited into the fund shall be expended by
1644 the Division of Tourism Development of the Mississippi Development
1645 Authority for the specific purpose of promoting programs and
1646 projects addressing Mississippi's heritage, history, culture,
1647 literature and arts, including the positive recovery of the state
1648 after damages caused by natural disasters, as may be authorized by
1649 general law of this state, and may be used to match federal and/or
1650 other funds that may be accessed by the division for the purpose
1651 of promoting tourism in the state. The Division of Tourism
1652 Development may accept grants and private donations from any
1653 source, including federal, state, public and private entities, to
1654 assist it in promoting such programs and projects.

1655 (4) (a) The commission, at one time, or from time to time,
1656 may declare by resolution the necessity for issuance of general



1657 obligation bonds of the State of Mississippi to provide funds for
1658 all costs incurred or to be incurred for the purposes described in
1659 subsections (2) and (3) of this section. Upon the adoption of a
1660 resolution by the Department of Finance and Administration,
1661 declaring the necessity for the issuance of any part or all of the
1662 general obligation bonds authorized by this section, the
1663 Department of Finance and Administration shall deliver a certified
1664 copy of its resolution or resolutions to the commission. Upon
1665 receipt of such resolution, the commission, in its discretion, may
1666 act as issuing agent, prescribe the form of the bonds, determine
1667 the appropriate method for sale of the bonds, advertise for and
1668 accept bids or negotiate the sale of the bonds, issue and sell the
1669 bonds so authorized to be sold and do any and all other things
1670 necessary and advisable in connection with the issuance and sale
1671 of such bonds. The total amount of bonds issued under this
1672 section shall not exceed Seven Million Three Hundred Twenty-five
1673 Thousand Dollars (\$7,325,000.00). No bonds shall be issued under
1674 this section after July 1, 2012.

1675 (b) The proceeds of the bonds issued pursuant to this
1676 section shall be deposited into the following special funds in not
1677 more than the following amounts:

1678 (i) The Statewide Tourism Projects Fund created
1679 pursuant to subsection (2) of this section.....\$ 6,625,000.00.

1680 (ii) The Mississippi Heritage, History and Culture
1681 Tourism Fund created pursuant to subsection (3) of this
1682 section.....\$ 700,000.00.

1683 (c) Any investment earnings on amounts deposited into
1684 the special funds created in subsections (2) and (3) of this
1685 section shall be used to pay debt service on bonds issued under
1686 this section, in accordance with the proceedings authorizing
1687 issuance of such bonds.

1688 (5) The principal of and interest on the bonds authorized
1689 under this section shall be payable in the manner provided in this



1690 subsection. Such bonds shall bear such date or dates, be in such
1691 denomination or denominations, bear interest at such rate or rates
1692 (not to exceed the limits set forth in Section 75-17-101,
1693 Mississippi Code of 1972), be payable at such place or places
1694 within or without the State of Mississippi, shall mature
1695 absolutely at such time or times not to exceed twenty-five (25)
1696 years from date of issue, be redeemable before maturity at such
1697 time or times and upon such terms, with or without premium, shall
1698 bear such registration privileges, and shall be substantially in
1699 such form, all as shall be determined by resolution of the
1700 commission.

1701 (6) The bonds authorized by this section shall be signed by
1702 the chairman of the commission, or by his facsimile signature, and
1703 the official seal of the commission shall be affixed thereto,
1704 attested by the secretary of the commission. The interest
1705 coupons, if any, to be attached to such bonds may be executed by
1706 the facsimile signatures of such officers. Whenever any such
1707 bonds shall have been signed by the officials designated to sign
1708 the bonds who were in office at the time of such signing but who
1709 may have ceased to be such officers before the sale and delivery
1710 of such bonds, or who may not have been in office on the date such
1711 bonds may bear, the signatures of such officers upon such bonds
1712 and coupons shall nevertheless be valid and sufficient for all
1713 purposes and have the same effect as if the person so officially
1714 signing such bonds had remained in office until their delivery to
1715 the purchaser, or had been in office on the date such bonds may
1716 bear. However, notwithstanding anything herein to the contrary,
1717 such bonds may be issued as provided in the Registered Bond Act of
1718 the State of Mississippi.

1719 (7) All bonds and interest coupons issued under the
1720 provisions of this section have all the qualities and incidents of
1721 negotiable instruments under the provisions of the Uniform
1722 Commercial Code, and in exercising the powers granted by this



1723 section, the commission shall not be required to and need not
1724 comply with the provisions of the Uniform Commercial Code.

1725 (8) The commission shall act as issuing agent for the bonds
1726 authorized under this section, prescribe the form of the bonds,
1727 determine the appropriate method for sale of the bonds, advertise
1728 for and accept bids or negotiate the sale of the bonds, issue and
1729 sell the bonds, pay all fees and costs incurred in such issuance
1730 and sale, and do any and all other things necessary and advisable
1731 in connection with the issuance and sale of such bonds. The
1732 commission is authorized and empowered to pay the costs that are
1733 incident to the sale, issuance and delivery of the bonds
1734 authorized under this section from the proceeds derived from the
1735 sale of such bonds. The commission may sell such bonds on sealed
1736 bids at public sale or may negotiate the sale of the bonds for
1737 such price as it may determine to be for the best interest of the
1738 State of Mississippi. All interest accruing on such bonds so
1739 issued shall be payable semiannually or annually.

1740 If such bonds are sold by sealed bids at public sale, notice
1741 of the sale shall be published at least one time, not less than
1742 ten (10) days before the date of sale, and shall be so published
1743 in one or more newspapers published or having a general
1744 circulation in the City of Jackson, Mississippi, selected by the
1745 commission.

1746 The commission, when issuing any bonds under the authority of
1747 this section, may provide that bonds, at the option of the State
1748 of Mississippi, may be called in for payment and redemption at the
1749 call price named therein and accrued interest on such date or
1750 dates named therein.

1751 (9) The bonds issued under the provisions of this section
1752 are general obligations of the State of Mississippi, and for the
1753 payment thereof the full faith and credit of the State of
1754 Mississippi is irrevocably pledged. If the funds appropriated by
1755 the Legislature are insufficient to pay the principal of and the



1756 interest on such bonds as they become due, then the deficiency
1757 shall be paid by the State Treasurer from any funds in the State
1758 Treasury not otherwise appropriated. All such bonds shall contain
1759 recitals on their faces substantially covering the provisions of
1760 this subsection.

1761 (10) Upon the issuance and sale of bonds under the
1762 provisions of this section, the commission shall transfer the
1763 proceeds of any such sale or sales to the special funds created in
1764 subsections (2) and (3) of this section in the amounts provided
1765 for in subsection (4)(b) of this section. The proceeds of such
1766 bonds shall be disbursed solely upon the order of the Department
1767 of Finance and Administration under such restrictions, if any, as
1768 may be contained in the resolution providing for the issuance of
1769 the bonds.

1770 (11) The bonds authorized under this section may be issued
1771 without any other proceedings or the happening of any other
1772 conditions or things other than those proceedings, conditions and
1773 things which are specified or required by this section. Any
1774 resolution providing for the issuance of bonds under the
1775 provisions of this section shall become effective immediately upon
1776 its adoption by the commission, and any such resolution may be
1777 adopted at any regular or special meeting of the commission by a
1778 majority of its members.

1779 (12) The bonds authorized under the authority of this
1780 section may be validated in the Chancery Court of the First
1781 Judicial District of Hinds County, Mississippi, in the manner and
1782 with the force and effect provided by Chapter 13, Title 31,
1783 Mississippi Code of 1972, for the validation of county, municipal,
1784 school district and other bonds. The notice to taxpayers required
1785 by such statutes shall be published in a newspaper published or
1786 having a general circulation in the City of Jackson, Mississippi.

1787 (13) Any holder of bonds issued under the provisions of this
1788 section or of any of the interest coupons pertaining thereto may,



1789 either at law or in equity, by suit, action, mandamus or other
1790 proceeding, protect and enforce any and all rights granted under
1791 this section, or under such resolution, and may enforce and compel
1792 performance of all duties required by this section to be
1793 performed, in order to provide for the payment of bonds and
1794 interest thereon.

1795 (14) All bonds issued under the provisions of this section
1796 shall be legal investments for trustees and other fiduciaries, and
1797 for savings banks, trust companies and insurance companies
1798 organized under the laws of the State of Mississippi, and such
1799 bonds shall be legal securities which may be deposited with and
1800 shall be received by all public officers and bodies of this state
1801 and all municipalities and political subdivisions for the purpose
1802 of securing the deposit of public funds.

1803 (15) Bonds issued under the provisions of this section and
1804 income therefrom shall be exempt from all taxation in the State of
1805 Mississippi.

1806 (16) The proceeds of the bonds issued under this section
1807 shall be used solely for the purposes herein provided, including
1808 the costs incident to the issuance and sale of such bonds.

1809 (17) The State Treasurer is authorized, without further
1810 process of law, to certify to the Department of Finance and
1811 Administration the necessity for warrants, and the Department of
1812 Finance and Administration is authorized and directed to issue
1813 such warrants, in such amounts as may be necessary to pay when due
1814 the principal of, premium, if any, and interest on, or the
1815 accreted value of, all bonds issued under this section; and the
1816 State Treasurer shall forward the necessary amount to the
1817 designated place or places of payment of such bonds in ample time
1818 to discharge such bonds, or the interest thereon, on the due dates
1819 thereof.

1820 (18) This section shall be deemed to be full and complete
1821 authority for the exercise of the powers herein granted, but this



1822 section shall not be deemed to repeal or to be in derogation of
1823 any existing law of this state.

1824 **SECTION 7.** Section 57-1-59, Mississippi Code of 1972, is
1825 amended as follows:

1826 57-1-59. The Mississippi Development Authority shall have
1827 the following general powers and duties with respect to tourism:

1828 (a) To promote and advertise the image of Mississippi
1829 both within and without the boundaries of this state;

1830 (b) To promote and advertise fairs and similar
1831 activities of interest to tourists and the traveling public;

1832 (c) To promote and advertise the use of wildlife and
1833 natural areas by tourists and the traveling public;

1834 (d) To promote and advertise the use of state
1835 recreational and park facilities by tourists and the traveling
1836 public;

1837 (e) To promote and advertise all resources of the State
1838 of Mississippi as attractions to tourists and the traveling
1839 public;

1840 (f) To develop for all agencies of state government the
1841 necessary promotional and advertising materials needed to promote
1842 all facilities and programs which may be of interest to travelers
1843 and tourists;

1844 (g) To maintain an educational awareness program for
1845 the citizens of the state to constantly encourage increased
1846 development of activities of interest to tourists and the
1847 traveling public;

1848 (h) To develop and maintain an information services
1849 system to adequately guide tourists and the traveling public
1850 within the boundaries of the state;

1851 (i) To develop and maintain an extensive media program
1852 to adequately inform the national and international consumer about
1853 Mississippi; * * *



1854 (j) To enter into contracts and other agreements with
1855 local tourism commissions or similar entities for the purpose of
1856 developing regional strategies for tourism promotion. The
1857 Mississippi Development Authority, in conjunction with the
1858 formulation of regional strategies for tourism promotion, may
1859 require that local tourism commissions or similar entities enter
1860 into agreements with the authority as a condition for receiving
1861 any state grants to promote tourism; and

1862 (k) To develop programs and projects promoting the
1863 state's heritage, history, culture, literature and arts, including
1864 the positive recovery of the state after damages caused by natural
1865 disasters, and demonstrating the state's attractiveness as a
1866 tourism destination for those and other reasons.

1867 **SECTION 8.** (1) As used in this section:

1868 (a) "MDA" means the Mississippi Development Authority.

1869 (b) "Program" means the Mississippi Small Business and
1870 Existing Forestry Industry Enterprise Participating Loan Program
1871 established in this section.

1872 (c) "Small business" means any commercial enterprise
1873 with less than one hundred (100) full-time employees, less than
1874 Seven Million Dollars (\$7,000,000.00) in gross revenues or less
1875 than Seven Hundred Fifty Thousand Dollars (\$750,000.00) in net
1876 annual profit after taxes.

1877 (d) "Existing forestry industry enterprise" means a
1878 manufacturing enterprise that:

1879 (i) Has its principal place of business in this
1880 state;

1881 (ii) Has been operating in this state for not less
1882 than three (3) consecutive years preceding the date of submitting
1883 an application for assistance under this section;

1884 (iii) Performs the initial processing of pine logs
1885 and/or hardwood logs in the production of lumber products or is
1886 engaged in the production of poles and/or timbers; and



1887 (iv) Has employed an average of not less than
1888 fifteen (15) employees based on the most recent thirty-six-month
1889 period preceding the date that the enterprise submits an
1890 application for assistance under this section.

1891 The term "existing forestry industry enterprise" does not include
1892 any (a) enterprise with the primary business of producing chips or
1893 (b) pulp manufacturer and/or paper manufacturer.

1894 (2) The MDA shall establish a program of loans to be made to
1895 small businesses and existing forestry industry enterprises for
1896 the purpose of encouraging the extension of conventional financing
1897 and the issuance of letters of credit to small businesses and
1898 existing forestry industry enterprises by private institutions.
1899 Money to make the loans under the program shall be drawn by the
1900 MDA from the Small Business Participating Loan Program Revolving
1901 Fund. The amount of a loan to any single small business or
1902 existing forestry industry enterprise under the program shall not
1903 exceed fifty percent (50%) of the total cost of the project for
1904 which financing is sought. Interest shall be charged on the loans
1905 at a rate equal to one percent (1%) above the current published
1906 prime rate. The term of any loan made under this section shall
1907 not exceed five (5) years. Repayments of loans made by the MDA
1908 under the program shall be deposited to the credit of the Small
1909 Business and Existing Forestry Industry Enterprise Participating
1910 Loan Program Revolving Fund. Small businesses may utilize loan
1911 proceeds for buildings, equipment and working capital. An
1912 existing forestry industry enterprise that receives a loan under
1913 this section may use the loan proceeds for the purpose of
1914 providing working capital, acquiring machinery and equipment,
1915 making upgrades and improvements to machinery and equipment,
1916 acquiring raw materials and any other purposes approved by the
1917 MDA.

1918 (3) There is created a special fund in the State Treasury to
1919 be known as the Small Business and Existing Forestry Industry



1920 Enterprise Participating Loan Program Revolving Fund which shall
1921 consist of money from any source designated for deposit into the
1922 fund. Unexpended amounts remaining in the fund at the end of a
1923 fiscal year shall not lapse into the State General Fund, and any
1924 investment earnings or interest earned on amounts in the fund
1925 shall be deposited to the credit of the fund. Money in the fund
1926 shall be disbursed by the Mississippi Development Authority for
1927 the purposes authorized in subsection (2) of this section.

1928 (4) Money in the fund that is derived from the proceeds of
1929 general obligation bonds may be used to reimburse reasonable
1930 actual and necessary costs incurred by the MDA in providing loans
1931 under this section through the use of general obligation bonds.
1932 An accounting of actual costs incurred for which reimbursement is
1933 sought shall be maintained for each grant by the MDA.
1934 Reimbursement of reasonable actual and necessary costs for a loan
1935 shall not exceed three percent (3%) of the proceeds of bonds
1936 issued for such loan. Reimbursements made under this subsection
1937 shall satisfy any applicable federal tax law requirements.

1938 **SECTION 9.** (1) As used in this section, the following words
1939 shall have the meanings ascribed herein unless the context clearly
1940 requires otherwise:

1941 (a) "Accreted value" of any bonds means, as of any date
1942 of computation, an amount equal to the sum of (i) the stated
1943 initial value of such bond, plus (ii) the interest accrued thereon
1944 from the issue date to the date of computation at the rate,
1945 compounded semiannually, that is necessary to produce the
1946 approximate yield to maturity shown for bonds of the same
1947 maturity.

1948 (b) "State" means the State of Mississippi.

1949 (c) "Commission" means the State Bond Commission.

1950 (2) (a) The Mississippi Development Authority, at one time,
1951 or from time to time, may declare by resolution the necessity for
1952 issuance of general obligation bonds of the State of Mississippi



1953 to provide funds for the program authorized in Section 8 of this
1954 act. Upon the adoption of a resolution by the Mississippi
1955 Development Authority, declaring the necessity for the issuance of
1956 any part or all of the general obligation bonds authorized by this
1957 subsection, the Mississippi Development Authority shall deliver a
1958 certified copy of its resolution or resolutions to the commission.
1959 Upon receipt of such resolution, the commission, in its
1960 discretion, may act as the issuing agent, prescribe the form of
1961 the bonds, determine the appropriate method for sale of the bonds,
1962 advertise for and accept bids or negotiate the sale of the bonds,
1963 issue and sell the bonds so authorized to be sold and do any and
1964 all other things necessary and advisable in connection with the
1965 issuance and sale of such bonds. The total amount of bonds issued
1966 under this section shall not exceed Thirty Million Dollars
1967 (\$30,000,000.00). No bonds authorized under this section shall be
1968 issued after July 1, 2014.

1969 (b) The proceeds of bonds issued pursuant to this
1970 section shall be deposited into the Small Business Participating
1971 Loan Program Revolving Fund created pursuant to Section 8 of this
1972 act. Any investment earnings on bonds issued pursuant to this
1973 section shall be used to pay debt service on bonds issued under
1974 this section, in accordance with the proceedings authorizing
1975 issuance of such bonds.

1976 (3) The principal of and interest on the bonds authorized
1977 under this section shall be payable in the manner provided in this
1978 subsection. Such bonds shall bear such date or dates, be in such
1979 denomination or denominations, bear interest at such rate or rates
1980 (not to exceed the limits set forth in Section 75-17-101,
1981 Mississippi Code of 1972), be payable at such place or places
1982 within or without the State of Mississippi, shall mature
1983 absolutely at such time or times not to exceed twenty-five (25)
1984 years from date of issue, be redeemable before maturity at such
1985 time or times and upon such terms, with or without premium, shall



1986 bear such registration privileges, and shall be substantially in
1987 such form, all as shall be determined by resolution of the
1988 commission.

1989 (4) The bonds authorized by this section shall be signed by
1990 the chairman of the commission, or by his facsimile signature, and
1991 the official seal of the commission shall be affixed thereto,
1992 attested by the secretary of the commission. The interest
1993 coupons, if any, to be attached to such bonds may be executed by
1994 the facsimile signatures of such officers. Whenever any such
1995 bonds shall have been signed by the officials designated to sign
1996 the bonds who were in office at the time of such signing but who
1997 may have ceased to be such officers before the sale and delivery
1998 of such bonds, or who may not have been in office on the date such
1999 bonds may bear, the signatures of such officers upon such bonds
2000 and coupons shall nevertheless be valid and sufficient for all
2001 purposes and have the same effect as if the person so officially
2002 signing such bonds had remained in office until their delivery to
2003 the purchaser, or had been in office on the date such bonds may
2004 bear. However, notwithstanding anything herein to the contrary,
2005 such bonds may be issued as provided in the Registered Bond Act of
2006 the State of Mississippi.

2007 (5) All bonds and interest coupons issued under the
2008 provisions of this section have all the qualities and incidents of
2009 negotiable instruments under the provisions of the Uniform
2010 Commercial Code, and in exercising the powers granted by this
2011 section, the commission shall not be required to and need not
2012 comply with the provisions of the Uniform Commercial Code.

2013 (6) The commission shall act as issuing agent for the bonds
2014 authorized under this section, prescribe the form of the bonds,
2015 determine the appropriate method for sale of the bonds, advertise
2016 for and accept bids or negotiate the sale of the bonds, issue and
2017 sell the bonds so authorized to be sold, pay all fees and costs
2018 incurred in such issuance and sale, and do any and all other



2019 things necessary and advisable in connection with the issuance and
2020 sale of such bonds. The commission is authorized and empowered to
2021 pay the costs that are incident to the sale, issuance and delivery
2022 of the bonds authorized under this section from the proceeds
2023 derived from the sale of such bonds. The commission may sell such
2024 bonds on sealed bids at public sale or may negotiate the sale of
2025 the bonds for such price as it may determine to be for the best
2026 interest of the State of Mississippi. All interest accruing on
2027 such bonds so issued shall be payable semiannually or annually.

2028 If such bonds are sold by sealed bids at public sale, notice
2029 of the sale shall be published at least one time, not less than
2030 ten (10) days before the date of sale, and shall be so published
2031 in one or more newspapers published or having a general
2032 circulation in the City of Jackson, Mississippi, selected by the
2033 commission.

2034 The commission, when issuing any bonds under the authority of
2035 this section, may provide that bonds, at the option of the State
2036 of Mississippi, may be called in for payment and redemption at the
2037 call price named therein and accrued interest on such date or
2038 dates named therein.

2039 (7) The bonds issued under the provisions of this section
2040 are general obligations of the State of Mississippi, and for the
2041 payment thereof the full faith and credit of the State of
2042 Mississippi is irrevocably pledged. If the funds appropriated by
2043 the Legislature are insufficient to pay the principal of and the
2044 interest on such bonds as they become due, then the deficiency
2045 shall be paid by the State Treasurer from any funds in the State
2046 Treasury not otherwise appropriated. All such bonds shall contain
2047 recitals on their faces substantially covering the provisions of
2048 this subsection.

2049 (8) Upon the issuance and sale of bonds under the provisions
2050 of this section, the commission shall transfer the proceeds of any
2051 such sale or sales to the Small Business and Existing Forestry



2052 Industry Enterprise Participating Loan Program Revolving Fund
2053 created in Section 8 of this act. The proceeds of such bonds
2054 shall be disbursed solely upon the order of the Mississippi
2055 Development Authority under such restrictions, if any, as may be
2056 contained in the resolution providing for the issuance of the
2057 bonds.

2058 (9) The bonds authorized under this section may be issued
2059 without any other proceedings or the happening of any other
2060 conditions or things other than those proceedings, conditions and
2061 things which are specified or required by this section. Any
2062 resolution providing for the issuance of bonds under the
2063 provisions of this section shall become effective immediately upon
2064 its adoption by the commission, and any such resolution may be
2065 adopted at any regular or special meeting of the commission by a
2066 majority of its members.

2067 (10) The bonds authorized under the authority of this
2068 section may be validated in the Chancery Court of the First
2069 Judicial District of Hinds County, Mississippi, in the manner and
2070 with the force and effect provided by Chapter 13, Title 31,
2071 Mississippi Code of 1972, for the validation of county, municipal,
2072 school district and other bonds. The notice to taxpayers required
2073 by such statutes shall be published in a newspaper published or
2074 having a general circulation in the City of Jackson, Mississippi.

2075 (11) Any holder of bonds issued under the provisions of this
2076 section or of any of the interest coupons pertaining thereto may,
2077 either at law or in equity, by suit, action, mandamus or other
2078 proceeding, protect and enforce any and all rights granted under
2079 this section, or under such resolution, and may enforce and compel
2080 performance of all duties required by this section to be
2081 performed, in order to provide for the payment of bonds and
2082 interest thereon.

2083 (12) All bonds issued under the provisions of this section
2084 shall be legal investments for trustees and other fiduciaries, and



2085 for savings banks, trust companies and insurance companies
2086 organized under the laws of the State of Mississippi, and such
2087 bonds shall be legal securities which may be deposited with and
2088 shall be received by all public officers and bodies of this state
2089 and all municipalities and political subdivisions for the purpose
2090 of securing the deposit of public funds.

2091 (13) Bonds issued under the provisions of this section and
2092 income therefrom shall be exempt from all taxation in the State of
2093 Mississippi.

2094 (14) The proceeds of the bonds issued under this section
2095 shall be used solely for the purposes therein provided, including
2096 the costs incident to the issuance and sale of such bonds.

2097 (15) The State Treasurer is authorized, without further
2098 process of law, to certify to the Department of Finance and
2099 Administration the necessity for warrants, and the Department of
2100 Finance and Administration is authorized and directed to issue
2101 such warrants, in such amounts as may be necessary to pay when due
2102 the principal of, premium, if any, and interest on, or the
2103 accreted value of, all bonds issued under this section; and the
2104 State Treasurer shall forward the necessary amount to the
2105 designated place or places of payment of such bonds in ample time
2106 to discharge such bonds, or the interest thereon, on the due dates
2107 thereof.

2108 (16) This section shall be deemed to be full and complete
2109 authority for the exercise of the powers therein granted, but this
2110 section shall not be deemed to repeal or to be in derogation of
2111 any existing law of this state.

2112 **SECTION 10.** Section 57-10-505, Mississippi Code of 1972, is
2113 amended as follows:

2114 57-10-505. The following words and phrases when used in this
2115 article shall have the meaning given to them in this section
2116 unless the context clearly indicates otherwise:



2117 (a) "Assistance" means a loan to a small business or an
2118 equity investment in a small business by a planning and
2119 development district in accordance with this article.

2120 (b) "DECD" means the Mississippi Development Authority.

2121 (c) "Equity investment" means an investment in the
2122 ownership of a small business incorporated in Mississippi by a
2123 planning and development district in accordance with this article.

2124 (d) "General Fund" means the General Fund of the State
2125 of Mississippi.

2126 (e) "Loan" means a loan by a planning and development
2127 district to a small business in accordance with this article.

2128 (f) "MDA" means the Mississippi Development Authority.

2129 (g) "Planning and development districts" means an
2130 organized planning and development district in Mississippi.

2131 (h) "Program" means the Mississippi Small Business
2132 Assistance Program established in this article.

2133 (i) "Qualified entities" means small business
2134 investment corporations, community development corporations and
2135 other similar entities approved by the Mississippi Business
2136 Finance Corporation to participate in the program.

2137 (j) "Seller" means the State Bond Commission.

2138 (k) "Small business" means any commercial enterprise
2139 with less than one hundred (100) full-time employees, less than
2140 Seven Million Dollars (\$7,000,000.00) in net worth or less than
2141 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in net annual
2142 profit after taxes.

2143 **SECTION 11.** Section 57-10-511, Mississippi Code of 1972, is
2144 amended as follows:

2145 57-10-511. MDA shall grant funds under this article to a
2146 planning and development district or qualified entity in
2147 accordance with the following terms and conditions:

2148 (a) Grant funds received by a planning and development
2149 district or qualified entity in accordance with this article shall



2150 be used by the planning and development district or qualified
2151 entity to establish a revolving assistance fund for the purpose of
2152 providing assistance to small businesses in accordance with this
2153 article. Except as otherwise allowed in this article, all
2154 principal and interest payments by small businesses in repayment
2155 of such assistance shall be eligible for and used by the planning
2156 and development district or qualified entity for additional
2157 assistance to small businesses in accordance with this article.

2158 (b) Each planning and development district meeting the
2159 criteria set forth in this article shall receive an initial grant
2160 of not to exceed One Million Dollars (\$1,000,000.00) for the
2161 purpose of establishing the program within its area in accordance
2162 with this article. Each qualified entity meeting the criteria set
2163 forth in this article shall be eligible to receive an initial
2164 grant of Five Hundred Thousand Dollars (\$500,000.00) for the
2165 purpose of establishing the program within the area it serves in
2166 accordance with this article. The total amount of initial grants
2167 to planning and development districts shall not exceed Ten Million
2168 Dollars (\$10,000,000.00) and the total amount of initial grants
2169 for qualified entities shall not exceed Two Million Dollars
2170 (\$2,000,000.00). Each planning and development district or
2171 qualified entity receiving an initial grant shall have twelve (12)
2172 months in which to make binding commitments to provide assistance
2173 to small businesses in the principal amount of the initial grant
2174 in accordance with this article. Grant funds not committed to
2175 provide assistance to small businesses at the end of twelve (12)
2176 months after receipt thereof by the planning and development
2177 district or qualified entity shall be returned to MDA for
2178 placement in a pool to be redistributed by MDA to planning and
2179 development districts or qualified entities which have binding
2180 commitments to distribute as assistance all their initial grant
2181 funds and have pending applications for additional assistance in
2182 accordance with this article. Any planning and development



2183 district or qualified entity returning any such grant funds to MDA
2184 shall be required at the time such initial grant funds are
2185 returned to deliver to the State Treasury, for deposit in the
2186 General Fund, interest on the amount of such returned funds at the
2187 same rate as any bonds or notes of the State of Mississippi issued
2188 pursuant to this article to provide such grant funds.

2189 (c) After all of the initial grant funds have been
2190 provided as assistance to small businesses in accordance with this
2191 article, MDA shall distribute additional grant funds to each
2192 planning and development district or qualified entity qualified
2193 under this article to receive and requesting such funds in
2194 whatever amounts MDA deems appropriate and when needed by such
2195 planning and development districts or qualified entities to
2196 provide additional assistance to small businesses in accordance
2197 with this article. The schedule for distributing such funds shall
2198 be determined by MDA. Funds distributed to planning and
2199 development districts and qualified entities pursuant to this
2200 paragraph shall be in addition to funds distributed to planning
2201 and development districts and qualified entities pursuant to
2202 paragraph (b) of this section. The total amount of grants issued
2203 pursuant to this paragraph shall not exceed Twenty Million Dollars
2204 (\$20,000,000.00) for planning and development districts or
2205 qualified entities. Grant funds not committed to provide
2206 assistance to small businesses at the end of twelve (12) months
2207 after receipt thereof by the planning and development district or
2208 qualified entity shall be returned to MDA for placement in a pool
2209 to be redistributed by MDA to planning and development districts
2210 or qualified entities which have binding commitments to distribute
2211 as assistance all their initial grant funds and have pending
2212 applications for additional assistance in accordance with this
2213 article. Any planning and development district or qualified
2214 entity returning any such grant funds to MDA shall be required at
2215 the time such grant funds are returned to deliver to the State



2216 Treasury, for deposit in the General Fund, interest on the amount
2217 of such returned funds at the same rate as any bonds or notes of
2218 the State of Mississippi issued pursuant to this article to
2219 provide such grant funds.

2220 (d) A planning and development district or qualified
2221 entity participating in the program may utilize an amount equal to
2222 not more than fifty percent (50%) of interest earned on assistance
2223 provided to small businesses in accordance with this article or
2224 three percent (3%) of the current annual loans disbursed,
2225 whichever is the lesser amount, for administration and management
2226 of the program, unless specifically authorized to utilize more by
2227 MDA; * * * however, any interest earned on grant funds held by a
2228 planning and development district or qualified entity prior to the
2229 utilization of such grant funds to provide assistance to small
2230 businesses shall be placed in the revolving assistance fund of the
2231 planning and development district or qualified entity and shall
2232 not be expended for administration or management costs. Planning
2233 and development districts and qualified entities may retain an
2234 amount equal to fifty percent (50%) of the interest earned on
2235 repayment funds that are being held on deposit in anticipation of
2236 relending, or three percent (3%) of the current annual loans
2237 disbursed, whichever is the lesser amount, to aid in the
2238 administration and management of the program. Each planning and
2239 development district and qualified entity shall file annually with
2240 the Secretary of the Senate and the Clerk of the House of
2241 Representatives not later than the first day of each regular
2242 legislative session a report which details any interest retained
2243 or utilized by the planning and development district or qualified
2244 entity pursuant to this paragraph (d).

2245 (e) If a planning and development district or qualified
2246 entity participating in the program experiences losses from
2247 assistance provided pursuant to the program in excess of sixty
2248 percent (60%) of the amount of grant funds received by the



2249 planning and development district or qualified entity, the
2250 planning and development district or qualified entity shall repay
2251 the State of Mississippi the amount of such losses in excess of
2252 sixty percent (60%) by delivering that amount to the State
2253 Treasury for deposit in the General Fund.

2254 (f) MDA shall assist each planning and development
2255 district or qualified entity participating in the program in
2256 connection with such planning and development district's or
2257 qualified entity's compliance with this article.

2258 (g) Each planning and development district or qualified
2259 entity participating in the program shall submit the following
2260 reports to the MDA:

2261 (i) An annual audit of grant funds received in
2262 connection with the program; and

2263 (ii) A semiannual report on July 30 and January 30
2264 of each year, describing all assistance provided to small
2265 businesses pursuant to the program, such reports to include
2266 without limitation the following: a description of each small
2267 business receiving assistance; the project to be assisted and
2268 purpose of assistance; a description of each loan and equity
2269 investment, including the terms and conditions thereof and use of
2270 the * * * assistance funds by the small business; history of the
2271 assistance pool, including principal amount loaned, interest
2272 earned, interest expended for administration and management,
2273 principal amount of equity investments, assistance funds
2274 available, and losses; and a statement of jobs created or retained
2275 as a result of the assistance program.

2276 (h) If MDA determines that a district or entity has
2277 provided assistance to small businesses in a manner inconsistent
2278 with the provisions of this article, then the amount of such
2279 assistance so provided shall be withheld by MDA from any
2280 additional grant funds to which the district or entity becomes
2281 entitled under this article. If MDA determines, after notifying



2282 such district or entity twice in writing and providing such
2283 district or entity a reasonable opportunity to comply, that a
2284 planning and development district or qualified entity has
2285 consistently failed to comply with this article in connection with
2286 the program, MDA may declare such planning and development
2287 district or qualified entity in default under the program and,
2288 upon receipt of notice thereof from MDA, such planning and
2289 development district or qualified entity shall immediately cease
2290 providing assistance under the program, shall refund to MDA for
2291 distribution to other planning and development districts or
2292 qualified entities all funds held in its revolving assistance fund
2293 and, if required by MDA, shall convey to MDA all administrative
2294 and management control of assistance provided by it under the
2295 program.

2296 (i) If MDA determines, after notifying a planning and
2297 development district or qualified entity twice in writing and
2298 providing copies of such notification to each member of the
2299 Legislature in whose district or in a part of whose district such
2300 planning and development district or qualified entity is located
2301 and providing such district or entity a reasonable opportunity to
2302 take corrective action, that a planning and development district
2303 or a qualified entity administering a revolving assistance fund
2304 under the provisions of this article is not actively engaged in
2305 lending as defined by the rules and regulations of MDA, MDA may
2306 declare such planning and development district or qualified entity
2307 in default under the program and, upon receipt of notice thereof
2308 from MDA, such planning and development district or qualified
2309 entity shall immediately cease providing assistance under the
2310 program, shall refund to MDA for distribution to other planning
2311 and development districts or qualified entities all funds held in
2312 its revolving assistance fund and, if required by MDA, shall
2313 convey to MDA all administrative and management control of
2314 assistance provided by it under the program.



2315 (j) Notwithstanding any other provision of this article
2316 to the contrary, if federal funds are not available for
2317 commitments made by a planning and development district to provide
2318 assistance under any federal loan program administered by the
2319 planning and development district in coordination with the
2320 Appalachian Regional Commission or Economic Development
2321 Administration, or both, a planning and development district may
2322 use funds in its revolving assistance fund, which have not been
2323 committed otherwise to provide assistance, for the purpose of
2324 providing temporary funding for such commitments. If a planning
2325 and development district uses uncommitted funds in its revolving
2326 assistance fund to provide such temporary funding, the district
2327 shall use funds repaid to the district under the temporarily
2328 funded federal loan program to replenish the funds used to provide
2329 the temporary funding. Funds used by a planning and development
2330 district to provide temporary funding under this paragraph (j)
2331 must be repaid to the district's revolving assistance fund no
2332 later than twelve (12) months after the date the district provides
2333 the temporary funding. A planning and development district may
2334 not use uncommitted funds in its revolving assistance fund to
2335 provide temporary funding under this paragraph (j) on more than
2336 two (2) occasions during a calendar year. A planning and
2337 development district may provide temporary funding for multiple
2338 commitments on each such occasion. The maximum aggregate amount
2339 of uncommitted funds in a revolving assistance fund that may be
2340 used for such purposes during a calendar year shall not exceed
2341 seventy percent (70%) of the uncommitted funds in the revolving
2342 assistance fund on the date the district first provides temporary
2343 funding during the calendar year.

2344 **SECTION 12.** As used in Sections 12 through 15 of this act:

2345 (a) "Business enterprise" means:

2346 (i) Any enterprise owning or operating a facility
2347 for the manufacture or assembly of systems or components used in



2348 the generation of clean energy that locates or expands in this
2349 state which will have a minimum capital investment in this state
2350 of Fifty Million Dollars (\$50,000,000.00) and will create a
2351 minimum of two hundred fifty (250) new, full-time jobs.

2352 (ii) Any enterprise owning or operating a facility
2353 that manufactures or assembles products for the aerospace industry
2354 or provides research and development or training services in the
2355 aerospace industry that locates or expands in this state, which
2356 will have a minimum capital investment in this state of Thirty
2357 Million Dollars (\$30,000,000.00) and will create a minimum of one
2358 hundred (100) new, full-time jobs.

2359 (b) "Aerospace industry" means the industry that
2360 researches, designs, manufactures, repairs, operates and/or
2361 maintains vehicles moving through the air and space.

2362 (c) "Biomass" means and includes any of the following:

2363 (i) Forest-related mill residues, pulping
2364 by-product and other by-products of wood processing, thinnings,
2365 slash, limbs, bark, brush and other cellulosic plant material or
2366 nonmerchantable forest-related products;

2367 (ii) Solid wood waste materials, including
2368 dunnage, manufacturing and construction wood wastes, demolition
2369 and storm debris and landscape or right-of-way trimmings;

2370 (iii) Agriculture wastes, including orchard tree
2371 crops, vineyard, grain, legumes, sugar and other crop by-products
2372 or residues and livestock waste nutrients;

2373 (iv) All plant and grass material that is grown
2374 exclusively as a fuel for the production of electricity;

2375 (v) Refuse derived fuels consisting of organic
2376 components and fibers of waste water treatment solids; or

2377 (vi) Whole trees.

2378 (d) "Clean energy" means energy that is generated from
2379 either:



2380 (i) A renewable energy source such as wind, water,
2381 biomass or solar; or

2382 (ii) An alternative energy source such as nuclear.

2383 (e) "MDA" means the Mississippi Development Authority.

2384 (f) "State tax" means:

2385 (i) Any sales or use tax imposed on the business
2386 enterprise pursuant to law related to the purchase of component
2387 building materials and equipment for initial construction of
2388 facilities or expansion of facilities that are certified by the
2389 Mississippi Development Authority;

2390 (ii) All income tax imposed pursuant to law on
2391 income earned by the business enterprise certified by the
2392 Mississippi Development Authority;

2393 (iii) Franchise tax imposed pursuant to law on the
2394 value of capital used, invested or employed by the business
2395 enterprise certified by the Mississippi Development Authority; and

2396 (iv) Any sales or use tax imposed on the lease of
2397 machinery and equipment acquired in the initial construction to
2398 establish the facility or for an expansion certified by the
2399 Mississippi Development Authority.

2400 **SECTION 13.** Business enterprises wishing to apply for the
2401 tax exemptions authorized by Sections 12 through 15 of this act
2402 shall make application to the MDA prior to construction or
2403 acquisition of the buildings for the location or expansion of the
2404 business enterprise in this state. The application shall, at a
2405 minimum, contain:

2406 (a) An overview of the project that includes the
2407 selected site, the number of jobs proposed, the length of time
2408 necessary for the company to meet its investment and employment
2409 requirements;

2410 (b) A two-year business plan, which shall include pro
2411 forma financial statements for the project;



2412 (c) Data supporting the expertise of the project's
2413 principals;

2414 (d) An acknowledgment that the business entity will be
2415 required to provide annual documentation to demonstrate that the
2416 minimum job requirement is being maintained; and

2417 (e) Such information as may be requested by the MDA.

2418 **SECTION 14.** (1) Upon approval of the application, the MDA
2419 shall issue certification designating the business enterprise as
2420 eligible for the tax exemptions authorized by Sections 12 through
2421 15 of this act. This certification shall document the date by
2422 which all commitments must be met.

2423 (2) Upon the issuance of the certification, the business
2424 enterprise shall be exempt from state taxes for a period of ten
2425 (10) years subject to the performance requirements set out in the
2426 agreement required by subsection (3)(c) of this section. If the
2427 business enterprise is located in an area that has been declared
2428 by the Governor to be a disaster area and as a direct result of
2429 the disaster the business enterprise is unable to utilize the
2430 exemption from state taxes, the MDA may extend the period of time
2431 by which the minimum requirements must be met and duration of the
2432 exemption from state taxes for not more than two (2) years. Any
2433 business enterprise that has property or equipment purchased
2434 utilizing the state tax exemption that is damaged or destroyed as
2435 a result of the disaster may purchase replacement equipment and
2436 component building materials exempt from sales and use tax.

2437 (3) The following conditions, along with any other
2438 conditions the MDA shall promulgate from time to time by rule or
2439 regulation, shall apply to such exemptions:

2440 (a) Any exemption provided under Sections 12 through 15
2441 of this act is nontransferable and cannot be applied, used or
2442 assigned to any other person or business or tax account without
2443 prior approval by the MDA;



2444 (b) No approved business enterprise may claim or use
2445 the exemption granted under Sections 12 through 15 of this act
2446 unless that enterprise is in full compliance with all state and
2447 local tax laws, and related ordinances and resolutions; and

2448 (c) The business enterprise must enter into an
2449 agreement with the MDA which sets out, at a minimum, the
2450 performance requirements of the approved business enterprise
2451 during the term of the exemption and provisions for the recapture
2452 of all or a portion of the taxes exempted if the performance
2453 requirements of the business enterprise are not met.

2454 (4) Upon certifying a business enterprise as eligible for
2455 the exemptions under Sections 12 through 15 of this act, the MDA
2456 shall forward the certification along with any other necessary
2457 information to the Department of Revenue so that the exemptions
2458 can be implemented. The Department of Revenue shall promulgate
2459 rules and regulations, in accordance with the Mississippi
2460 Administrative Procedures Law, for the implementation of the state
2461 tax exemptions granted under Sections 12 through 15 of this act.

2462 **SECTION 15.** The MDA shall promulgate rules and regulations,
2463 in accordance with the Mississippi Administrative Procedures Law,
2464 for the implementation and administration of Sections 12 through
2465 15 of this act.

2466 **SECTION 16.** As used in Sections 16 through 19 of this act:

2467 (a) "Business enterprise" means any business enterprise
2468 owning or operating a data center with a minimum capital
2469 investment in this state of Fifty Million Dollars (\$50,000,000.00)
2470 which will create a minimum of fifty (50) new, full-time jobs with
2471 a minimum average annual salary of not less than one hundred fifty
2472 percent (150%) of the average annual state wage.

2473 (b) "Data center" means a business enterprise that
2474 utilizes hardware, software, technology, infrastructure and/or
2475 workforce, to store, manage or manipulate digital data.

2476 (c) "MDA" means the Mississippi Development Authority.



2477 (d) "State tax" means:
2478 (i) Any sales and use tax imposed on the business
2479 enterprise pursuant to law related to the purchase or lease of
2480 component building materials and equipment for initial
2481 construction of facilities or expansion of facilities that are
2482 certified by the Mississippi Development Authority; and
2483 (ii) Any sales and use tax imposed by law on the
2484 business enterprise pursuant to law related to the purchase of
2485 replacement hardware, software or other necessary technology to
2486 operate a data center.

2487 **SECTION 17.** Business enterprises wishing to apply for the
2488 tax exemptions authorized by Sections 16 through 19 of this act
2489 shall make application to the MDA prior to construction or
2490 acquisition of the buildings for the location or expansion of the
2491 business enterprise in this state. The application, at a minimum,
2492 shall contain:

2493 (a) An overview of the project that includes the
2494 selected site, the number of jobs proposed, the length of time
2495 necessary for the company to meet its investment and employment
2496 requirements;

2497 (b) A two-year business plan, which shall include pro
2498 forma financial statements for the project and any service
2499 contracts to be performed at the Mississippi facility;

2500 (c) Data supporting the expertise of the project's
2501 principals;

2502 (d) An acknowledgment that the business entity will be
2503 required to provide annual documentation to demonstrate that the
2504 minimum job requirement is being maintained; and

2505 (e) Such information as may be requested by the MDA.

2506 **SECTION 18.** (1) Upon approval of the application, the MDA
2507 shall issue a certification designating the business enterprise as
2508 eligible for the tax exemptions authorized by Sections 16 through



2509 19 of this act. This certification shall document the date by
2510 which all commitments must be met.

2511 (2) Upon the issuance of the certification, the business
2512 enterprise shall be exempt from state taxes subject to the
2513 performance requirements set out in the agreement required by
2514 subsection (3)(c) of this section.

2515 (3) The following conditions, along with any other
2516 conditions the MDA shall promulgate from time to time by rule or
2517 regulation, shall apply to such exemptions:

2518 (a) Any exemption provided under Sections 16 through 19
2519 of this act is nontransferable and cannot be applied, used or
2520 assigned to any other person or business or tax account without
2521 prior approval by the MDA;

2522 (b) No approved business enterprise may claim or use
2523 the exemption granted under Sections 16 through 19 of this act
2524 unless that enterprise is in full compliance with all state and
2525 local tax laws, and related ordinances and resolutions; and

2526 (c) The business enterprise must enter into an
2527 agreement with the MDA which sets out, at a minimum, the
2528 performance requirements of the approved business enterprise
2529 during the term of the exemption and provisions for the recapture
2530 of all or a portion of the taxes exempted if the performance
2531 requirements of the business enterprise are not met.

2532 (4) Upon certifying a business enterprise as eligible for
2533 the exemptions under Sections 16 through 19 of this act, the MDA
2534 shall forward the certification along with any other necessary
2535 information to the Department of Revenue so that the exemptions
2536 can be implemented. The Department of Revenue shall promulgate
2537 rules and regulations, in accordance with the Mississippi
2538 Administrative Procedures Law, for the implementation of the state
2539 tax exemptions granted under Sections 16 through 19 of this act.

2540 **SECTION 19.** The MDA shall promulgate rules and regulations,
2541 in accordance with the Mississippi Administrative Procedures Law,



2542 for the implementation and administration of Sections 16 through
2543 19 of this act.

2544 **SECTION 20.** Section 27-7-21, Mississippi Code of 1972, is
2545 amended as follows:

2546 27-7-21. (a) **Allowance of deductions.** In the case of a
2547 resident individual, the exemptions provided by this section, as
2548 applicable to individuals, shall be allowed as deductions in
2549 computing taxable income.

2550 (b) **Single individuals.** In the case of a single individual,
2551 a personal exemption of Five Thousand Two Hundred Fifty Dollars
2552 (\$5,250.00) for the 1979 and 1980 calendar years and Six Thousand
2553 Dollars (\$6,000.00) for each calendar year thereafter.

2554 (c) **Married individuals.** In the case of married individuals
2555 living together, a joint personal exemption of Eight Thousand
2556 Dollars (\$8,000.00) for the 1979 and 1980 calendar years and Nine
2557 Thousand Five Hundred Dollars (\$9,500.00) for the 1981 through
2558 1997 calendar years, Ten Thousand Dollars (\$10,000.00) for the
2559 calendar year 1998, Eleven Thousand Dollars (\$11,000.00) for the
2560 calendar year 1999, and Twelve Thousand Dollars (\$12,000.00) for
2561 each calendar year thereafter. A husband and wife living together
2562 shall receive but one (1) personal exemption in the amounts
2563 provided for in this subsection for each calendar year against
2564 their aggregate income.

2565 (d) **Head of family individuals.** In the case of a head of
2566 family individual, a personal exemption of Eight Thousand Dollars
2567 (\$8,000.00) for the 1979 and 1980 calendar years and Nine Thousand
2568 Five Hundred Dollars (\$9,500.00) for each calendar year
2569 thereafter. The term "head of family" means an individual who is
2570 single, or married but not living with his spouse for the entire
2571 taxable year, who maintains a household which constitutes the
2572 principal place of abode of himself and one or more individuals
2573 who are dependents under the provisions of Section 152(a) of the
2574 Internal Revenue Code of 1954, as amended. The head of family



2575 individual shall be entitled to the additional dependent exemption
2576 as provided in subsection (e) of this section only to the extent
2577 of dependents in excess of the one (1) dependent needed to qualify
2578 as head of family.

2579 (e) **Additional exemption for dependents.** In the case of any
2580 individual having a dependent, other than husband or wife, an
2581 additional personal exemption of One Thousand Five Hundred Dollars
2582 (\$1,500.00) for each such dependent, except as otherwise provided
2583 in subsection (d) of this section. The term "dependent" as used
2584 in this subsection shall mean any person or individual who
2585 qualifies as a dependent under the provisions of Section 152,
2586 Internal Revenue Code of 1954, as amended.

2587 (f) **Additional exemption for taxpayer or spouse aged**
2588 **sixty-five (65) or more.** In the case of any taxpayer or the
2589 spouse of the taxpayer who has attained the age of sixty-five (65)
2590 before the close of his taxable year, an additional exemption of
2591 One Thousand Five Hundred Dollars (\$1,500.00).

2592 (g) **Additional exemption for blindness of taxpayer or**
2593 **spouse.** In the case of any taxpayer or the spouse of the taxpayer
2594 who is blind at the close of the taxable year, an additional
2595 exemption of One Thousand Five Hundred Dollars (\$1,500.00). For
2596 the purpose of this subsection, an individual is blind only if his
2597 central visual acuity does not exceed 20/200 in the better eye
2598 with correcting lenses, or if his visual acuity is greater than
2599 20/200 but is accompanied by a limitation in the fields of vision
2600 such that the widest diameter of the visual field subtends an
2601 angle no greater than twenty (20) degrees.

2602 (h) **Husband and wife--claiming exemptions.** In the case of
2603 husband and wife living together and filing combined returns, the
2604 personal and additional exemptions authorized and allowed by this
2605 section may be taken by either, or divided between them in any
2606 manner they may choose. If the husband and wife fail to choose,
2607 the commissioner shall divide the exemptions between husband and



2608 wife in an equitable manner. In the case of a husband and wife
2609 filing separate returns, the personal and additional exemptions
2610 authorized and allowed by this section shall be divided equally
2611 between the spouses.

2612 (i) **Nonresidents.** A nonresident individual shall be allowed
2613 the same personal and additional exemptions as are authorized for
2614 resident individuals in subsection (a) of this section; however,
2615 the nonresident individual is entitled only to that proportion of
2616 the personal and additional exemptions as his net income from
2617 sources within the State of Mississippi bears to his total or
2618 entire net income from all sources.

2619 A nonresident individual who is married and whose spouse has
2620 income from independent sources must declare the joint income of
2621 himself and his spouse from sources within and without Mississippi
2622 and claim as a personal exemption that proportion of the
2623 authorized personal and additional exemptions which the total net
2624 income from Mississippi sources bears to the total net income of
2625 both spouses from all sources. If both spouses have income from
2626 sources within Mississippi and wish to file separate returns,
2627 their combined personal and additional exemptions shall be that
2628 proration of the exemption which their combined net income from
2629 Mississippi sources is of their total combined net income from all
2630 sources. The amount of the personal and additional exemptions so
2631 computed may be divided between them in any manner they choose.

2632 In the case of married individuals where one (1) spouse is a
2633 resident and the other is a nonresident, the personal exemption of
2634 the resident individual shall be prorated on the same basis as if
2635 both were nonresidents having net income from within and without
2636 the State of Mississippi.

2637 For the purpose of this subsection, the term "net income"
2638 means gross income less business expenses incurred in the
2639 taxpayer's regular trade or business and computed in accordance
2640 with the provisions of the Mississippi Income Tax Law.



2641 (j) **Part-year residents.** An individual who is a resident of
2642 Mississippi for only a part of his taxable year by reason of
2643 either moving into the state or moving from the state shall be
2644 allowed the same personal and additional exemptions as authorized
2645 for resident individuals in subsection (a) of this section; the
2646 part-year resident shall prorate his exemption on the same basis
2647 as nonresidents having net income from within and without the
2648 state.

2649 (k) **Estates.** In the case of an estate, a specific exemption
2650 of Six Hundred Dollars (\$600.00).

2651 (l) **Trusts.** In the case of a trust which, under its
2652 governing instrument, is required to distribute all of its income
2653 currently, a specific exemption of Three Hundred Dollars
2654 (\$300.00). In the case of all other trusts, a specific exemption
2655 of One Hundred Dollars (\$100.00).

2656 (m) **Corporations, foundations, joint ventures, associations.**
2657 In the case of a corporation, foundation, joint venture or
2658 association taxable herein, there shall be allowed no specific
2659 exemption, except as provided under the Growth and Prosperity Act,
2660 and Sections 12 through 15 of this act.

2661 (n) **Status.** The status on the last day of the taxable year,
2662 except in the case of the head of family as provided in subsection
2663 (d) of this section, shall determine the right to the exemptions
2664 provided in this section; provided, that a taxpayer shall be
2665 entitled to such exemptions, otherwise allowable, if the husband
2666 or wife or dependent has died during the taxable year.

2667 (o) **Fiscal-year taxpayers.** Individual taxpayers reporting
2668 on a fiscal year basis shall prorate their exemptions in a manner
2669 established by regulations promulgated by the commissioner.

2670 **SECTION 21.** Section 27-13-5, Mississippi Code of 1972, is
2671 amended as follows:

2672 27-13-5. (1) **Franchise tax levy.** Except as otherwise
2673 provided in subsections (3), (4), (5) and (7) of this section,



2674 there is hereby imposed, to be paid and collected as hereinafter
2675 provided, a franchise or excise tax upon every corporation,
2676 association or joint-stock company or partnership treated as a
2677 corporation under the income tax laws or regulations, organized or
2678 created for pecuniary gain, having privileges not possessed by
2679 individuals, and having authorized capital stock now existing in
2680 this state, or hereafter organized, created or established, under
2681 and by virtue of the laws of the State of Mississippi, equal to
2682 Two Dollars and Fifty Cents (\$2.50) for each One Thousand Dollars
2683 (\$1,000.00), or fraction thereof, of the value of the capital
2684 used, invested or employed in the exercise of any power, privilege
2685 or right enjoyed by such organization within this state, except as
2686 hereinafter provided. In no case shall the franchise tax due for
2687 the accounting period be less than Twenty-five Dollars (\$25.00).
2688 It is the purpose of this section to require the payment to the
2689 State of Mississippi of this tax for the right granted by the laws
2690 of this state to exist as such organization, and to enjoy, under
2691 the protection of the laws of this state, the powers, rights,
2692 privileges and immunities derived from the state by the form of
2693 such existence.

2694 (2) **Annual report of domestic corporations.** Each domestic
2695 corporation shall file, within the time prescribed by Section
2696 79-3-251, an annual report as required by the provisions of
2697 Section 79-3-249.

2698 (3) A corporation that has negotiated a fee-in-lieu as
2699 defined in Section 57-75-5 shall not be subject to the tax levied
2700 by this section on such project; provided, however, that the
2701 fee-in-lieu payment shall be otherwise treated in the same manner
2702 as the payment of franchise taxes.

2703 (4) An approved business enterprise as defined in the Growth
2704 and Prosperity Act shall not be subject to the tax levied by this
2705 section on the value of capital used, invested or employed by the



2706 approved business enterprise in a growth and prosperity county or
2707 supervisors district as provided in the Growth and Prosperity Act.

2708 (5) A business enterprise operating a project as defined in
2709 Section 57-64-33, in a county that is a member of a regional
2710 economic development alliance created under the Regional Economic
2711 Development Act shall not be subject to the tax levied by this
2712 section on the value of capital used, invested or employed by the
2713 business enterprise in such a county as provided in Section
2714 57-64-33.

2715 (6) The tax levied by this chapter and paid by a business
2716 enterprise located in a redevelopment project area under Sections
2717 57-91-1 through 57-91-11 shall be deposited into the Redevelopment
2718 Project Incentive Fund created in Section 57-91-9.

2719 (7) A business enterprise as defined in Section 12 of this
2720 act that is exempt from certain state taxes under Section 14 of
2721 this act shall not be subject to the tax levied by this section on
2722 the value of capital used, invested or employed by the business
2723 enterprise.

2724 **SECTION 22.** Section 27-13-7, Mississippi Code of 1972, is
2725 amended as follows:

2726 27-13-7. (1) **Franchise tax levy.** Except as otherwise
2727 provided in subsections (3), (4), (5) and (7) of this section,
2728 there is hereby imposed, levied and assessed upon every
2729 corporation, association or joint-stock company, or partnership
2730 treated as a corporation under the Income Tax Laws or regulations
2731 as hereinbefore defined, organized and existing under and by
2732 virtue of the laws of some other state, territory or country, or
2733 organized and existing without any specific statutory authority,
2734 now or hereafter doing business or exercising any power, privilege
2735 or right within this state, as hereinbefore defined, a franchise
2736 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each
2737 One Thousand Dollars (\$1,000.00), or fraction thereof, of the
2738 value of capital used, invested or employed within this state,



2739 except as hereinafter provided. In no case shall the franchise
2740 tax due for the accounting period be less than Twenty-five Dollars
2741 (\$25.00). It is the purpose of this section to require the
2742 payment of a tax by all organizations not organized under the laws
2743 of this state, measured by the amount of capital or its
2744 equivalent, for which such organization receives the benefit and
2745 protection of the government and laws of the state.

2746 (2) **Annual report of foreign corporations.** Each foreign
2747 corporation authorized to transact business in this state shall
2748 file, within the time prescribed by Section 79-3-251, an annual
2749 report as required by the provisions of Section 79-3-249.

2750 (3) A corporation that has negotiated a fee-in-lieu as
2751 defined in Section 57-75-5 shall not be subject to the tax levied
2752 by this section on such project; provided, however, that the
2753 fee-in-lieu payment shall be otherwise treated in the same manner
2754 as the payment of franchise taxes.

2755 (4) An approved business enterprise as defined in the Growth
2756 and Prosperity Act shall not be subject to the tax levied by this
2757 section on the value of capital used, invested or employed by the
2758 approved business enterprise in a growth and prosperity county or
2759 supervisors district as provided in the Growth and Prosperity Act.

2760 (5) A business enterprise operating a project as defined in
2761 Section 57-64-33, in a county that is a member of a regional
2762 economic development alliance created under the Regional Economic
2763 Development Act shall not be subject to the tax levied by this
2764 section on the value of capital used, invested or employed by the
2765 business enterprise in such a county as provided in Section
2766 57-64-33.

2767 (6) The tax levied by this chapter and paid by a business
2768 enterprise located in a redevelopment project area under Sections
2769 57-91-1 through 57-91-11 shall be deposited into the Redevelopment
2770 Project Incentive Fund created in Section 57-91-9.

2771 (7) A business enterprise as defined in Section 12 of this



2772 act that is exempt from certain state taxes under Section 14 of
2773 this act shall not be subject to the tax levied by this section on
2774 the value of capital used, invested or employed by the business
2775 enterprise.

2776 **SECTION 23.** Section 27-65-101, Mississippi Code of 1972, is
2777 amended as follows:

2778 27-65-101. (1) The exemptions from the provisions of this
2779 chapter which are of an industrial nature or which are more
2780 properly classified as industrial exemptions than any other
2781 exemption classification of this chapter shall be confined to
2782 those persons or property exempted by this section or by the
2783 provisions of the Constitution of the United States or the State
2784 of Mississippi. No industrial exemption as now provided by any
2785 other section except Section 57-3-33 shall be valid as against the
2786 tax herein levied. Any subsequent industrial exemption from the
2787 tax levied hereunder shall be provided by amendment to this
2788 section. No exemption provided in this section shall apply to
2789 taxes levied by Section 27-65-15 or 27-65-21.

2790 The tax levied by this chapter shall not apply to the
2791 following:

2792 (a) Sales of boxes, crates, cartons, cans, bottles and
2793 other packaging materials to manufacturers and wholesalers for use
2794 as containers or shipping materials to accompany goods sold by
2795 said manufacturers or wholesalers where possession thereof will
2796 pass to the customer at the time of sale of the goods contained
2797 therein and sales to anyone of containers or shipping materials
2798 for use in ships engaged in international commerce.

2799 (b) Sales of raw materials, catalysts, processing
2800 chemicals, welding gases or other industrial processing gases
2801 (except natural gas) to a manufacturer for use directly in
2802 manufacturing or processing a product for sale or rental or
2803 repairing or reconditioning vessels or barges of fifty (50) tons
2804 load displacement and over. For the purposes of this exemption,



2805 electricity used directly in the electrolysis process in the
2806 production of sodium chlorate shall be considered a raw material.
2807 This exemption shall not apply to any property used as fuel except
2808 to the extent that such fuel comprises by-products which have no
2809 market value.

2810 (c) The gross proceeds of sales of dry docks, offshore
2811 drilling equipment for use in oil exploitation or production,
2812 vessels or barges of fifty (50) tons load displacement and over,
2813 when sold by the manufacturer or builder thereof.

2814 (d) Sales to commercial fishermen of commercial fishing
2815 boats of over five (5) tons load displacement and not more than
2816 fifty (50) tons load displacement as registered with the United
2817 States Coast Guard and licensed by the Mississippi Commission on
2818 Marine Resources.

2819 (e) The gross income from repairs to vessels and barges
2820 engaged in foreign trade or interstate transportation.

2821 (f) Sales of petroleum products to vessels or barges
2822 for consumption in marine international commerce or interstate
2823 transportation businesses.

2824 (g) Sales and rentals of rail rolling stock (and
2825 component parts thereof) for ultimate use in interstate commerce
2826 and gross income from services with respect to manufacturing,
2827 repairing, cleaning, altering, reconditioning or improving such
2828 rail rolling stock (and component parts thereof).

2829 (h) Sales of raw materials, catalysts, processing
2830 chemicals, welding gases or other industrial processing gases
2831 (except natural gas) used or consumed directly in manufacturing,
2832 repairing, cleaning, altering, reconditioning or improving such
2833 rail rolling stock (and component parts thereof). This exemption
2834 shall not apply to any property used as fuel.

2835 (i) Sales of machinery or tools or repair parts
2836 therefor or replacements thereof, fuel or supplies used directly
2837 in manufacturing, converting or repairing ships, vessels or barges



2838 of three thousand (3,000) tons load displacement and over, but not
2839 to include office and plant supplies or other equipment not
2840 directly used on the ship, vessel or barge being built, converted
2841 or repaired. For purposes of this exemption, "ships, vessels or
2842 barges" shall not include floating structures described in Section
2843 27-65-18.

2844 (j) Sales of tangible personal property to persons
2845 operating ships in international commerce for use or consumption
2846 on board such ships. This exemption shall be limited to cases in
2847 which procedures satisfactory to the commissioner, ensuring
2848 against use in this state other than on such ships, are
2849 established.

2850 (k) Sales of materials used in the construction of a
2851 building, or any addition or improvement thereon, and sales of any
2852 machinery and equipment not later than three (3) months after the
2853 completion of construction of the building, or any addition
2854 thereon, to be used therein, to qualified businesses, as defined
2855 in Section 57-51-5, which are located in a county or portion
2856 thereof designated as an enterprise zone pursuant to Sections
2857 57-51-1 through 57-51-15.

2858 (l) Sales of materials used in the construction of a
2859 building, or any addition or improvement thereon, and sales of any
2860 machinery and equipment not later than three (3) months after the
2861 completion of construction of the building, or any addition
2862 thereon, to be used therein, to qualified businesses, as defined
2863 in Section 57-54-5.

2864 (m) Income from storage and handling of perishable
2865 goods by a public storage warehouse.

2866 (n) The value of natural gas lawfully injected into the
2867 earth for cycling, repressuring or lifting of oil, or lawfully
2868 vented or flared in connection with the production of oil;
2869 however, if any gas so injected into the earth is sold for such
2870 purposes, then the gas so sold shall not be exempt.



2871 (o) The gross collections from self-service commercial
2872 laundering, drying, cleaning and pressing equipment.

2873 (p) Sales of materials used in the construction of a
2874 building, or any addition or improvement thereon, and sales of any
2875 machinery and equipment not later than three (3) months after the
2876 completion of construction of the building, or any addition
2877 thereon, to be used therein, to qualified companies, certified as
2878 such by the Mississippi Development Authority under Section
2879 57-53-1.

2880 (q) Sales of component materials used in the
2881 construction of a building, or any addition or improvement
2882 thereon, sales of machinery and equipment to be used therein, and
2883 sales of manufacturing or processing machinery and equipment which
2884 is permanently attached to the ground or to a permanent foundation
2885 and which is not by its nature intended to be housed within a
2886 building structure, not later than three (3) months after the
2887 initial start-up date, to permanent business enterprises engaging
2888 in manufacturing or processing in Tier Three areas (as such term
2889 is defined in Section 57-73-21), which businesses are certified by
2890 the Department of Revenue as being eligible for the exemption
2891 granted in this paragraph (q).

2892 (r) Sales of component materials used in the
2893 construction of a building, or any addition or improvement
2894 thereon, and sales of any machinery and equipment not later than
2895 three (3) months after the completion of the building, addition or
2896 improvement thereon, to be used therein, for any company
2897 establishing or transferring its national or regional headquarters
2898 from within or outside the State of Mississippi and creating a
2899 minimum of thirty-five (35) jobs at the new headquarters in this
2900 state. The Department of Revenue shall establish criteria and
2901 prescribe procedures to determine if a company qualifies as a
2902 national or regional headquarters for the purpose of receiving the
2903 exemption provided in this paragraph.



2904 (s) The gross proceeds from the sale of semitrailers,
2905 trailers, boats, travel trailers, motorcycles and all-terrain
2906 cycles if exported from this state within forty-eight (48) hours
2907 and registered and first used in another state.

2908 (t) Gross income from the storage and handling of
2909 natural gas in underground salt domes and in other underground
2910 reservoirs, caverns, structures and formations suitable for such
2911 storage.

2912 (u) Sales of machinery and equipment to nonprofit
2913 organizations if the organization:

2914 (i) Is tax exempt pursuant to Section 501(c)(4) of
2915 the Internal Revenue Code of 1986, as amended;

2916 (ii) Assists in the implementation of the national
2917 contingency plan or area contingency plan, and which is created in
2918 response to the requirements of Title IV, Subtitle B of the Oil
2919 Pollution Act of 1990, Public Law 101-380; and

2920 (iii) Engages primarily in programs to contain,
2921 cleanup and otherwise mitigate spills of oil or other substances
2922 occurring in the United States coastal and tidal waters.

2923 For purposes of this exemption, "machinery and equipment"
2924 means any ocean-going vessels, barges, booms, skimmers and other
2925 capital equipment used primarily in the operations of nonprofit
2926 organizations referred to herein.

2927 (v) Sales or leases of materials and equipment to
2928 approved business enterprises as provided under the Growth and
2929 Prosperity Act.

2930 (w) From and after July 1, 2001, sales of pollution
2931 control equipment to manufacturers or custom processors for
2932 industrial use. For the purposes of this exemption, "pollution
2933 control equipment" means equipment, devices, machinery or systems
2934 used or acquired to prevent, control, monitor or reduce air, water
2935 or groundwater pollution, or solid or hazardous waste as required
2936 by federal or state law or regulation.



2937 (x) Sales or leases to a manufacturer of motor vehicles
2938 or powertrain components operating a project that has been
2939 certified by the Mississippi Major Economic Impact Authority as a
2940 project as defined in Section 57-75-5(f)(iv)1, Section
2941 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and
2942 equipment; special tooling such as dies, molds, jigs and similar
2943 items treated as special tooling for federal income tax purposes;
2944 or repair parts therefor or replacements thereof; repair services
2945 thereon; fuel, supplies, electricity, coal and natural gas used
2946 directly in the manufacture of motor vehicles or motor vehicle
2947 parts or used to provide climate control for manufacturing areas.

2948 (y) Sales or leases of component materials, machinery
2949 and equipment used in the construction of a building, or any
2950 addition or improvement thereon to an enterprise operating a
2951 project that has been certified by the Mississippi Major Economic
2952 Impact Authority as a project as defined in Section
2953 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section
2954 57-75-5(f)(xxii) and any other sales or leases required to
2955 establish or operate such project.

2956 (z) Sales of component materials and equipment to a
2957 business enterprise as provided under Section 57-64-33.

2958 (aa) The gross income from the stripping and painting
2959 of commercial aircraft engaged in foreign or interstate
2960 transportation business.

2961 (bb) Sales of production items used in the production
2962 of motion pictures such as film; videotape; component building
2963 materials used in the construction of a set; makeup; fabric used
2964 as or in the making of costumes; clothing, including, shoes,
2965 accessories and jewelry used as wardrobes; materials used as set
2966 dressing; materials used as props on a set or by an actor;
2967 materials used in the creation of special effects; and expendable
2968 items purchased for limited use by grip, electric and camera
2969 departments such as tape, fasteners and compressed air. For the



2970 purposes of this paragraph (bb), the term "motion picture" means a
2971 nationally distributed feature-length film, video, television
2972 series or commercial made in Mississippi, in whole or in part, for
2973 theatrical or television viewing or as a television pilot. The
2974 term "motion picture" shall not include the production of
2975 television coverage of news and athletic events, or a film, video,
2976 television series or commercial that contains any material or
2977 performance defined in Section 97-29-103.

2978 (cc) Sales or leases to an enterprise owning or
2979 operating a project that has been designated by the Mississippi
2980 Major Economic Impact Authority as a project as defined in Section
2981 57-75-5(f) (xviii) of machinery and equipment; special tooling such
2982 as dies, molds, jigs and similar items treated as special tooling
2983 for federal income tax purposes; or repair parts therefor or
2984 replacements thereof; repair services thereon; fuel, supplies,
2985 electricity, coal and natural gas used directly in the
2986 manufacturing/production operations of the project or used to
2987 provide climate control for manufacturing/production areas.

2988 (dd) Sales or leases of component materials, machinery
2989 and equipment used in the construction of a building, or any
2990 addition or improvement thereon to an enterprise owning or
2991 operating a project that has been designated by the Mississippi
2992 Major Economic Impact Authority as a project as defined in Section
2993 57-75-5(f) (xviii) and any other sales or leases required to
2994 establish or operate such project.

2995 (ee) Sales of parts used in the repair and servicing of
2996 aircraft not registered in Mississippi engaged exclusively in the
2997 business of foreign or interstate transportation to businesses
2998 engaged in aircraft repair and maintenance.

2999 (ff) Sales of component materials used in the
3000 construction of a facility, or any addition or improvement
3001 thereon, and sales or leases of machinery and equipment not later
3002 than three (3) months after the completion of construction of the



3003 facility, or any addition or improvement thereto, to be used in
3004 the building or any addition or improvement thereto, to a
3005 permanent business enterprise operating a data/information
3006 enterprise in Tier Three areas (as such areas are designated in
3007 accordance with Section 57-73-21), meeting minimum criteria
3008 established by the Mississippi Development Authority.

3009 (gg) Sales of component materials used in the
3010 construction of a facility, or any addition or improvement
3011 thereto, and sales of machinery and equipment not later than three
3012 (3) months after the completion of construction of the facility,
3013 or any addition or improvement thereto, to be used in the facility
3014 or any addition or improvement thereto, to technology intensive
3015 enterprises for industrial purposes in Tier Three areas (as such
3016 areas are designated in accordance with Section 57-73-21), as
3017 certified by the Department of Revenue. For purposes of this
3018 paragraph, an enterprise must meet the criteria provided for in
3019 Section 27-65-17(1)(f) in order to be considered a technology
3020 intensive enterprise.

3021 (hh) Sales of component materials used in the
3022 replacement, reconstruction or repair of a building or facility
3023 that has been destroyed or sustained extensive damage as a result
3024 of a disaster declared by the Governor, sales of machinery and
3025 equipment to be used therein to replace machinery or equipment
3026 damaged or destroyed as a result of such disaster, including, but
3027 not limited to, manufacturing or processing machinery and
3028 equipment which is permanently attached to the ground or to a
3029 permanent foundation and which is not by its nature intended to be
3030 housed within a building structure, to enterprises or companies
3031 that were eligible for the exemptions authorized in paragraph (q),
3032 (r), (ff) or (gg) of this subsection during initial construction
3033 of the building that was destroyed or damaged, which enterprises
3034 or companies are certified by the Department of Revenue as being
3035 eligible for the exemption granted in this paragraph.



3036 (ii) Sales of software or software services transmitted
3037 by the Internet to a destination outside the State of Mississippi
3038 where the first use of such software or software services by the
3039 purchaser occurs outside the State of Mississippi.

3040 (jj) Gross income of public storage warehouses derived
3041 from the temporary storage of raw materials that are to be used in
3042 an eligible facility as defined in Section 27-7-22.35.

3043 (kk) Sales of component building materials and
3044 equipment for initial construction of facilities or expansion of
3045 facilities as authorized under Sections 12 through 15 of this act
3046 and Sections 16 through 19 of this act.

3047 (ll) Sales and leases of machinery and equipment
3048 acquired in the initial construction to establish facilities as
3049 authorized in Sections 12 through 15 of this act.

3050 (mm) Sales and leases of replacement hardware, software
3051 or other necessary technology to operate a data center as
3052 authorized under Sections 16 through 19 of this act.

3053 (2) Sales of component materials used in the construction of
3054 a building, or any addition or improvement thereon, sales of
3055 machinery and equipment to be used therein, and sales of
3056 manufacturing or processing machinery and equipment which is
3057 permanently attached to the ground or to a permanent foundation
3058 and which is not by its nature intended to be housed within a
3059 building structure, not later than three (3) months after the
3060 initial start-up date, to permanent business enterprises engaging
3061 in manufacturing or processing in Tier Two areas and Tier One
3062 areas (as such areas are designated in accordance with Section
3063 57-73-21), which businesses are certified by the Department of
3064 Revenue as being eligible for the exemption granted in this
3065 subsection, shall be exempt from one-half (1/2) of the taxes
3066 imposed on such transactions under this chapter.

3067 (3) Sales of component materials used in the construction of
3068 a facility, or any addition or improvement thereon, and sales or



3069 leases of machinery and equipment not later than three (3) months
3070 after the completion of construction of the facility, or any
3071 addition or improvement thereto, to be used in the building or any
3072 addition or improvement thereto, to a permanent business
3073 enterprise operating a data/information enterprise in Tier Two
3074 areas and Tier One areas (as such areas are designated in
3075 accordance with Section 57-73-21), which businesses meet minimum
3076 criteria established by the Mississippi Development Authority,
3077 shall be exempt from one-half (1/2) of the taxes imposed on such
3078 transaction under this chapter.

3079 (4) Sales of component materials used in the construction of
3080 a facility, or any addition or improvement thereto, and sales of
3081 machinery and equipment not later than three (3) months after the
3082 completion of construction of the facility, or any addition or
3083 improvement thereto, to be used in the building or any addition or
3084 improvement thereto, to technology intensive enterprises for
3085 industrial purposes in Tier Two areas and Tier One areas (as such
3086 areas are designated in accordance with Section 57-73-21), which
3087 businesses are certified by the Department of Revenue as being
3088 eligible for the exemption granted in this subsection, shall be
3089 exempt from one-half (1/2) of the taxes imposed on such
3090 transactions under this chapter. For purposes of this subsection,
3091 an enterprise must meet the criteria provided for in Section
3092 27-65-17(1)(f) in order to be considered a technology intensive
3093 enterprise.

3094 (5) (a) For purposes of this subsection:

3095 (i) "Telecommunications enterprises" shall have
3096 the meaning ascribed to such term in Section 57-73-21;

3097 (ii) "Tier One areas" mean counties designated as
3098 Tier One areas pursuant to Section 57-73-21;

3099 (iii) "Tier Two areas" mean counties designated as
3100 Tier Two areas pursuant to Section 57-73-21;



3101 (iv) "Tier Three areas" mean counties designated
3102 as Tier Three areas pursuant to Section 57-73-21; and

3103 (v) "Equipment used in the deployment of broadband
3104 technologies" means any equipment capable of being used for or in
3105 connection with the transmission of information at a rate, prior
3106 to taking into account the effects of any signal degradation, that
3107 is not less than three hundred eighty-four (384) kilobits per
3108 second in at least one (1) direction, including, but not limited
3109 to, asynchronous transfer mode switches, digital subscriber line
3110 access multiplexers, routers, servers, multiplexers, fiber optics
3111 and related equipment.

3112 (b) Sales of equipment to telecommunications
3113 enterprises after June 30, 2003, and before July 1, 2013, that is
3114 installed in Tier One areas and used in the deployment of
3115 broadband technologies shall be exempt from one-half (1/2) of the
3116 taxes imposed on such transactions under this chapter.

3117 (c) Sales of equipment to telecommunications
3118 enterprises after June 30, 2003, and before July 1, 2013, that is
3119 installed in Tier Two and Tier Three areas and used in the
3120 deployment of broadband technologies shall be exempt from the
3121 taxes imposed on such transactions under this chapter.

3122 (6) Sales of component materials used in the replacement,
3123 reconstruction or repair of a building that has been destroyed or
3124 sustained extensive damage as a result of a disaster declared by
3125 the Governor, sales of machinery and equipment to be used therein
3126 to replace machinery or equipment damaged or destroyed as a result
3127 of such disaster, including, but not limited to, manufacturing or
3128 processing machinery and equipment which is permanently attached
3129 to the ground or to a permanent foundation and which is not by its
3130 nature intended to be housed within a building structure, to
3131 enterprises that were eligible for the partial exemptions provided
3132 for in subsections (2), (3) and (4) of this section during initial
3133 construction of the building that was destroyed or damaged, which



3134 enterprises are certified by the Department of Revenue as being
3135 eligible for the partial exemption granted in this subsection,
3136 shall be exempt from one-half (1/2) of the taxes imposed on such
3137 transactions under this chapter.

3138 **SECTION 24.** (1) As used in this section:

3139 (a) "Approved business enterprise" means any project
3140 that:

3141 (i) Locates or expands in this state and creates a
3142 minimum of two hundred fifty (250) new, full-time jobs with a
3143 total capital investment in the state of a minimum of Thirty
3144 Million Dollars (\$30,000,000.00) in Tier 1 or Tier 2 counties;

3145 (ii) Locates or expands in this state and creates
3146 a minimum of two hundred fifty (250) new, full-time jobs with a
3147 total capital investment in the state of a minimum of Fifteen
3148 Million Dollars (\$15,000,000.00) in Tier 3 counties; or

3149 (iii) Locates or expands in this state and creates
3150 a minimum of one thousand (1,000) new, full-time jobs.

3151 (b) "MDA" means the Mississippi Development Authority.

3152 (c) "Facility related to the project" means and
3153 includes any of the following, as they may pertain to the project:

3154 (i) Facilities to provide potable and industrial
3155 water supply systems, sewage and waste disposal systems and water,
3156 natural gas and electric transmission systems to the site of the
3157 project;

3158 (ii) Building facilities and equipment necessary
3159 to operate the facility;

3160 (iii) Rail lines;

3161 (iv) Airports, airfields, air terminals and port
3162 facilities;

3163 (v) Highways, streets and other roadways; and

3164 (vi) Fire protection facilities, equipment and
3165 elevated water tanks.



3166 (d) "Project" means any industrial, commercial,
3167 research and development, warehousing, distribution,
3168 transportation, processing, mining, United States government or
3169 tourism enterprise together with all real property required for
3170 construction, maintenance and operation of the enterprise that is
3171 approved by the MDA.

3172 (2) (a) There is created a special fund in the State
3173 Treasury to be known as the Mississippi Industry Incentive
3174 Financing Revolving Fund which shall consist of money from any
3175 source designated for deposit into the fund. Unexpended amounts
3176 remaining in the fund at the end of a fiscal year shall not lapse
3177 into the State General Fund, and any interest earned on amounts in
3178 the fund shall be deposited to the credit of the fund. Money in
3179 the fund shall be disbursed by the Mississippi Development
3180 Authority for the purposes authorized in subsection (3) of this
3181 section.

3182 (b) Money in the fund that is derived from the proceeds
3183 of general obligation bonds may be used to reimburse reasonable
3184 actual and necessary costs incurred by the MDA in providing grants
3185 or loans under this section through the use of general obligation
3186 bonds. An accounting of actual costs incurred for which
3187 reimbursement is sought shall be maintained for each grant or loan
3188 by the MDA. Reimbursement of reasonable actual and necessary
3189 costs for assistance shall not exceed three percent (3%) of the
3190 proceeds of bonds issued for such assistance. Reimbursements made
3191 under this subsection shall satisfy any applicable federal tax law
3192 requirements.

3193 (3) The MDA shall establish a program to make grants or
3194 loans from the Mississippi Industry Incentive Financing Revolving
3195 Fund to local governments and approved business enterprises to
3196 construct or otherwise provide facilities related to the project.



3197 (4) (a) Any business enterprise or local government
3198 desiring a grant or loan under this section shall submit an
3199 application to the MDA which shall include, at a minimum:
3200 (i) Evidence that the business or industry meets
3201 the definition of an approved business enterprise;
3202 (ii) A description, including the cost, of the
3203 requested assistance;
3204 (iii) A description of the purpose for which the
3205 assistance is requested; and
3206 (iv) Any other information required by the MDA.
3207 (b) The MDA shall require that binding commitments be
3208 entered into requiring that:
3209 (i) The minimum requirements of this section and
3210 such other requirements as the MDA considers proper shall be met;
3211 and
3212 (ii) If such requirements are not met, all or a
3213 portion of the funds provided by this section as determined by the
3214 MDA shall be repaid.
3215 (c) Upon receipt of the application from a business
3216 enterprise or local government for a grant or loan under this
3217 section, the MDA shall determine whether the enterprise meets the
3218 definition of an approved business enterprise and determine
3219 whether to provide the assistance requested in the form of a grant
3220 or a loan.
3221 (d) The MDA shall have sole discretion in providing
3222 grants or loans under this section. The terms of a grant or loan
3223 provided under this section and the manner of repayment of any
3224 loan shall be within the discretion of the MDA. Repayments of
3225 loans made under this section shall be deposited to the credit of
3226 the Mississippi Industry Incentive Financing Revolving Fund.
3227 (5) (a) Contracts, by local governments, including, but not
3228 limited to, design and construction contracts, for the



3229 acquisition, purchase, construction or installation of a project
3230 shall be exempt from the provisions of Section 31-7-13 if:

3231 (i) The MDA finds and records such finding on its
3232 minutes, that because of availability or the particular nature of
3233 a project, it would not be in the public interest or would less
3234 effectively achieve the purposes of this section to enter into
3235 such contracts on the basis of Section 31-7-13; and

3236 (ii) The approved business enterprise that is
3237 involved in the project concurs in such finding.

3238 (b) When the requirements of paragraph (a) of this
3239 subsection are met:

3240 (i) The requirements of Section 31-7-13 shall not
3241 apply to such contracts; and

3242 (ii) The contracts may be entered into on the
3243 basis of negotiation.

3244 (6) The MDA shall promulgate rules and regulations, in
3245 accordance with the Mississippi Administrative Procedures Law, for
3246 the implementation of this section.

3247 **SECTION 25.** (1) As used in this section, the following
3248 words shall have the meanings ascribed herein unless the context
3249 clearly requires otherwise:

3250 (a) "Accreted value" of any bonds means, as of any date
3251 of computation, an amount equal to the sum of (i) the stated
3252 initial value of such bond, plus (ii) the interest accrued thereon
3253 from the issue date to the date of computation at the rate,
3254 compounded semiannually, that is necessary to produce the
3255 approximate yield to maturity shown for bonds of the same
3256 maturity.

3257 (b) "State" means the State of Mississippi.

3258 (c) "Commission" means the State Bond Commission.

3259 (2) (a) The Mississippi Development Authority, at one time,
3260 or from time to time, may declare by resolution the necessity for
3261 issuance of general obligation bonds of the State of Mississippi



3262 to provide funds for the program authorized in Section 24 of this
3263 act. Upon the adoption of a resolution by the Mississippi
3264 Development Authority, declaring the necessity for the issuance of
3265 any part or all of the general obligation bonds authorized by this
3266 subsection, the Mississippi Development Authority shall deliver a
3267 certified copy of its resolution or resolutions to the commission.
3268 Upon receipt of such resolution, the commission, in its
3269 discretion, may act as the issuing agent, prescribe the form of
3270 the bonds, determine the appropriate method for sale of the bonds,
3271 advertise for and accept bids or negotiate the sale of the bonds,
3272 issue and sell the bonds so authorized to be sold and do any and
3273 all other things necessary and advisable in connection with the
3274 issuance and sale of such bonds. The total amount of bonds issued
3275 under this section shall not exceed One Hundred Million Dollars
3276 (\$100,000,000.00). No bonds authorized under this section shall
3277 be issued after July 1, 2012.

3278 (b) The proceeds of bonds issued pursuant to this
3279 section shall be deposited into the Mississippi Industry Incentive
3280 Financing Revolving Fund created pursuant to Section 24 of this
3281 act. Any investment earnings on bonds issued pursuant to this
3282 section shall be used to pay debt service on bonds issued under
3283 this section, in accordance with the proceedings authorizing
3284 issuance of such bonds.

3285 (3) The principal of and interest on the bonds authorized
3286 under this section shall be payable in the manner provided in this
3287 subsection. Such bonds shall bear such date or dates, be in such
3288 denomination or denominations, bear interest at such rate or rates
3289 (not to exceed the limits set forth in Section 75-17-101,
3290 Mississippi Code of 1972), be payable at such place or places
3291 within or without the State of Mississippi, shall mature
3292 absolutely at such time or times not to exceed twenty-five (25)
3293 years from date of issue, be redeemable before maturity at such
3294 time or times and upon such terms, with or without premium, shall



3295 bear such registration privileges, and shall be substantially in
3296 such form, all as shall be determined by resolution of the
3297 commission.

3298 (4) The bonds authorized by this section shall be signed by
3299 the chairman of the commission, or by his facsimile signature, and
3300 the official seal of the commission shall be affixed thereto,
3301 attested by the secretary of the commission. The interest
3302 coupons, if any, to be attached to such bonds may be executed by
3303 the facsimile signatures of such officers. Whenever any such
3304 bonds shall have been signed by the officials designated to sign
3305 the bonds who were in office at the time of such signing but who
3306 may have ceased to be such officers before the sale and delivery
3307 of such bonds, or who may not have been in office on the date such
3308 bonds may bear, the signatures of such officers upon such bonds
3309 and coupons shall nevertheless be valid and sufficient for all
3310 purposes and have the same effect as if the person so officially
3311 signing such bonds had remained in office until their delivery to
3312 the purchaser, or had been in office on the date such bonds may
3313 bear. However, notwithstanding anything herein to the contrary,
3314 such bonds may be issued as provided in the Registered Bond Act of
3315 the State of Mississippi.

3316 (5) All bonds and interest coupons issued under the
3317 provisions of this section have all the qualities and incidents of
3318 negotiable instruments under the provisions of the Uniform
3319 Commercial Code, and in exercising the powers granted by this
3320 section, the commission shall not be required to and need not
3321 comply with the provisions of the Uniform Commercial Code.

3322 (6) The commission shall act as issuing agent for the bonds
3323 authorized under this section, prescribe the form of the bonds,
3324 determine the appropriate method for sale of the bonds, advertise
3325 for and accept bids or negotiate the sale of the bonds, issue and
3326 sell the bonds so authorized to be sold, pay all fees and costs
3327 incurred in such issuance and sale, and do any and all other



3328 things necessary and advisable in connection with the issuance and
3329 sale of such bonds. The commission is authorized and empowered to
3330 pay the costs that are incident to the sale, issuance and delivery
3331 of the bonds authorized under this section from the proceeds
3332 derived from the sale of such bonds. The commission may sell such
3333 bonds on sealed bids at public sale or may negotiate the sale of
3334 the bonds for such price as it may determine to be for the best
3335 interest of the State of Mississippi. All interest accruing on
3336 such bonds so issued shall be payable semiannually or annually.

3337 If such bonds are sold by sealed bids at public sale, notice
3338 of the sale shall be published at least one time, not less than
3339 ten (10) days before the date of sale, and shall be so published
3340 in one or more newspapers published or having a general
3341 circulation in the City of Jackson, Mississippi, selected by the
3342 commission.

3343 The commission, when issuing any bonds under the authority of
3344 this section, may provide that bonds, at the option of the State
3345 of Mississippi, may be called in for payment and redemption at the
3346 call price named therein and accrued interest on such date or
3347 dates named therein.

3348 (7) The bonds issued under the provisions of this section
3349 are general obligations of the State of Mississippi, and for the
3350 payment thereof the full faith and credit of the State of
3351 Mississippi is irrevocably pledged. If the funds appropriated by
3352 the Legislature are insufficient to pay the principal of and the
3353 interest on such bonds as they become due, then the deficiency
3354 shall be paid by the State Treasurer from any funds in the State
3355 Treasury not otherwise appropriated. All such bonds shall contain
3356 recitals on their faces substantially covering the provisions of
3357 this subsection.

3358 (8) Upon the issuance and sale of bonds under the provisions
3359 of this section, the commission shall transfer the proceeds of any
3360 such sale or sales to the Mississippi Industry Incentive Financing



3361 Revolving Fund created in Section 24 of this act. The proceeds of
3362 such bonds shall be disbursed solely upon the order of the
3363 Mississippi Development Authority under such restrictions, if any,
3364 as may be contained in the resolution providing for the issuance
3365 of the bonds.

3366 (9) The bonds authorized under this section may be issued
3367 without any other proceedings or the happening of any other
3368 conditions or things other than those proceedings, conditions and
3369 things which are specified or required by this section. Any
3370 resolution providing for the issuance of bonds under the
3371 provisions of this section shall become effective immediately upon
3372 its adoption by the commission, and any such resolution may be
3373 adopted at any regular or special meeting of the commission by a
3374 majority of its members.

3375 (10) The bonds authorized under the authority of this
3376 section may be validated in the Chancery Court of the First
3377 Judicial District of Hinds County, Mississippi, in the manner and
3378 with the force and effect provided by Chapter 13, Title 31,
3379 Mississippi Code of 1972, for the validation of county, municipal,
3380 school district and other bonds. The notice to taxpayers required
3381 by such statutes shall be published in a newspaper published or
3382 having a general circulation in the City of Jackson, Mississippi.

3383 (11) Any holder of bonds issued under the provisions of this
3384 section or of any of the interest coupons pertaining thereto may,
3385 either at law or in equity, by suit, action, mandamus or other
3386 proceeding, protect and enforce any and all rights granted under
3387 this section, or under such resolution, and may enforce and compel
3388 performance of all duties required by this section to be
3389 performed, in order to provide for the payment of bonds and
3390 interest thereon.

3391 (12) All bonds issued under the provisions of this section
3392 shall be legal investments for trustees and other fiduciaries, and
3393 for savings banks, trust companies and insurance companies



3394 organized under the laws of the State of Mississippi, and such
3395 bonds shall be legal securities which may be deposited with and
3396 shall be received by all public officers and bodies of this state
3397 and all municipalities and political subdivisions for the purpose
3398 of securing the deposit of public funds.

3399 (13) Bonds issued under the provisions of this section and
3400 income therefrom shall be exempt from all taxation in the State of
3401 Mississippi.

3402 (14) The proceeds of the bonds issued under this section
3403 shall be used solely for the purposes therein provided, including
3404 the costs incident to the issuance and sale of such bonds.

3405 (15) The State Treasurer is authorized, without further
3406 process of law, to certify to the Department of Finance and
3407 Administration the necessity for warrants, and the Department of
3408 Finance and Administration is authorized and directed to issue
3409 such warrants, in such amounts as may be necessary to pay when due
3410 the principal of, premium, if any, and interest on, or the
3411 accreted value of, all bonds issued under this section; and the
3412 State Treasurer shall forward the necessary amount to the
3413 designated place or places of payment of such bonds in ample time
3414 to discharge such bonds, or the interest thereon, on the due dates
3415 thereof.

3416 (16) This section shall be deemed to be full and complete
3417 authority for the exercise of the powers therein granted, but this
3418 section shall not be deemed to repeal or to be in derogation of
3419 any existing law of this state.

3420 **SECTION 26.** Section 31-7-13, Mississippi Code of 1972, as
3421 amended by House Bill No. 338, 2010 Regular Session, is amended as
3422 follows:

3423 31-7-13. All agencies and governing authorities shall
3424 purchase their commodities and printing; contract for garbage
3425 collection or disposal; contract for solid waste collection or



3426 disposal; contract for sewage collection or disposal; contract for
3427 public construction; and contract for rentals as herein provided.

3428 (a) **Bidding procedure for purchases not over \$5,000.00.**

3429 Purchases which do not involve an expenditure of more than Five
3430 Thousand Dollars (\$5,000.00), exclusive of freight or shipping
3431 charges, may be made without advertising or otherwise requesting
3432 competitive bids. However, nothing contained in this paragraph

3433 (a) shall be construed to prohibit any agency or governing
3434 authority from establishing procedures which require competitive
3435 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

3436 (b) **Bidding procedure for purchases over \$5,000.00 but**

3437 **not over \$50,000.00.** Purchases which involve an expenditure of
3438 more than Five Thousand Dollars (\$5,000.00) but not more than
3439 Fifty Thousand Dollars (\$50,000.00), exclusive of freight and
3440 shipping charges may be made from the lowest and best bidder
3441 without publishing or posting advertisement for bids, provided at
3442 least two (2) competitive written bids have been obtained. Any
3443 state agency or community/junior college purchasing commodities or
3444 procuring construction pursuant to this paragraph (b) may
3445 authorize its purchasing agent, or his designee, to accept the
3446 lowest competitive written bid under Fifty Thousand Dollars
3447 (\$50,000.00). Any governing authority purchasing commodities
3448 pursuant to this paragraph (b) may authorize its purchasing agent,
3449 or his designee, with regard to governing authorities other than
3450 counties, or its purchase clerk, or his designee, with regard to
3451 counties, to accept the lowest and best competitive written bid.

3452 Such authorization shall be made in writing by the governing
3453 authority and shall be maintained on file in the primary office of
3454 the agency and recorded in the official minutes of the governing
3455 authority, as appropriate. The purchasing agent or the purchase
3456 clerk, or their designee, as the case may be, and not the
3457 governing authority, shall be liable for any penalties and/or
3458 damages as may be imposed by law for any act or omission of the



3459 purchasing agent or purchase clerk, or their designee,
3460 constituting a violation of law in accepting any bid without
3461 approval by the governing authority. The term "competitive
3462 written bid" shall mean a bid submitted on a bid form furnished by
3463 the buying agency or governing authority and signed by authorized
3464 personnel representing the vendor, or a bid submitted on a
3465 vendor's letterhead or identifiable bid form and signed by
3466 authorized personnel representing the vendor. "Competitive" shall
3467 mean that the bids are developed based upon comparable
3468 identification of the needs and are developed independently and
3469 without knowledge of other bids or prospective bids. Any bid item
3470 for construction in excess of Five Thousand Dollars (\$5,000.00)
3471 shall be broken down by components to provide detail of component
3472 description and pricing. These details shall be submitted with
3473 the written bids and become part of the bid evaluation criteria.
3474 Bids may be submitted by facsimile, electronic mail or other
3475 generally accepted method of information distribution. Bids
3476 submitted by electronic transmission shall not require the
3477 signature of the vendor's representative unless required by
3478 agencies or governing authorities.

3479 (c) **Bidding procedure for purchases over \$50,000.00.**

3480 (i) **Publication requirement.**

3481 1. Purchases which involve an expenditure of
3482 more than Fifty Thousand Dollars (\$50,000.00), exclusive of
3483 freight and shipping charges, may be made from the lowest and best
3484 bidder after advertising for competitive bids once each week for
3485 two (2) consecutive weeks in a regular newspaper published in the
3486 county or municipality in which such agency or governing authority
3487 is located. However, all American Recovery and Reinvestment Act
3488 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
3489 shall be bid. All references to American Recovery and
3490 Reinvestment Act projects in this section shall not apply to



3491 programs identified in Division B of the American Recovery and
3492 Reinvestment Act.

3493 2. The purchasing entity may designate the
3494 method by which the bids will be received, including, but not
3495 limited to, bids sealed in an envelope, bids received
3496 electronically in a secure system, bids received via a reverse
3497 auction, or bids received by any other method that promotes open
3498 competition and has been approved by the Office of Purchasing and
3499 Travel. The provisions of this item 2 of subparagraph (i) shall
3500 be repealed on July 1, 2011.

3501 3. The date as published for the bid opening
3502 shall not be less than seven (7) working days after the last
3503 published notice; however, if the purchase involves a construction
3504 project in which the estimated cost is in excess of Fifty Thousand
3505 Dollars (\$50,000.00), such bids shall not be opened in less than
3506 fifteen (15) working days after the last notice is published and
3507 the notice for the purchase of such construction shall be
3508 published once each week for two (2) consecutive weeks. However,
3509 all American Recovery and Reinvestment Act projects in excess of
3510 Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any
3511 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
3512 under the American Recovery and Reinvestment Act, publication
3513 shall be made one (1) time and the bid opening for construction
3514 projects shall not be less than ten (10) working days after the
3515 date of the published notice. The notice of intention to let
3516 contracts or purchase equipment shall state the time and place at
3517 which bids shall be received, list the contracts to be made or
3518 types of equipment or supplies to be purchased, and, if all plans
3519 and/or specifications are not published, refer to the plans and/or
3520 specifications on file. If there is no newspaper published in the
3521 county or municipality, then such notice shall be given by posting
3522 same at the courthouse, or for municipalities at the city hall,
3523 and at two (2) other public places in the county or municipality,



3524 and also by publication once each week for two (2) consecutive
3525 weeks in some newspaper having a general circulation in the county
3526 or municipality in the above provided manner. On the same date
3527 that the notice is submitted to the newspaper for publication, the
3528 agency or governing authority involved shall mail written notice
3529 to, or provide electronic notification to the main office of the
3530 Mississippi Procurement Technical Assistance Program under the
3531 Mississippi Development Authority that contains the same
3532 information as that in the published notice. Submissions received
3533 by the Mississippi Procurement Technical Assistance Program for
3534 projects funded by the American Recovery and Reinvestment Act
3535 shall be displayed on a separate and unique Internet Web page
3536 accessible to the public and maintained by the Mississippi
3537 Development Authority for the Mississippi Procurement Technical
3538 Assistance Program. Those American Recovery and Reinvestment Act
3539 related submissions shall be publicly posted within twenty-four
3540 (24) hours of receipt by the Mississippi Development Authority and
3541 the bid opening shall not occur until the submission has been
3542 posted for ten (10) consecutive days. The Department of Finance
3543 and Administration shall maintain information regarding contracts
3544 and other expenditures from the American Recovery and Reinvestment
3545 Act, on a unique Internet Web page accessible to the public. The
3546 Department of Finance and Administration shall promulgate rules
3547 regarding format, content and deadlines, unless otherwise
3548 specified by law, of the posting of award notices, contract
3549 execution and subsequent amendments, links to the contract
3550 documents, expenditures against the awarded contracts and general
3551 expenditures of funds from the American Recovery and Reinvestment
3552 Act. Within one (1) working day of the contract award, the agency
3553 or governing authority shall post to the designated Web page
3554 maintained by the Department of Finance and Administration, notice
3555 of the award, including the award recipient, the contract amount,
3556 and a brief summary of the contract in accordance with rules



3557 promulgated by the department. Within one (1) working day of the
3558 contract execution, the agency or governing authority shall post
3559 to the designated Web page maintained by the Department of Finance
3560 and Administration a summary of the executed contract and make a
3561 copy of the appropriately redacted contract documents available
3562 for linking to the designated Web page in accordance with the
3563 rules promulgated by the department. The information provided by
3564 the agency or governing authority shall be posted to the Web page
3565 for the duration of the American Recovery and Reinvestment Act
3566 funding or until the project is completed, whichever is longer.

3567 (ii) **Bidding process amendment procedure.** If all
3568 plans and/or specifications are published in the notification,
3569 then the plans and/or specifications may not be amended. If all
3570 plans and/or specifications are not published in the notification,
3571 then amendments to the plans/specifications, bid opening date, bid
3572 opening time and place may be made, provided that the agency or
3573 governing authority maintains a list of all prospective bidders
3574 who are known to have received a copy of the bid documents and all
3575 such prospective bidders are sent copies of all amendments. This
3576 notification of amendments may be made via mail, facsimile,
3577 electronic mail or other generally accepted method of information
3578 distribution. No addendum to bid specifications may be issued
3579 within two (2) working days of the time established for the
3580 receipt of bids unless such addendum also amends the bid opening
3581 to a date not less than five (5) working days after the date of
3582 the addendum.

3583 (iii) **Filing requirement.** In all cases involving
3584 governing authorities, before the notice shall be published or
3585 posted, the plans or specifications for the construction or
3586 equipment being sought shall be filed with the clerk of the board
3587 of the governing authority. In addition to these requirements, a
3588 bid file shall be established which shall indicate those vendors
3589 to whom such solicitations and specifications were issued, and



3590 such file shall also contain such information as is pertinent to
3591 the bid.

3592 (iv) **Specification restrictions.**

3593 1. Specifications pertinent to such bidding
3594 shall be written so as not to exclude comparable equipment of
3595 domestic manufacture. However, if valid justification is
3596 presented, the Department of Finance and Administration or the
3597 board of a governing authority may approve a request for specific
3598 equipment necessary to perform a specific job. Further, such
3599 justification, when placed on the minutes of the board of a
3600 governing authority, may serve as authority for that governing
3601 authority to write specifications to require a specific item of
3602 equipment needed to perform a specific job. In addition to these
3603 requirements, from and after July 1, 1990, vendors of relocatable
3604 classrooms and the specifications for the purchase of such
3605 relocatable classrooms published by local school boards shall meet
3606 all pertinent regulations of the State Board of Education,
3607 including prior approval of such bid by the State Department of
3608 Education.

3609 2. Specifications for construction projects
3610 may include an allowance for commodities, equipment, furniture,
3611 construction materials or systems in which prospective bidders are
3612 instructed to include in their bids specified amounts for such
3613 items so long as the allowance items are acquired by the vendor in
3614 a commercially reasonable manner and approved by the
3615 agency/governing authority. Such acquisitions shall not be made
3616 to circumvent the public purchasing laws.

3617 (v) Agencies and governing authorities may
3618 establish secure procedures by which bids may be submitted via
3619 electronic means.

3620 (d) **Lowest and best bid decision procedure.**

3621 (i) **Decision procedure.** Purchases may be made
3622 from the lowest and best bidder. In determining the lowest and



3623 best bid, freight and shipping charges shall be included.
3624 Life-cycle costing, total cost bids, warranties, guaranteed
3625 buy-back provisions and other relevant provisions may be included
3626 in the best bid calculation. All best bid procedures for state
3627 agencies must be in compliance with regulations established by the
3628 Department of Finance and Administration. If any governing
3629 authority accepts a bid other than the lowest bid actually
3630 submitted, it shall place on its minutes detailed calculations and
3631 narrative summary showing that the accepted bid was determined to
3632 be the lowest and best bid, including the dollar amount of the
3633 accepted bid and the dollar amount of the lowest bid. No agency
3634 or governing authority shall accept a bid based on items not
3635 included in the specifications.

3636 (ii) **Decision procedure for Certified Purchasing**
3637 **Offices.** In addition to the decision procedure set forth in
3638 paragraph (d)(i), Certified Purchasing Offices may also use the
3639 following procedure: Purchases may be made from the bidder
3640 offering the best value. In determining the best value bid,
3641 freight and shipping charges shall be included. Life-cycle
3642 costing, total cost bids, warranties, guaranteed buy-back
3643 provisions, documented previous experience, training costs and
3644 other relevant provisions may be included in the best value
3645 calculation. This provision shall authorize Certified Purchasing
3646 Offices to utilize a Request For Proposals (RFP) process when
3647 purchasing commodities. All best value procedures for state
3648 agencies must be in compliance with regulations established by the
3649 Department of Finance and Administration. No agency or governing
3650 authority shall accept a bid based on items or criteria not
3651 included in the specifications.

3652 (iii) **Construction project negotiations authority.**
3653 If the lowest and best bid is not more than ten percent (10%)
3654 above the amount of funds allocated for a public construction or
3655 renovation project, then the agency or governing authority shall



3656 be permitted to negotiate with the lowest bidder in order to enter
3657 into a contract for an amount not to exceed the funds allocated.

3658 (e) **Lease-purchase authorization.** For the purposes of
3659 this section, the term "equipment" shall mean equipment, furniture
3660 and, if applicable, associated software and other applicable
3661 direct costs associated with the acquisition. Any lease-purchase
3662 of equipment which an agency is not required to lease-purchase
3663 under the master lease-purchase program pursuant to Section
3664 31-7-10 and any lease-purchase of equipment which a governing
3665 authority elects to lease-purchase may be acquired by a
3666 lease-purchase agreement under this paragraph (e). Lease-purchase
3667 financing may also be obtained from the vendor or from a
3668 third-party source after having solicited and obtained at least
3669 two (2) written competitive bids, as defined in paragraph (b) of
3670 this section, for such financing without advertising for such
3671 bids. Solicitation for the bids for financing may occur before or
3672 after acceptance of bids for the purchase of such equipment or,
3673 where no such bids for purchase are required, at any time before
3674 the purchase thereof. No such lease-purchase agreement shall be
3675 for an annual rate of interest which is greater than the overall
3676 maximum interest rate to maturity on general obligation
3677 indebtedness permitted under Section 75-17-101, and the term of
3678 such lease-purchase agreement shall not exceed the useful life of
3679 equipment covered thereby as determined according to the upper
3680 limit of the asset depreciation range (ADR) guidelines for the
3681 Class Life Asset Depreciation Range System established by the
3682 Internal Revenue Service pursuant to the United States Internal
3683 Revenue Code and regulations thereunder as in effect on December
3684 31, 1980, or comparable depreciation guidelines with respect to
3685 any equipment not covered by ADR guidelines. Any lease-purchase
3686 agreement entered into pursuant to this paragraph (e) may contain
3687 any of the terms and conditions which a master lease-purchase
3688 agreement may contain under the provisions of Section 31-7-10(5),



3689 and shall contain an annual allocation dependency clause
3690 substantially similar to that set forth in Section 31-7-10(8).
3691 Each agency or governing authority entering into a lease-purchase
3692 transaction pursuant to this paragraph (e) shall maintain with
3693 respect to each such lease-purchase transaction the same
3694 information as required to be maintained by the Department of
3695 Finance and Administration pursuant to Section 31-7-10(13).
3696 However, nothing contained in this section shall be construed to
3697 permit agencies to acquire items of equipment with a total
3698 acquisition cost in the aggregate of less than Ten Thousand
3699 Dollars (\$10,000.00) by a single lease-purchase transaction. All
3700 equipment, and the purchase thereof by any lessor, acquired by
3701 lease-purchase under this paragraph and all lease-purchase
3702 payments with respect thereto shall be exempt from all Mississippi
3703 sales, use and ad valorem taxes. Interest paid on any
3704 lease-purchase agreement under this section shall be exempt from
3705 State of Mississippi income taxation.

3706 (f) **Alternate bid authorization.** When necessary to
3707 ensure ready availability of commodities for public works and the
3708 timely completion of public projects, no more than two (2)
3709 alternate bids may be accepted by a governing authority for
3710 commodities. No purchases may be made through use of such
3711 alternate bids procedure unless the lowest and best bidder cannot
3712 deliver the commodities contained in his bid. In that event,
3713 purchases of such commodities may be made from one (1) of the
3714 bidders whose bid was accepted as an alternate.

3715 (g) **Construction contract change authorization.** In the
3716 event a determination is made by an agency or governing authority
3717 after a construction contract is let that changes or modifications
3718 to the original contract are necessary or would better serve the
3719 purpose of the agency or the governing authority, such agency or
3720 governing authority may, in its discretion, order such changes
3721 pertaining to the construction that are necessary under the



3722 circumstances without the necessity of further public bids;
3723 provided that such change shall be made in a commercially
3724 reasonable manner and shall not be made to circumvent the public
3725 purchasing statutes. In addition to any other authorized person,
3726 the architect or engineer hired by an agency or governing
3727 authority with respect to any public construction contract shall
3728 have the authority, when granted by an agency or governing
3729 authority, to authorize changes or modifications to the original
3730 contract without the necessity of prior approval of the agency or
3731 governing authority when any such change or modification is less
3732 than one percent (1%) of the total contract amount. The agency or
3733 governing authority may limit the number, manner or frequency of
3734 such emergency changes or modifications.

3735 (h) **Petroleum purchase alternative.** In addition to
3736 other methods of purchasing authorized in this chapter, when any
3737 agency or governing authority shall have a need for gas, diesel
3738 fuel, oils and/or other petroleum products in excess of the amount
3739 set forth in paragraph (a) of this section, such agency or
3740 governing authority may purchase the commodity after having
3741 solicited and obtained at least two (2) competitive written bids,
3742 as defined in paragraph (b) of this section. If two (2)
3743 competitive written bids are not obtained, the entity shall comply
3744 with the procedures set forth in paragraph (c) of this section.
3745 In the event any agency or governing authority shall have
3746 advertised for bids for the purchase of gas, diesel fuel, oils and
3747 other petroleum products and coal and no acceptable bids can be
3748 obtained, such agency or governing authority is authorized and
3749 directed to enter into any negotiations necessary to secure the
3750 lowest and best contract available for the purchase of such
3751 commodities.

3752 (i) **Road construction petroleum products price**
3753 **adjustment clause authorization.** Any agency or governing
3754 authority authorized to enter into contracts for the construction,



3755 maintenance, surfacing or repair of highways, roads or streets,
3756 may include in its bid proposal and contract documents a price
3757 adjustment clause with relation to the cost to the contractor,
3758 including taxes, based upon an industry-wide cost index, of
3759 petroleum products including asphalt used in the performance or
3760 execution of the contract or in the production or manufacture of
3761 materials for use in such performance. Such industry-wide index
3762 shall be established and published monthly by the Mississippi
3763 Department of Transportation with a copy thereof to be mailed,
3764 upon request, to the clerks of the governing authority of each
3765 municipality and the clerks of each board of supervisors
3766 throughout the state. The price adjustment clause shall be based
3767 on the cost of such petroleum products only and shall not include
3768 any additional profit or overhead as part of the adjustment. The
3769 bid proposals or document contract shall contain the basis and
3770 methods of adjusting unit prices for the change in the cost of
3771 such petroleum products.

3772 (j) **State agency emergency purchase procedure.** If the
3773 governing board or the executive head, or his designee, of any
3774 agency of the state shall determine that an emergency exists in
3775 regard to the purchase of any commodities or repair contracts, so
3776 that the delay incident to giving opportunity for competitive
3777 bidding would be detrimental to the interests of the state, then
3778 the provisions herein for competitive bidding shall not apply and
3779 the head of such agency shall be authorized to make the purchase
3780 or repair. Total purchases so made shall only be for the purpose
3781 of meeting needs created by the emergency situation. In the event
3782 such executive head is responsible to an agency board, at the
3783 meeting next following the emergency purchase, documentation of
3784 the purchase, including a description of the commodity purchased,
3785 the purchase price thereof and the nature of the emergency shall
3786 be presented to the board and placed on the minutes of the board
3787 of such agency. The head of such agency, or his designee, shall,



3788 at the earliest possible date following such emergency purchase,
3789 file with the Department of Finance and Administration (i) a
3790 statement explaining the conditions and circumstances of the
3791 emergency, which shall include a detailed description of the
3792 events leading up to the situation and the negative impact to the
3793 entity if the purchase is made following the statutory
3794 requirements set forth in paragraph (a), (b) or (c) of this
3795 section, and (ii) a certified copy of the appropriate minutes of
3796 the board of such agency, if applicable.

3797 (k) **Governing authority emergency purchase procedure.**

3798 If the governing authority, or the governing authority acting
3799 through its designee, shall determine that an emergency exists in
3800 regard to the purchase of any commodities or repair contracts, so
3801 that the delay incident to giving opportunity for competitive
3802 bidding would be detrimental to the interest of the governing
3803 authority, then the provisions herein for competitive bidding
3804 shall not apply and any officer or agent of such governing
3805 authority having general or special authority therefor in making
3806 such purchase or repair shall approve the bill presented therefor,
3807 and he shall certify in writing thereon from whom such purchase
3808 was made, or with whom such a repair contract was made. At the
3809 board meeting next following the emergency purchase or repair
3810 contract, documentation of the purchase or repair contract,
3811 including a description of the commodity purchased, the price
3812 thereof and the nature of the emergency shall be presented to the
3813 board and shall be placed on the minutes of the board of such
3814 governing authority.

3815 (l) **Hospital purchase, lease-purchase and lease**
3816 **authorization.**

3817 (i) The commissioners or board of trustees of any
3818 public hospital may contract with such lowest and best bidder for
3819 the purchase or lease-purchase of any commodity under a contract



3820 of purchase or lease-purchase agreement whose obligatory payment
3821 terms do not exceed five (5) years.

3822 (ii) In addition to the authority granted in
3823 subparagraph (i) of this paragraph (1), the commissioners or board
3824 of trustees is authorized to enter into contracts for the lease of
3825 equipment or services, or both, which it considers necessary for
3826 the proper care of patients if, in its opinion, it is not
3827 financially feasible to purchase the necessary equipment or
3828 services. Any such contract for the lease of equipment or
3829 services executed by the commissioners or board shall not exceed a
3830 maximum of five (5) years' duration and shall include a
3831 cancellation clause based on unavailability of funds. If such
3832 cancellation clause is exercised, there shall be no further
3833 liability on the part of the lessee. Any such contract for the
3834 lease of equipment or services executed on behalf of the
3835 commissioners or board that complies with the provisions of this
3836 subparagraph (ii) shall be excepted from the bid requirements set
3837 forth in this section.

3838 (m) **Exceptions from bidding requirements.** Excepted
3839 from bid requirements are:

3840 (i) **Purchasing agreements approved by department.**
3841 Purchasing agreements, contracts and maximum price regulations
3842 executed or approved by the Department of Finance and
3843 Administration.

3844 (ii) **Outside equipment repairs.** Repairs to
3845 equipment, when such repairs are made by repair facilities in the
3846 private sector; however, engines, transmissions, rear axles and/or
3847 other such components shall not be included in this exemption when
3848 replaced as a complete unit instead of being repaired and the need
3849 for such total component replacement is known before disassembly
3850 of the component; however, invoices identifying the equipment,
3851 specific repairs made, parts identified by number and name,
3852 supplies used in such repairs, and the number of hours of labor



3853 and costs therefor shall be required for the payment for such
3854 repairs.

3855 (iii) **In-house equipment repairs.** Purchases of
3856 parts for repairs to equipment, when such repairs are made by
3857 personnel of the agency or governing authority; however, entire
3858 assemblies, such as engines or transmissions, shall not be
3859 included in this exemption when the entire assembly is being
3860 replaced instead of being repaired.

3861 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
3862 of gravel or fill dirt which are to be removed and transported by
3863 the purchaser.

3864 (v) **Governmental equipment auctions.** Motor
3865 vehicles or other equipment purchased from a federal agency or
3866 authority, another governing authority or state agency of the
3867 State of Mississippi, or any governing authority or state agency
3868 of another state at a public auction held for the purpose of
3869 disposing of such vehicles or other equipment. Any purchase by a
3870 governing authority under the exemption authorized by this
3871 subparagraph (v) shall require advance authorization spread upon
3872 the minutes of the governing authority to include the listing of
3873 the item or items authorized to be purchased and the maximum bid
3874 authorized to be paid for each item or items.

3875 (vi) **Intergovernmental sales and transfers.**
3876 Purchases, sales, transfers or trades by governing authorities or
3877 state agencies when such purchases, sales, transfers or trades are
3878 made by a private treaty agreement or through means of
3879 negotiation, from any federal agency or authority, another
3880 governing authority or state agency of the State of Mississippi,
3881 or any state agency or governing authority of another state.
3882 Nothing in this section shall permit such purchases through public
3883 auction except as provided for in subparagraph (v) of this
3884 section. It is the intent of this section to allow governmental
3885 entities to dispose of and/or purchase commodities from other



3886 governmental entities at a price that is agreed to by both
3887 parties. This shall allow for purchases and/or sales at prices
3888 which may be determined to be below the market value if the
3889 selling entity determines that the sale at below market value is
3890 in the best interest of the taxpayers of the state. Governing
3891 authorities shall place the terms of the agreement and any
3892 justification on the minutes, and state agencies shall obtain
3893 approval from the Department of Finance and Administration, prior
3894 to releasing or taking possession of the commodities.

3895 (vii) **Perishable supplies or food.** Perishable
3896 supplies or food purchased for use in connection with hospitals,
3897 the school lunch programs, homemaking programs and for the feeding
3898 of county or municipal prisoners.

3899 (viii) **Single source items.** Noncompetitive items
3900 available from one (1) source only. In connection with the
3901 purchase of noncompetitive items only available from one (1)
3902 source, a certification of the conditions and circumstances
3903 requiring the purchase shall be filed by the agency with the
3904 Department of Finance and Administration and by the governing
3905 authority with the board of the governing authority. Upon receipt
3906 of that certification the Department of Finance and Administration
3907 or the board of the governing authority, as the case may be, may,
3908 in writing, authorize the purchase, which authority shall be noted
3909 on the minutes of the body at the next regular meeting thereafter.
3910 In those situations, a governing authority is not required to
3911 obtain the approval of the Department of Finance and
3912 Administration.

3913 (ix) **Waste disposal facility construction**
3914 **contracts.** Construction of incinerators and other facilities for
3915 disposal of solid wastes in which products either generated
3916 therein, such as steam, or recovered therefrom, such as materials
3917 for recycling, are to be sold or otherwise disposed of; however,
3918 in constructing such facilities, a governing authority or agency



3919 shall publicly issue requests for proposals, advertised for in the
3920 same manner as provided herein for seeking bids for public
3921 construction projects, concerning the design, construction,
3922 ownership, operation and/or maintenance of such facilities,
3923 wherein such requests for proposals when issued shall contain
3924 terms and conditions relating to price, financial responsibility,
3925 technology, environmental compatibility, legal responsibilities
3926 and such other matters as are determined by the governing
3927 authority or agency to be appropriate for inclusion; and after
3928 responses to the request for proposals have been duly received,
3929 the governing authority or agency may select the most qualified
3930 proposal or proposals on the basis of price, technology and other
3931 relevant factors and from such proposals, but not limited to the
3932 terms thereof, negotiate and enter contracts with one or more of
3933 the persons or firms submitting proposals.

3934 (x) **Hospital group purchase contracts.** Supplies,
3935 commodities and equipment purchased by hospitals through group
3936 purchase programs pursuant to Section 31-7-38.

3937 (xi) **Information technology products.** Purchases
3938 of information technology products made by governing authorities
3939 under the provisions of purchase schedules, or contracts executed
3940 or approved by the Mississippi Department of Information
3941 Technology Services and designated for use by governing
3942 authorities.

3943 (xii) **Energy efficiency services and equipment.**
3944 Energy efficiency services and equipment acquired by school
3945 districts, community and junior colleges, institutions of higher
3946 learning and state agencies or other applicable governmental
3947 entities on a shared-savings, lease or lease-purchase basis
3948 pursuant to Section 31-7-14.

3949 (xiii) **Municipal electrical utility system fuel.**
3950 Purchases of coal and/or natural gas by municipally owned electric



3951 power generating systems that have the capacity to use both coal
3952 and natural gas for the generation of electric power.

3953 (xiv) **Library books and other reference materials.**

3954 Purchases by libraries or for libraries of books and periodicals;
3955 processed film, video cassette tapes, filmstrips and slides;
3956 recorded audio tapes, cassettes and diskettes; and any such items
3957 as would be used for teaching, research or other information
3958 distribution; however, equipment such as projectors, recorders,
3959 audio or video equipment, and monitor televisions are not exempt
3960 under this subparagraph.

3961 (xv) **Unmarked vehicles.** Purchases of unmarked
3962 vehicles when such purchases are made in accordance with
3963 purchasing regulations adopted by the Department of Finance and
3964 Administration pursuant to Section 31-7-9(2).

3965 (xvi) **Election ballots.** Purchases of ballots
3966 printed pursuant to Section 23-15-351.

3967 (xvii) **Multichannel interactive video systems.**
3968 From and after July 1, 1990, contracts by Mississippi Authority
3969 for Educational Television with any private educational
3970 institution or private nonprofit organization whose purposes are
3971 educational in regard to the construction, purchase, lease or
3972 lease-purchase of facilities and equipment and the employment of
3973 personnel for providing multichannel interactive video systems
3974 (ITSF) in the school districts of this state.

3975 (xviii) **Purchases of prison industry products.**
3976 From and after January 1, 1991, purchases made by state agencies
3977 or governing authorities involving any item that is manufactured,
3978 processed, grown or produced from the state's prison industries.

3979 (xix) **Undercover operations equipment.** Purchases
3980 of surveillance equipment or any other high-tech equipment to be
3981 used by law enforcement agents in undercover operations, provided
3982 that any such purchase shall be in compliance with regulations
3983 established by the Department of Finance and Administration.



3984 (xx) **Junior college books for rent.** Purchases by
3985 community or junior colleges of textbooks which are obtained for
3986 the purpose of renting such books to students as part of a book
3987 service system.

3988 (xxi) **Certain school district purchases.**
3989 Purchases of commodities made by school districts from vendors
3990 with which any levying authority of the school district, as
3991 defined in Section 37-57-1, has contracted through competitive
3992 bidding procedures for purchases of the same commodities.

3993 (xxii) **Garbage, solid waste and sewage contracts.**
3994 Contracts for garbage collection or disposal, contracts for solid
3995 waste collection or disposal and contracts for sewage collection
3996 or disposal.

3997 (xxiii) **Municipal water tank maintenance**
3998 **contracts.** Professional maintenance program contracts for the
3999 repair or maintenance of municipal water tanks, which provide
4000 professional services needed to maintain municipal water storage
4001 tanks for a fixed annual fee for a duration of two (2) or more
4002 years.

4003 (xxiv) **Purchases of Mississippi Industries for the**
4004 **Blind products.** Purchases made by state agencies or governing
4005 authorities involving any item that is manufactured, processed or
4006 produced by the Mississippi Industries for the Blind.

4007 (xxv) **Purchases of state-adopted textbooks.**
4008 Purchases of state-adopted textbooks by public school districts.

4009 (xxvi) **Certain purchases under the Mississippi**
4010 **Major Economic Impact Act.** Contracts entered into pursuant to the
4011 provisions of Section 57-75-9(2), (3) and (4).

4012 (xxvii) **Used heavy or specialized machinery or**
4013 **equipment for installation of soil and water conservation**
4014 **practices purchased at auction.** Used heavy or specialized
4015 machinery or equipment used for the installation and
4016 implementation of soil and water conservation practices or



4017 measures purchased subject to the restrictions provided in
4018 Sections 69-27-331 through 69-27-341. Any purchase by the State
4019 Soil and Water Conservation Commission under the exemption
4020 authorized by this subparagraph shall require advance
4021 authorization spread upon the minutes of the commission to include
4022 the listing of the item or items authorized to be purchased and
4023 the maximum bid authorized to be paid for each item or items.

4024 (xxviii) **Hospital lease of equipment or services.**

4025 Leases by hospitals of equipment or services if the leases are in
4026 compliance with paragraph (1)(ii).

4027 (xxix) **Purchases made pursuant to qualified**

4028 **cooperative purchasing agreements.** Purchases made by certified
4029 purchasing offices of state agencies or governing authorities
4030 under cooperative purchasing agreements previously approved by the
4031 Office of Purchasing and Travel and established by or for any
4032 municipality, county, parish or state government or the federal
4033 government, provided that the notification to potential
4034 contractors includes a clause that sets forth the availability of
4035 the cooperative purchasing agreement to other governmental
4036 entities. Such purchases shall only be made if the use of the
4037 cooperative purchasing agreements is determined to be in the best
4038 interest of the governmental entity.

4039 (xxx) **School yearbooks.** Purchases of school

4040 yearbooks by state agencies or governing authorities; provided,
4041 however, that state agencies and governing authorities shall use
4042 for these purchases the RFP process as set forth in the
4043 Mississippi Procurement Manual adopted by the Office of Purchasing
4044 and Travel.

4045 (xxxii) **Design-build method and dual-phase**

4046 **design-build method of contracting.** Contracts entered into under
4047 the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.



4048 (xxxii) **Toll roads and bridge construction**
4049 **projects.** Contracts entered into under the provisions of Section
4050 65-43-1 or 65-43-3.

4051 (xxxiii) **Certain purchases under Section 24 of**
4052 **this act.** Contracts entered into pursuant to the provisions of
4053 Section 24 of this act.

4054 (n) **Term contract authorization.** All contracts for the
4055 purchase of:

4056 (i) All contracts for the purchase of commodities,
4057 equipment and public construction (including, but not limited to,
4058 repair and maintenance), may be let for periods of not more than
4059 sixty (60) months in advance, subject to applicable statutory
4060 provisions prohibiting the letting of contracts during specified
4061 periods near the end of terms of office. Term contracts for a
4062 period exceeding twenty-four (24) months shall also be subject to
4063 ratification or cancellation by governing authority boards taking
4064 office subsequent to the governing authority board entering the
4065 contract.

4066 (ii) Bid proposals and contracts may include price
4067 adjustment clauses with relation to the cost to the contractor
4068 based upon a nationally published industry-wide or nationally
4069 published and recognized cost index. The cost index used in a
4070 price adjustment clause shall be determined by the Department of
4071 Finance and Administration for the state agencies and by the
4072 governing board for governing authorities. The bid proposal and
4073 contract documents utilizing a price adjustment clause shall
4074 contain the basis and method of adjusting unit prices for the
4075 change in the cost of such commodities, equipment and public
4076 construction.

4077 (o) **Purchase law violation prohibition and vendor**
4078 **penalty.** No contract or purchase as herein authorized shall be
4079 made for the purpose of circumventing the provisions of this
4080 section requiring competitive bids, nor shall it be lawful for any



4081 person or concern to submit individual invoices for amounts within
4082 those authorized for a contract or purchase where the actual value
4083 of the contract or commodity purchased exceeds the authorized
4084 amount and the invoices therefor are split so as to appear to be
4085 authorized as purchases for which competitive bids are not
4086 required. Submission of such invoices shall constitute a
4087 misdemeanor punishable by a fine of not less than Five Hundred
4088 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
4089 or by imprisonment for thirty (30) days in the county jail, or
4090 both such fine and imprisonment. In addition, the claim or claims
4091 submitted shall be forfeited.

4092 (p) **Electrical utility petroleum-based equipment**
4093 **purchase procedure.** When in response to a proper advertisement
4094 therefor, no bid firm as to price is submitted to an electric
4095 utility for power transformers, distribution transformers, power
4096 breakers, reclosers or other articles containing a petroleum
4097 product, the electric utility may accept the lowest and best bid
4098 therefor although the price is not firm.

4099 (q) **Fuel management system bidding procedure.** Any
4100 governing authority or agency of the state shall, before
4101 contracting for the services and products of a fuel management or
4102 fuel access system, enter into negotiations with not fewer than
4103 two (2) sellers of fuel management or fuel access systems for
4104 competitive written bids to provide the services and products for
4105 the systems. In the event that the governing authority or agency
4106 cannot locate two (2) sellers of such systems or cannot obtain
4107 bids from two (2) sellers of such systems, it shall show proof
4108 that it made a diligent, good-faith effort to locate and negotiate
4109 with two (2) sellers of such systems. Such proof shall include,
4110 but not be limited to, publications of a request for proposals and
4111 letters soliciting negotiations and bids. For purposes of this
4112 paragraph (q), a fuel management or fuel access system is an
4113 automated system of acquiring fuel for vehicles as well as



4114 management reports detailing fuel use by vehicles and drivers, and
4115 the term "competitive written bid" shall have the meaning as
4116 defined in paragraph (b) of this section. Governing authorities
4117 and agencies shall be exempt from this process when contracting
4118 for the services and products of fuel management or fuel access
4119 systems under the terms of a state contract established by the
4120 Office of Purchasing and Travel.

4121 (r) **Solid waste contract proposal procedure.** Before
4122 entering into any contract for garbage collection or disposal,
4123 contract for solid waste collection or disposal or contract for
4124 sewage collection or disposal, which involves an expenditure of
4125 more than Fifty Thousand Dollars (\$50,000.00), a governing
4126 authority or agency shall issue publicly a request for proposals
4127 concerning the specifications for such services which shall be
4128 advertised for in the same manner as provided in this section for
4129 seeking bids for purchases which involve an expenditure of more
4130 than the amount provided in paragraph (c) of this section. Any
4131 request for proposals when issued shall contain terms and
4132 conditions relating to price, financial responsibility,
4133 technology, legal responsibilities and other relevant factors as
4134 are determined by the governing authority or agency to be
4135 appropriate for inclusion; all factors determined relevant by the
4136 governing authority or agency or required by this paragraph (r)
4137 shall be duly included in the advertisement to elicit proposals.
4138 After responses to the request for proposals have been duly
4139 received, the governing authority or agency shall select the most
4140 qualified proposal or proposals on the basis of price, technology
4141 and other relevant factors and from such proposals, but not
4142 limited to the terms thereof, negotiate and enter into contracts
4143 with one or more of the persons or firms submitting proposals. If
4144 the governing authority or agency deems none of the proposals to
4145 be qualified or otherwise acceptable, the request for proposals
4146 process may be reinitiated. Notwithstanding any other provisions



4147 of this paragraph, where a county with at least thirty-five
4148 thousand (35,000) nor more than forty thousand (40,000)
4149 population, according to the 1990 federal decennial census, owns
4150 or operates a solid waste landfill, the governing authorities of
4151 any other county or municipality may contract with the governing
4152 authorities of the county owning or operating the landfill,
4153 pursuant to a resolution duly adopted and spread upon the minutes
4154 of each governing authority involved, for garbage or solid waste
4155 collection or disposal services through contract negotiations.

4156 (s) **Minority set-aside authorization.** Notwithstanding
4157 any provision of this section to the contrary, any agency or
4158 governing authority, by order placed on its minutes, may, in its
4159 discretion, set aside not more than twenty percent (20%) of its
4160 anticipated annual expenditures for the purchase of commodities
4161 from minority businesses; however, all such set-aside purchases
4162 shall comply with all purchasing regulations promulgated by the
4163 Department of Finance and Administration and shall be subject to
4164 bid requirements under this section. Set-aside purchases for
4165 which competitive bids are required shall be made from the lowest
4166 and best minority business bidder. For the purposes of this
4167 paragraph, the term "minority business" means a business which is
4168 owned by a majority of persons who are United States citizens or
4169 permanent resident aliens (as defined by the Immigration and
4170 Naturalization Service) of the United States, and who are Asian,
4171 Black, Hispanic or Native American, according to the following
4172 definitions:

4173 (i) "Asian" means persons having origins in any of
4174 the original people of the Far East, Southeast Asia, the Indian
4175 subcontinent, or the Pacific Islands.

4176 (ii) "Black" means persons having origins in any
4177 black racial group of Africa.



4178 (iii) "Hispanic" means persons of Spanish or
4179 Portuguese culture with origins in Mexico, South or Central
4180 America, or the Caribbean Islands, regardless of race.

4181 (iv) "Native American" means persons having
4182 origins in any of the original people of North America, including
4183 American Indians, Eskimos and Aleuts.

4184 (t) **Construction punch list restriction.** The
4185 architect, engineer or other representative designated by the
4186 agency or governing authority that is contracting for public
4187 construction or renovation may prepare and submit to the
4188 contractor only one (1) preliminary punch list of items that do
4189 not meet the contract requirements at the time of substantial
4190 completion and one (1) final list immediately before final
4191 completion and final payment.

4192 (u) **Procurement of construction services by state**
4193 **institutions of higher learning.** Contracts for privately financed
4194 construction of auxiliary facilities on the campus of a state
4195 institution of higher learning may be awarded by the Board of
4196 Trustees of State Institutions of Higher Learning to the lowest
4197 and best bidder, where sealed bids are solicited, or to the
4198 offeror whose proposal is determined to represent the best value
4199 to the citizens of the State of Mississippi, where requests for
4200 proposals are solicited.

4201 (v) **Insurability of bidders for public construction or**
4202 **other public contracts.** In any solicitation for bids to perform
4203 public construction or other public contracts to which this
4204 section applies including, but not limited to, contracts for
4205 repair and maintenance, for which the contract will require
4206 insurance coverage in an amount of not less than One Million
4207 Dollars (\$1,000,000.00), bidders shall be permitted to either
4208 submit proof of current insurance coverage in the specified amount
4209 or demonstrate ability to obtain the required coverage amount of
4210 insurance if the contract is awarded to the bidder. Proof of



4211 insurance coverage shall be submitted within five (5) business
4212 days from bid acceptance.

4213 (w) **Purchase authorization clarification.** Nothing in
4214 this section shall be construed as authorizing any purchase not
4215 authorized by law.

4216 **SECTION 27.** Section 57-61-25, Mississippi Code of 1972, is
4217 amended as follows:

4218 57-61-25. (1) The seller is authorized to borrow, on the
4219 credit of the state upon receipt of a resolution from the
4220 Mississippi Development Authority requesting the same, money not
4221 exceeding the aggregate sum of Three Hundred Twenty-three Million
4222 One Hundred Thousand Dollars (\$323,100,000.00), not including
4223 money borrowed to refund outstanding bonds, notes or replacement
4224 notes, as may be necessary to carry out the purposes of this
4225 chapter. The rate of interest on any such bonds or notes which
4226 are not subject to taxation shall not exceed the rates set forth
4227 in Section 75-17-101, Mississippi Code of 1972, for general
4228 obligation bonds.

4229 (2) As evidence of indebtedness authorized in this chapter,
4230 general or limited obligation bonds of the state shall be issued
4231 from time to time to provide monies necessary to carry out the
4232 purposes of this chapter for such total amounts, in such form, in
4233 such denominations payable in such currencies (either domestic or
4234 foreign or both) and subject to such terms and conditions of
4235 issue, redemption and maturity, rate of interest and time of
4236 payment of interest as the seller directs, except that such bonds
4237 shall mature or otherwise be retired in annual installments
4238 beginning not more than five (5) years from date thereof and
4239 extending not more than thirty (30) years from date thereof.

4240 (3) All bonds and notes issued under authority of this
4241 chapter shall be signed by the chairman of the seller, or by his
4242 facsimile signature, and the official seal of the seller shall be
4243 affixed thereto, attested by the secretary of the seller.



4244 (4) All bonds and notes issued under authority of this
4245 chapter may be general or limited obligations of the state, and
4246 the full faith and credit of the State of Mississippi as to
4247 general obligation bonds, or the revenues derived from projects
4248 assisted as to limited obligation bonds, are hereby pledged for
4249 the payment of the principal of and interest on such bonds and
4250 notes.

4251 (5) Such bonds and notes and the income therefrom shall be
4252 exempt from all taxation in the State of Mississippi.

4253 (6) The bonds may be issued as coupon bonds or registered as
4254 to both principal and interest, as the seller may determine. If
4255 interest coupons are attached, they shall contain the facsimile
4256 signature of the chairman and secretary of the seller.

4257 (7) The seller is authorized to provide, by resolution, for
4258 the issuance of refunding bonds for the purpose of refunding any
4259 debt issued under the provisions of this chapter and then
4260 outstanding, either by voluntary exchange with the holders of the
4261 outstanding debt or to provide funds to redeem and the costs of
4262 issuance and retirement of the debt, at maturity or at any call
4263 date. The issuance of the refunding bonds, the maturities and
4264 other details thereof, the rights of the holders thereof and the
4265 duties of the issuing officials in respect to the same shall be
4266 governed by the provisions of this section, insofar as they may be
4267 applicable.

4268 (8) As to bonds issued hereunder and designated as taxable
4269 bonds by the seller, any immunity of the state to taxation by the
4270 United States government of interest on bonds or notes issued by
4271 the state is hereby waived.

4272 (9) The proceeds of bonds issued under this chapter after
4273 April 9, 2002, may be used to reimburse reasonable actual and
4274 necessary costs incurred by the Mississippi Development Authority
4275 in administering a program or providing assistance related to a
4276 project, or both, for which funding is provided from the use of



4277 proceeds of such bonds. An accounting of actual costs incurred
4278 for which reimbursement is sought shall be maintained for each
4279 project by the Mississippi Development Authority. Reimbursement
4280 of reasonable actual and necessary costs for a program or project
4281 shall not exceed three percent (3%) of the proceeds of bonds
4282 issued for such program or project. Monies authorized for a
4283 particular program or project may not be used to reimburse
4284 administrative costs for unrelated programs or projects.
4285 Reimbursements under this subsection shall satisfy any applicable
4286 federal tax law requirements.

4287 **SECTION 28.** Section 57-61-27, Mississippi Code of 1972, is
4288 amended as follows:

4289 57-61-27. (1) * * * Whenever bonds are issued, they shall
4290 be * * * sold by the seller at a competitive or negotiated sale,
4291 from time to time, in such manner and at such price as may be
4292 determined by the seller to be most advantageous.

4293 * * *

4294 (2) When bonds are issued from time to time, the bonds of
4295 each issue shall constitute a separate series to be designated by
4296 the seller or may be combined for sale as one (1) series with
4297 other general obligation bonds of the State of Mississippi.

4298 (3) Until permanent bonds can be prepared, the seller may in
4299 its discretion issue, in lieu of permanent bonds, temporary bonds
4300 in such form and with such privileges as to registration and
4301 exchange for permanent bonds as may be determined by the seller.

4302 (4) Pending their application to the purposes authorized,
4303 bond proceeds held or deposited by the State Treasurer may be
4304 invested or reinvested as are other funds in the custody of the
4305 State Treasurer in the manner provided by law. All earnings
4306 received from the investment or deposit of such funds shall be
4307 paid into the State Treasury to the credit of the Mississippi
4308 Business Investment Sinking Fund.



4309 (5) The State Treasurer shall prepare the necessary registry
4310 book to be kept in the office of the duly authorized loan and
4311 transfer agent of the state for the registration of any bonds, at
4312 the request of owners thereof, according to the terms and
4313 conditions of issue directed by the seller.

4314 (6) All costs and expenses in connection with the issue of
4315 and sale and registration of the bonds and notes in connection
4316 with this chapter may be paid from the proceeds of bonds and notes
4317 issued under this chapter.

4318 (7) The seller may provide in the resolution authorizing the
4319 issuance of such bonds the employment of one or more persons or
4320 firms to assist in the sale of the bonds; to enter into contracts
4321 for banks or trust companies located either within or without the
4322 State of Mississippi to act as registrars, paying agents, transfer
4323 agents or otherwise, for rating of the bonds, and to purchase
4324 insurance.

4325 **SECTION 29.** Section 57-61-36, Mississippi Code of 1972, is
4326 amended as follows:

4327 57-61-36. (1) Notwithstanding any provision of this chapter
4328 to the contrary, the Mississippi Development Authority shall
4329 utilize not more than Twelve Million Five Hundred Thousand Dollars
4330 (\$12,500,000.00) out of the proceeds of bonds authorized to be
4331 issued in this chapter for the purpose of making grants to
4332 municipalities through a Development Infrastructure Grant Fund to
4333 complete infrastructure related to new or expanded industry.

4334 (2) Notwithstanding any provision of this chapter to the
4335 contrary, the Mississippi Development Authority may utilize not
4336 more than Seven Million Dollars (\$7,000,000.00) out of the
4337 proceeds of bonds authorized to be issued in this chapter for the
4338 purpose of making interest-bearing loans to any agency,
4339 department, institution, instrumentality or political subdivision
4340 of the state; or any agency, department, institution or
4341 instrumentality of any political subdivision of the state; or any



4342 business, organization, corporation, association or other legal
4343 entity meeting criteria established by the department, through a
4344 Housing Development Revolving Loan Fund, to construct or repair
4345 housing for low or moderate income earners; provided, however,
4346 that the department may not utilize any bond proceeds authorized
4347 under this chapter for the purpose of making any loans to the
4348 Mississippi Home Corporation for any purpose whatsoever. No more
4349 than forty percent (40%) of the additional bonds authorized by
4350 Chapter 559, Laws of 1998, may be used for multiple family housing
4351 activities. Funds authorized under this subsection may be
4352 deposited in the Mississippi Affordable Housing Development Fund
4353 authorized in Section 43-33-759 and used for purposes authorized
4354 by that section. This subsection (2) shall be repealed from and
4355 after July 1, 2015.

4356 (3) Notwithstanding any provision of this chapter to the
4357 contrary, the Mississippi Development Authority shall utilize not
4358 more than Thirty-two Million Five Hundred Thousand Dollars
4359 (\$32,500,000.00) out of the proceeds of bonds authorized to be
4360 issued in this chapter for the purpose of making grants or loans
4361 to municipalities through an equipment and public facilities grant
4362 and loan fund to aid in infrastructure-related improvements as
4363 determined by the Mississippi Development Authority, the purchase
4364 of equipment and in the purchase, construction or repair and
4365 renovation of public facilities. Any bonds previously issued for
4366 the Development Infrastructure Revolving Loan Program which have
4367 not been loaned or applied for are eligible to be administered as
4368 grants or loans. In making grants and loans under this section,
4369 the Mississippi Development Authority shall attempt to provide for
4370 an equitable distribution of such grants and loans among each of
4371 the congressional districts of this state in order to promote
4372 economic development across the entire state.

4373 The requirements of Section 57-61-9 shall not apply to any
4374 grant made under this subsection. The Mississippi Development



4375 Authority may establish criteria and guidelines to govern grants
4376 made pursuant to this subsection.

4377 (4) [Repealed]

4378 (5) (a) The Mississippi Development Authority may establish
4379 a Capital Access Program and may contract with any financial
4380 institution to participate in the program upon such terms and
4381 conditions as the authority shall consider necessary and proper.
4382 The Mississippi Development Authority may establish loss reserve
4383 accounts at financial institutions that participate in the program
4384 and require payments by the financial institution and the borrower
4385 to such loss reserve accounts. All money in such loss reserve
4386 accounts is the property of the Mississippi Development Authority.

4387 (b) Under the Capital Access Program a participating
4388 financial institution may make a loan to any borrower the
4389 Mississippi Development Authority determines to be qualified under
4390 rules and regulations adopted by the authority and be protected
4391 against losses from such loans as provided in the program. Under
4392 such rules and regulations as may be adopted by the Mississippi
4393 Development Authority, a participating financial institution may
4394 submit claims for the reimbursement for losses incurred as a
4395 result of default on loans by qualified borrowers.

4396 (c) Under the Capital Access Program a participating
4397 financial institution may make a loan that is secured by the
4398 assignment of the proceeds of a contract between the borrower and
4399 a public entity if the Mississippi Development Authority
4400 determines the loan to be qualified under the rules and
4401 regulations adopted by the authority. Under such rules and
4402 regulations as may be adopted by the Mississippi Development
4403 Authority, a participating financial institution may submit an
4404 application to the authority requesting that a loan secured
4405 pursuant to this paragraph be funded under the Capital Access
4406 Program.



4407 (d) Notwithstanding any provision of this chapter to
4408 the contrary, the Mississippi Development Authority may utilize
4409 not more than Seven Hundred Fifty Thousand Dollars (\$750,000.00)
4410 out of the proceeds of bonds authorized to be issued in this
4411 chapter for the purpose of making payments to loan loss reserve
4412 accounts established at financial institutions that participate in
4413 the Capital Access Program established by the Mississippi
4414 Development Authority; however, any portion of the bond proceeds
4415 authorized to be utilized by this paragraph that are not utilized
4416 for making payments to loss reserve accounts may be utilized by
4417 the Mississippi Development Authority to advance funds to
4418 financial institutions that participate in the Capital Access
4419 Program pursuant to paragraph (c) of this subsection.

4420 (6) Notwithstanding any provision of this chapter to the
4421 contrary, the Mississippi Development Authority shall utilize not
4422 more than Two Hundred Thousand Dollars (\$200,000.00) out of the
4423 proceeds of bonds authorized to be issued in this chapter for the
4424 purpose of assisting Warren County, Mississippi, in the
4425 continuation and completion of the study for the proposed Kings
4426 Point Levee.

4427 (7) Notwithstanding any provision of this chapter to the
4428 contrary, the Mississippi Development Authority shall utilize not
4429 more than One Hundred Thousand Dollars (\$100,000.00) out of the
4430 proceeds of bonds authorized to be issued in this chapter for the
4431 purpose of developing a long-range plan for coordinating the
4432 resources of the state institutions of higher learning, the
4433 community and junior colleges, the Mississippi Development
4434 Authority and other state agencies in order to promote economic
4435 development in the state.

4436 (8) Notwithstanding any other provision of this chapter to
4437 the contrary, the Mississippi Development Authority shall use not
4438 more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of
4439 the proceeds of bonds authorized to be issued in this chapter for



4440 the purpose of providing assistance to municipalities that have
4441 received Community Development Block Grant funds for repair,
4442 renovation and other improvements to buildings for use as
4443 community centers. Assistance provided to a municipality under
4444 this subsection shall be used by the municipality to match such
4445 Community Development Block Grant funds. The maximum amount of
4446 assistance that may be provided to a municipality under this
4447 subsection shall not exceed Seventy-five Thousand Dollars
4448 (\$75,000.00) in the aggregate.

4449 (9) Notwithstanding any provision of this chapter to the
4450 contrary, the Mississippi Development Authority shall utilize not
4451 more than Two Million Dollars (\$2,000,000.00) out of the proceeds
4452 of bonds authorized to be issued in this chapter for the purpose
4453 of assisting in paying the costs of constructing a new spillway
4454 and related bridge and dam structures at Lake Mary in Wilkinson
4455 County, Mississippi, including construction of a temporary dam and
4456 diversion canal, removing existing structures, removing and
4457 stockpiling riprap, spillway construction, dam embankment
4458 construction, road access, constructing bridges and related
4459 structures, design and construction engineering and field testing.

4460 (10) Notwithstanding any provision of this chapter to the
4461 contrary, the Mississippi Development Authority shall utilize not
4462 more than One Hundred Thousand Dollars (\$100,000.00) out of the
4463 proceeds of bonds authorized to be issued in this chapter for the
4464 purpose of assisting the City of Holly Springs, Mississippi, in
4465 providing water and sewer and other infrastructure services in the
4466 Marshall, Benton and Tippah Counties area.

4467 **SECTION 30.** (1) As used in this section, the following
4468 words shall have the meanings ascribed herein unless the context
4469 clearly requires otherwise:

4470 (a) "Accreted value" of any bonds means, as of any date
4471 of computation, an amount equal to the sum of (i) the stated
4472 initial value of such bond, plus (ii) the interest accrued thereon



4473 from the issue date to the date of computation at the rate,
4474 compounded semiannually, that is necessary to produce the
4475 approximate yield to maturity shown for bonds of the same
4476 maturity.

4477 (b) "State" means the State of Mississippi.

4478 (c) "Commission" means the State Bond Commission.

4479 (2) (a) The Mississippi Development Authority, at one time,
4480 or from time to time, may declare by resolution the necessity for
4481 issuance of general obligation bonds of the State of Mississippi
4482 to provide funds for the program authorized in Section 57-85-5.
4483 Upon the adoption of a resolution by the Mississippi Development
4484 Authority, declaring the necessity for the issuance of any part or
4485 all of the general obligation bonds authorized by this subsection,
4486 the Mississippi Development Authority shall deliver a certified
4487 copy of its resolution or resolutions to the commission. Upon
4488 receipt of such resolution, the commission, in its discretion, may
4489 act as the issuing agent, prescribe the form of the bonds,
4490 determine the appropriate method for sale of the bonds, advertise
4491 for and accept bids or negotiate the sale of the bonds, issue and
4492 sell the bonds so authorized to be sold and do any and all other
4493 things necessary and advisable in connection with the issuance and
4494 sale of such bonds. The total amount of bonds issued under this
4495 section shall not exceed Two Million Dollars (\$2,000,000.00). No
4496 bonds authorized under this section shall be issued after July 1,
4497 2014.

4498 (b) The proceeds of bonds issued pursuant to this
4499 section shall be deposited into the Mississippi Rural Impact Fund
4500 created pursuant to Section 57-85-5. Any investment earnings on
4501 bonds issued pursuant to this section shall be used to pay debt
4502 service on bonds issued under this section, in accordance with the
4503 proceedings authorizing issuance of such bonds.

4504 (3) The principal of and interest on the bonds authorized
4505 under this section shall be payable in the manner provided in this



4506 subsection. Such bonds shall bear such date or dates, be in such
4507 denomination or denominations, bear interest at such rate or rates
4508 (not to exceed the limits set forth in Section 75-17-101,
4509 Mississippi Code of 1972), be payable at such place or places
4510 within or without the State of Mississippi, shall mature
4511 absolutely at such time or times not to exceed twenty-five (25)
4512 years from date of issue, be redeemable before maturity at such
4513 time or times and upon such terms, with or without premium, shall
4514 bear such registration privileges, and shall be substantially in
4515 such form, all as shall be determined by resolution of the
4516 commission.

4517 (4) The bonds authorized by this section shall be signed by
4518 the chairman of the commission, or by his facsimile signature, and
4519 the official seal of the commission shall be affixed thereto,
4520 attested by the secretary of the commission. The interest
4521 coupons, if any, to be attached to such bonds may be executed by
4522 the facsimile signatures of such officers. Whenever any such
4523 bonds shall have been signed by the officials designated to sign
4524 the bonds who were in office at the time of such signing but who
4525 may have ceased to be such officers before the sale and delivery
4526 of such bonds, or who may not have been in office on the date such
4527 bonds may bear, the signatures of such officers upon such bonds
4528 and coupons shall nevertheless be valid and sufficient for all
4529 purposes and have the same effect as if the person so officially
4530 signing such bonds had remained in office until their delivery to
4531 the purchaser, or had been in office on the date such bonds may
4532 bear. However, notwithstanding anything herein to the contrary,
4533 such bonds may be issued as provided in the Registered Bond Act of
4534 the State of Mississippi.

4535 (5) All bonds and interest coupons issued under the
4536 provisions of this section have all the qualities and incidents of
4537 negotiable instruments under the provisions of the Uniform
4538 Commercial Code, and in exercising the powers granted by this



4539 section, the commission shall not be required to and need not
4540 comply with the provisions of the Uniform Commercial Code.

4541 (6) The commission shall act as issuing agent for the bonds
4542 authorized under this section, prescribe the form of the bonds,
4543 determine the appropriate method for sale of the bonds, advertise
4544 for and accept bids or negotiate the sale of the bonds, issue and
4545 sell the bonds so authorized to be sold, pay all fees and costs
4546 incurred in such issuance and sale, and do any and all other
4547 things necessary and advisable in connection with the issuance and
4548 sale of such bonds. The commission is authorized and empowered to
4549 pay the costs that are incident to the sale, issuance and delivery
4550 of the bonds authorized under this section from the proceeds
4551 derived from the sale of such bonds. The commission may sell such
4552 bonds on sealed bids at public sale or may negotiate the sale of
4553 the bonds for such price as it may determine to be for the best
4554 interest of the State of Mississippi. All interest accruing on
4555 such bonds so issued shall be payable semiannually or annually.

4556 If such bonds are sold by sealed bids at public sale, notice
4557 of the sale shall be published at least one time, not less than
4558 ten (10) days before the date of sale, and shall be so published
4559 in one or more newspapers published or having a general
4560 circulation in the City of Jackson, Mississippi, selected by the
4561 commission.

4562 The commission, when issuing any bonds under the authority of
4563 this section, may provide that bonds, at the option of the State
4564 of Mississippi, may be called in for payment and redemption at the
4565 call price named therein and accrued interest on such date or
4566 dates named therein.

4567 (7) The bonds issued under the provisions of this section
4568 are general obligations of the State of Mississippi, and for the
4569 payment thereof the full faith and credit of the State of
4570 Mississippi is irrevocably pledged. If the funds appropriated by
4571 the Legislature are insufficient to pay the principal of and the



4572 interest on such bonds as they become due, then the deficiency
4573 shall be paid by the State Treasurer from any funds in the State
4574 Treasury not otherwise appropriated. All such bonds shall contain
4575 recitals on their faces substantially covering the provisions of
4576 this subsection.

4577 (8) Upon the issuance and sale of bonds under the provisions
4578 of this section, the commission shall transfer the proceeds of any
4579 such sale or sales to the Mississippi Rural Impact Fund created in
4580 Section 57-85-5. The proceeds of such bonds shall be disbursed
4581 solely upon the order of the Mississippi Development Authority
4582 under such restrictions, if any, as may be contained in the
4583 resolution providing for the issuance of the bonds.

4584 (9) The bonds authorized under this section may be issued
4585 without any other proceedings or the happening of any other
4586 conditions or things other than those proceedings, conditions and
4587 things which are specified or required by this section. Any
4588 resolution providing for the issuance of bonds under the
4589 provisions of this section shall become effective immediately upon
4590 its adoption by the commission, and any such resolution may be
4591 adopted at any regular or special meeting of the commission by a
4592 majority of its members.

4593 (10) The bonds authorized under the authority of this
4594 section may be validated in the Chancery Court of the First
4595 Judicial District of Hinds County, Mississippi, in the manner and
4596 with the force and effect provided by Chapter 13, Title 31,
4597 Mississippi Code of 1972, for the validation of county, municipal,
4598 school district and other bonds. The notice to taxpayers required
4599 by such statutes shall be published in a newspaper published or
4600 having a general circulation in the City of Jackson, Mississippi.

4601 (11) Any holder of bonds issued under the provisions of this
4602 section or of any of the interest coupons pertaining thereto may,
4603 either at law or in equity, by suit, action, mandamus or other
4604 proceeding, protect and enforce any and all rights granted under



4605 this section, or under such resolution, and may enforce and compel
4606 performance of all duties required by this section to be
4607 performed, in order to provide for the payment of bonds and
4608 interest thereon.

4609 (12) All bonds issued under the provisions of this section
4610 shall be legal investments for trustees and other fiduciaries, and
4611 for savings banks, trust companies and insurance companies
4612 organized under the laws of the State of Mississippi, and such
4613 bonds shall be legal securities which may be deposited with and
4614 shall be received by all public officers and bodies of this state
4615 and all municipalities and political subdivisions for the purpose
4616 of securing the deposit of public funds.

4617 (13) Bonds issued under the provisions of this section and
4618 income therefrom shall be exempt from all taxation in the State of
4619 Mississippi.

4620 (14) The proceeds of the bonds issued under this section
4621 shall be used solely for the purposes therein provided, including
4622 the costs incident to the issuance and sale of such bonds.

4623 (15) The State Treasurer is authorized, without further
4624 process of law, to certify to the Department of Finance and
4625 Administration the necessity for warrants, and the Department of
4626 Finance and Administration is authorized and directed to issue
4627 such warrants, in such amounts as may be necessary to pay when due
4628 the principal of, premium, if any, and interest on, or the
4629 accreted value of, all bonds issued under this section; and the
4630 State Treasurer shall forward the necessary amount to the
4631 designated place or places of payment of such bonds in ample time
4632 to discharge such bonds, or the interest thereon, on the due dates
4633 thereof.

4634 (16) This section shall be deemed to be full and complete
4635 authority for the exercise of the powers therein granted, but this
4636 section shall not be deemed to repeal or to be in derogation of
4637 any existing law of this state.



4638 **SECTION 31.** Section 57-62-3, Mississippi Code of 1972, is
4639 amended as follows:

4640 57-62-3. It is the intent of the Legislature that:

4641 (a) The State of Mississippi provide appropriate
4642 incentives to support the establishment of quality business and
4643 industry that hold the promise of significant development of the
4644 economy of the State of Mississippi through the creation of
4645 quality jobs;

4646 (b) The amount of incentives provided under this
4647 chapter in connection with a particular establishment shall * * *
4648 be directly related to the jobs created as a result of the
4649 establishment locating in the State of Mississippi; * * *

4650 * * *

4651 (c) The Mississippi Development Authority and the
4652 Department of Revenue shall implement the provisions of this
4653 chapter and exercise all powers as authorized in this chapter;
4654 however, the application of this chapter or the offering of any of
4655 its incentives as to any particular qualified business or industry
4656 shall be in the sole discretion of the Mississippi Development
4657 Authority. The exercise of powers conferred by this chapter shall
4658 be deemed and held to be the performance of essential public
4659 purposes; and

4660 (d) Nothing in this chapter shall be construed to
4661 constitute a guarantee or assumption by the State of Mississippi
4662 of any debt of any individual, company, corporation or association
4663 nor to authorize the credit of the State of Mississippi to be
4664 given, pledged or loaned to any individual, company, corporation
4665 or association. Also, nothing in this chapter gives any right to
4666 any qualified business or industry to the incentives contained
4667 herein unless said incentive is given by the Mississippi
4668 Development Authority pursuant to this chapter.

4669 **SECTION 32.** Section 57-62-5, Mississippi Code of 1972, is
4670 amended as follows:



4671 **[For businesses or industries that received or applied for**
4672 **incentive payments prior to July 1, 2005, this section shall read**
4673 **as follows:]**

4674 57-62-5. As used in this chapter, the following words and
4675 phrases shall have the meanings ascribed in this section unless
4676 the context clearly indicates otherwise:

4677 (a) "Qualified business or industry" means any
4678 corporation, limited liability company, partnership, sole
4679 proprietorship, business trust or other legal entity and subunits
4680 or affiliates thereof, pursuant to rules and regulations of the
4681 MDA, which provides an average annual salary, excluding benefits
4682 which are not subject to Mississippi income taxes, of at least one
4683 hundred twenty-five percent (125%) of the most recently published
4684 state average annual wage or the most recently published average
4685 annual wage of the county in which the qualified business or
4686 industry is located as determined by the Mississippi Department of
4687 Employment Security, whichever is the lesser. An establishment
4688 shall not be considered to be a qualified business or industry
4689 unless it offers, or will offer within one hundred eighty (180)
4690 days of the date it receives the first incentive payment pursuant
4691 to the provisions of this chapter, a basic health benefits plan to
4692 the individuals it employs in new direct jobs in this state which
4693 is approved by the MDA. Qualified business or industry does not
4694 include retail business or gaming business;

4695 (b) "New direct job" means full-time employment in this
4696 state in a qualified business or industry that has qualified to
4697 receive an incentive payment pursuant to this chapter, which
4698 employment did not exist in this state before the date of approval
4699 by the MDA of the application of the qualified business or
4700 industry pursuant to the provisions of this chapter. "New direct
4701 job" shall include full-time employment in this state of employees
4702 who are employed by an entity other than the establishment that
4703 has qualified to receive an incentive payment and who are leased



4704 to the qualified business or industry, if such employment did not
4705 exist in this state before the date of approval by the MDA of the
4706 application of the establishment;

4707 (c) "Full-time job" means a job of at least thirty-five
4708 (35) hours per week;

4709 (d) "Estimated direct state benefits" means the tax
4710 revenues projected by the MDA to accrue to the state as a result
4711 of the qualified business or industry;

4712 (e) "Estimated direct state costs" means the costs
4713 projected by the MDA to accrue to the state as a result of the
4714 qualified business or industry;

4715 (f) "Estimated net direct state benefits" means the
4716 estimated direct state benefits less the estimated direct state
4717 costs;

4718 (g) "Net benefit rate" means the estimated net direct
4719 state benefits computed as a percentage of gross payroll, provided
4720 that:

4721 (i) Except as otherwise provided in this paragraph
4722 (g), the net benefit rate may be variable and shall not exceed
4723 four percent (4%) of the gross payroll; and shall be set in the
4724 sole discretion of the MDA;

4725 (ii) In no event shall incentive payments,
4726 cumulatively, exceed the estimated net direct state benefits;

4727 (h) "Gross payroll" means wages for new direct jobs of
4728 the qualified business or industry; and

4729 (i) "MDA" means the Mississippi Development Authority.

4730 **[For businesses or industries that received or applied for**
4731 **incentive payments from and after July 1, 2005, but prior to July**
4732 **1, 2010, this section shall read as follows:]**

4733 57-62-5. As used in this chapter, the following words and
4734 phrases shall have the meanings ascribed in this section unless
4735 the context clearly indicates otherwise:



4736 (a) "Qualified business or industry" means any
4737 corporation, limited liability company, partnership, sole
4738 proprietorship, business trust or other legal entity and subunits
4739 or affiliates thereof, pursuant to rules and regulations of the
4740 MDA, which:

4741 (i) Is a data/information processing enterprise
4742 meeting minimum criteria established by the MDA that provides an
4743 average annual salary, excluding benefits which are not subject to
4744 Mississippi income taxes, of at least one hundred percent (100%)
4745 of the most recently published state average annual wage or the
4746 most recently published average annual wage of the county in which
4747 the qualified business or industry is located as determined by the
4748 Mississippi Department of Employment Security, whichever is the
4749 lesser, and creates not less than two hundred (200) new direct
4750 jobs if the enterprise is located in a Tier One or Tier Two area
4751 (as such areas are designated in accordance with Section
4752 57-73-21), or which creates not less than one hundred (100) new
4753 jobs if the enterprise is located in a Tier Three area (as such
4754 areas are designated in accordance with Section 57-73-21);

4755 (ii) Is a manufacturing or distribution enterprise
4756 meeting minimum criteria established by the MDA that provides an
4757 average annual salary, excluding benefits which are not subject to
4758 Mississippi income taxes, of at least one hundred ten percent
4759 (110%) of the most recently published state average annual wage or
4760 the most recently published average annual wage of the county in
4761 which the qualified business or industry is located as determined
4762 by the Mississippi Department of Employment Security, whichever is
4763 the lesser, invests not less than Twenty Million Dollars
4764 (\$20,000,000.00) in land, buildings and equipment, and creates not
4765 less than fifty (50) new direct jobs if the enterprise is located
4766 in a Tier One or Tier Two area (as such areas are designated in
4767 accordance with Section 57-73-21), or which creates not less than
4768 twenty (20) new jobs if the enterprise is located in a Tier Three



4769 area (as such areas are designated in accordance with Section
4770 57-73-21);

4771 (iii) Is a corporation, limited liability company,
4772 partnership, sole proprietorship, business trust or other legal
4773 entity and subunits or affiliates thereof, pursuant to rules and
4774 regulations of the MDA, which provides an average annual salary,
4775 excluding benefits which are not subject to Mississippi income
4776 taxes, of at least one hundred twenty-five percent (125%) of the
4777 most recently published state average annual wage or the most
4778 recently published average annual wage of the county in which the
4779 qualified business or industry is located as determined by the
4780 Mississippi Department of Employment Security, whichever is the
4781 lesser, and creates not less than twenty-five (25) new direct jobs
4782 if the enterprise is located in a Tier One or Tier Two area (as
4783 such areas are designated in accordance with Section 57-73-21), or
4784 which creates not less than ten (10) new jobs if the enterprise is
4785 located in a Tier Three area (as such areas are designated in
4786 accordance with Section 57-73-21). An establishment shall not be
4787 considered to be a qualified business or industry unless it
4788 offers, or will offer within one hundred eighty (180) days of the
4789 date it receives the first incentive payment pursuant to the
4790 provisions of this chapter, a basic health benefits plan to the
4791 individuals it employs in new direct jobs in this state which is
4792 approved by the MDA. Qualified business or industry does not
4793 include retail business or gaming business; or

4794 (iv) Is a research and development or a technology
4795 intensive enterprise meeting minimum criteria established by the
4796 MDA that provides an average annual salary, excluding benefits
4797 which are not subject to Mississippi income taxes, of at least one
4798 hundred fifty percent (150%) of the most recently published state
4799 average annual wage or the most recently published average annual
4800 wage of the county in which the qualified business or industry is
4801 located as determined by the Mississippi Department of Employment



4802 Security, whichever is the lesser, and creates not less than ten
4803 (10) new direct jobs.

4804 An establishment shall not be considered to be a qualified
4805 business or industry unless it offers, or will offer within one
4806 hundred eighty (180) days of the date it receives the first
4807 incentive payment pursuant to the provisions of this chapter, a
4808 basic health benefits plan to the individuals it employs in new
4809 direct jobs in this state which is approved by the MDA. Qualified
4810 business or industry does not include retail business or gaming
4811 business.

4812 (b) "New direct job" means full-time employment in this
4813 state in a qualified business or industry that has qualified to
4814 receive an incentive payment pursuant to this chapter, which
4815 employment did not exist in this state before the date of approval
4816 by the MDA of the application of the qualified business or
4817 industry pursuant to the provisions of this chapter. "New direct
4818 job" shall include full-time employment in this state of employees
4819 who are employed by an entity other than the establishment that
4820 has qualified to receive an incentive payment and who are leased
4821 to the qualified business or industry, if such employment did not
4822 exist in this state before the date of approval by the MDA of the
4823 application of the establishment.

4824 (c) "Full-time job" or "full-time employment" means a
4825 job of at least thirty-five (35) hours per week.

4826 (d) "Estimated direct state benefits" means the tax
4827 revenues projected by the MDA to accrue to the state as a result
4828 of the qualified business or industry.

4829 (e) "Estimated direct state costs" means the costs
4830 projected by the MDA to accrue to the state as a result of the
4831 qualified business or industry.

4832 (f) "Estimated net direct state benefits" means the
4833 estimated direct state benefits less the estimated direct state
4834 costs.



4835 (g) "Net benefit rate" means the estimated net direct
4836 state benefits computed as a percentage of gross payroll, provided
4837 that:

4838 (i) Except as otherwise provided in this paragraph
4839 (g), the net benefit rate may be variable and shall not exceed
4840 four percent (4%) of the gross payroll; and shall be set in the
4841 sole discretion of the MDA;

4842 (ii) In no event shall incentive payments,
4843 cumulatively, exceed the estimated net direct state benefits.

4844 (h) "Gross payroll" means wages for new direct jobs of
4845 the qualified business or industry.

4846 (i) "MDA" means the Mississippi Development Authority.

4847 **[For businesses or industries that apply for incentive**
4848 **payments from and after July 1, 2010, this section shall read as**
4849 **follows:]**

4850 57-62-5. As used in this chapter, the following words and
4851 phrases shall have the meanings ascribed in this section unless
4852 the context clearly indicates otherwise:

4853 (a) "Qualified business or industry" means any
4854 corporation, limited liability company, partnership, sole
4855 proprietorship, business trust or other legal entity and subunits
4856 or affiliates thereof, pursuant to rules and regulations of the
4857 MDA, which:

4858 (i) Is a data/information processing enterprise
4859 meeting minimum criteria established by the MDA that provides an
4860 average annual salary, excluding benefits which are not subject to
4861 Mississippi income taxes, of at least one hundred percent (100%)
4862 of the most recently published state average annual wage or the
4863 most recently published average annual wage of the county in which
4864 the qualified business or industry is located as determined by the
4865 Mississippi Department of Employment Security, whichever is the
4866 lesser, and creates not less than two hundred (200) new direct
4867 jobs * * *; or



4868 (ii) Is a corporation, limited liability company,
4869 partnership, sole proprietorship, business trust or other legal
4870 entity and subunits or affiliates thereof, pursuant to rules and
4871 regulations of the MDA, which provides an average annual salary,
4872 excluding benefits which are not subject to Mississippi income
4873 taxes, of at least one hundred ten percent (110%) of the most
4874 recently published state average annual wage or the most recently
4875 published average annual wage of the county in which the qualified
4876 business or industry is located as determined by the Mississippi
4877 Department of Employment Security, whichever is the lesser, * * *
4878 and creates not less than twenty-five (25) new direct jobs * * *.
4879 * * *

4880 An establishment shall not be considered to be a qualified
4881 business or industry unless it offers, or will offer within one
4882 hundred eighty (180) days of the date it receives the first
4883 incentive payment pursuant to the provisions of this chapter, a
4884 basic health benefits plan to the individuals it employs in new
4885 direct jobs in this state which is approved by the MDA. Qualified
4886 business or industry does not include retail business or gaming
4887 business.

4888 (b) "New direct job" means full-time employment in this
4889 state in a qualified business or industry that has qualified to
4890 receive an incentive payment pursuant to this chapter, which
4891 employment did not exist in this state before the date of approval
4892 by the MDA of the application of the qualified business or
4893 industry pursuant to the provisions of this chapter. "New direct
4894 job" shall include full-time employment in this state of employees
4895 who are employed by an entity other than the establishment that
4896 has qualified to receive an incentive payment and who are leased
4897 to the qualified business or industry, if such employment did not
4898 exist in this state before the date of approval by the MDA of the
4899 application of the establishment.



4900 (c) "Full-time job" or "full-time employment" means a
4901 job of at least thirty-five (35) hours per week.

4902 * * *

4903 (d) "Gross payroll" means wages for new direct jobs of
4904 the qualified business or industry.

4905 (e) "MDA" means the Mississippi Development Authority.

4906 **SECTION 33.** Section 57-62-9, Mississippi Code of 1972, is
4907 amended as follows:

4908 **[For businesses or industries that received or applied for**
4909 **incentive payments prior to July 1, 2005, this section shall read**
4910 **as follows:]**

4911 57-62-9. (1) Except as otherwise provided in this section,
4912 a qualified business or industry that meets the qualifications
4913 specified in this chapter may receive quarterly incentive payments
4914 for a period not to exceed ten (10) years from the Department of
4915 Revenue pursuant to the provisions of this chapter in an amount
4916 which shall be equal to the net benefit rate multiplied by the
4917 actual gross payroll of new direct jobs for a calendar quarter as
4918 verified by the Mississippi Department of Employment Security, but
4919 not to exceed the amount of money previously paid into the fund by
4920 the employer. A qualified business or industry that is a project
4921 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
4922 which the ten-year period will begin. Such date may not be later
4923 than sixty (60) months after the date the business or industry
4924 applied for incentive payments.

4925 (2) (a) A qualified business or industry that is a project
4926 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
4927 receive incentive payments for an additional period not to exceed
4928 five (5) years beyond the expiration date of the initial ten-year
4929 period if:

4930 (i) The qualified business or industry creates at
4931 least three thousand (3,000) new direct jobs within five (5) years



4932 after the date the business or industry commences commercial
4933 production;

4934 (ii) Within five (5) years after the date the
4935 business or industry commences commercial production, the average
4936 annual wage of the jobs is at least one hundred fifty percent
4937 (150%) of the most recently published state average annual wage or
4938 the most recently published average annual wage of the county in
4939 which the qualified business or industry is located as determined
4940 by the Mississippi Department of Employment Security, whichever is
4941 the lesser. The criteria for the average annual wage requirement
4942 shall be based upon the state average annual wage or the average
4943 annual wage of the county whichever is appropriate, at the time of
4944 creation of the minimum number of jobs, and the threshold
4945 established at that time will remain constant for the duration of
4946 the additional period; and

4947 (iii) The qualified business or industry meets and
4948 maintains the job and wage requirements of subparagraphs (i) and
4949 (ii) of this paragraph (a) for four (4) consecutive calendar
4950 quarters.

4951 (b) A qualified business or industry that is a project
4952 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
4953 incentive payments for the additional period provided in paragraph
4954 (a) of this subsection (2) may apply to the MDA to receive
4955 incentive payments for an additional period not to exceed ten (10)
4956 years beyond the expiration date of the additional period provided
4957 in paragraph (a) of this subsection (2) if:

4958 (i) The qualified business or industry creates at
4959 least four thousand (4,000) new direct jobs after qualifying for
4960 the additional incentive period provided in paragraph (a) of this
4961 subsection (2) but before the expiration of the additional period.
4962 For purposes of determining whether the business or industry meets
4963 the minimum jobs requirement of this subparagraph (i), the number
4964 of jobs the business or industry created in order to meet the



4965 minimum jobs requirement of paragraph (a) of this subsection (2)
4966 shall be subtracted from the minimum jobs requirement of this
4967 subparagraph (i);

4968 (ii) The average annual wage of the jobs is at
4969 least one hundred fifty percent (150%) of the most recently
4970 published state average annual wage or the most recently published
4971 average annual wage of the county in which the qualified business
4972 or industry is located as determined by the Mississippi Department
4973 of Employment Security, whichever is the lesser. The criteria for
4974 the average annual wage requirement shall be based upon the state
4975 average annual wage or the average annual wage of the county
4976 whichever is appropriate, at the time of creation of the minimum
4977 number of jobs, and the threshold established at that time will
4978 remain constant for the duration of the additional period; and

4979 (iii) The qualified business or industry meets and
4980 maintains the job and wage requirements of subparagraphs (i) and
4981 (ii) of this paragraph (b) for four (4) consecutive calendar
4982 quarters.

4983 (3) In order to receive incentive payments, an establishment
4984 shall apply to the MDA. The application shall be on a form
4985 prescribed by the MDA and shall contain such information as may be
4986 required by the MDA to determine if the applicant is qualified.

4987 (4) In order to qualify to receive such payments, the
4988 establishment applying shall be required to:

4989 (a) Be engaged in a qualified business or industry;

4990 (b) Provide an average salary, excluding benefits which
4991 are not subject to Mississippi income taxes, of at least one
4992 hundred twenty-five percent (125%) of the most recently published
4993 state average annual wage or the most recently published average
4994 annual wage of the county in which the qualified business or
4995 industry is located as determined by the Mississippi Department of
4996 Employment Security, whichever is the lesser. The criteria for
4997 this requirement shall be based upon the state average annual wage



4998 or the average annual wage of the county whichever is appropriate,
4999 at the time of application, and the threshold established upon
5000 application will remain constant for the duration of the project;

5001 (c) The business or industry must create and maintain a
5002 minimum of ten (10) full-time jobs in counties that have an
5003 average unemployment rate over the previous twelve-month period
5004 which is at least one hundred fifty percent (150%) of the most
5005 recently published state unemployment rate, as determined by the
5006 Mississippi Department of Employment Security or in Tier Three
5007 counties as determined under Section 57-73-21. In all other
5008 counties, the business or industry must create and maintain a
5009 minimum of twenty-five (25) full-time jobs. The criteria for this
5010 requirement shall be based on the designation of the county at the
5011 time of the application. The threshold established upon the
5012 application will remain constant for the duration of the project.
5013 The business or industry must meet its job creation commitment
5014 within twenty-four (24) months of the application approval.
5015 However, if the qualified business or industry is applying for
5016 incentive payments for an additional period under subsection (2)
5017 of this section, the business or industry must comply with the
5018 applicable job and wage requirements of subsection (2) of this
5019 section.

5020 (5) The MDA shall determine if the applicant is qualified to
5021 receive incentive payments. If the applicant is determined to be
5022 qualified by the MDA, the MDA shall conduct a cost/benefit
5023 analysis to determine the estimated net direct state benefits and
5024 the net benefit rate applicable for a period not to exceed ten
5025 (10) years and to estimate the amount of gross payroll for the
5026 period. If the applicant is determined to be qualified to receive
5027 incentive payments for an additional period under subsection (2)
5028 of this section, the MDA shall conduct a cost/benefit analysis to
5029 determine the estimated net direct state benefits and the net
5030 benefit rate applicable for the appropriate additional period and



5031 to estimate the amount of gross payroll for the additional period.
5032 In conducting such cost/benefit analysis, the MDA shall consider
5033 quantitative factors, such as the anticipated level of new tax
5034 revenues to the state along with the cost to the state of the
5035 qualified business or industry, and such other criteria as deemed
5036 appropriate by the MDA, including the adequacy of retirement
5037 benefits that the business or industry provides to individuals it
5038 employs in new direct jobs in this state. In no event shall
5039 incentive payments, cumulatively, exceed the estimated net direct
5040 state benefits. Once the qualified business or industry is
5041 approved by the MDA, an agreement shall be deemed to exist between
5042 the qualified business or industry and the State of Mississippi,
5043 requiring the continued incentive payment to be made as long as
5044 the qualified business or industry retains its eligibility.

5045 (6) Upon approval of such an application, the MDA shall
5046 notify the Department of Revenue and shall provide it with a copy
5047 of the approved application and the estimated net direct state
5048 benefits. The Department of Revenue may require the qualified
5049 business or industry to submit such additional information as may
5050 be necessary to administer the provisions of this chapter. The
5051 qualified business or industry shall report to the Department of
5052 Revenue periodically to show its continued eligibility for
5053 incentive payments. The qualified business or industry may be
5054 audited by the Department of Revenue to verify such eligibility.

5055 (7) If the qualified business or industry is located in an
5056 area that has been declared by the Governor to be a disaster area
5057 and as a result of the disaster the business or industry is unable
5058 to create or maintain the full-time jobs required by this section:

5059 (a) The Commissioner of Revenue may extend the period
5060 of time that the business or industry may receive incentive
5061 payments for a period of time not to exceed two (2) years;



5062 (b) The Commissioner of Revenue may waive the
5063 requirement that a certain number of jobs be maintained for a
5064 period of time not to exceed twenty-four (24) months; and

5065 (c) The MDA may extend the period of time within which
5066 the jobs must be created for a period of time not to exceed
5067 twenty-four (24) months.

5068 **[For businesses or industries that received or applied for**
5069 **incentive payments from and after July 1, 2005, but prior to July**
5070 **1, 2010, this section shall read as follows:]**

5071 57-62-9. (1) (a) Except as otherwise provided in this
5072 section, a qualified business or industry that meets the
5073 qualifications specified in this chapter may receive quarterly
5074 incentive payments for a period not to exceed ten (10) years from
5075 the Department of Revenue pursuant to the provisions of this
5076 chapter in an amount which shall be equal to the net benefit rate
5077 multiplied by the actual gross payroll of new direct jobs for a
5078 calendar quarter as verified by the Mississippi Department of
5079 Employment Security, but not to exceed:

5080 (i) Ninety percent (90%) of the amount of money
5081 previously paid into the fund by the employer if the employer
5082 provides an average annual salary, excluding benefits which are
5083 not subject to Mississippi income taxes, of at least one hundred
5084 seventy-five percent (175%) of the most recently published state
5085 average annual wage or the most recently published average annual
5086 wage of the county in which the qualified business or industry is
5087 located as determined by the Mississippi Department of Employment
5088 Security, whichever is the lesser;

5089 (ii) Eighty percent (80%) of the amount of money
5090 previously paid into the fund by the employer if the employer
5091 provides an average annual salary, excluding benefits which are
5092 not subject to Mississippi income taxes, of at least one hundred
5093 twenty-five percent (125%) but less than one hundred seventy-five
5094 percent (175%) of the most recently published state average annual



5095 wage or the most recently published average annual wage of the
5096 county in which the qualified business or industry is located as
5097 determined by the Mississippi Department of Employment Security,
5098 whichever is the lesser; or

5099 (iii) Seventy percent (70%) of the amount of money
5100 previously paid into the fund by the employer if the employer
5101 provides an average annual salary, excluding benefits which are
5102 not subject to Mississippi income taxes, of less than one hundred
5103 twenty-five percent (125%) of the most recently published state
5104 average annual wage or the most recently published average annual
5105 wage of the county in which the qualified business or industry is
5106 located as determined by the Mississippi Department of Employment
5107 Security, whichever is the lesser.

5108 (b) A qualified business or industry that is a project
5109 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
5110 which the ten-year period will begin. Such date may not be later
5111 than sixty (60) months after the date the business or industry
5112 applied for incentive payments.

5113 (2) (a) A qualified business or industry that is a project
5114 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
5115 receive incentive payments for an additional period not to exceed
5116 five (5) years beyond the expiration date of the initial ten-year
5117 period if:

5118 (i) The qualified business or industry creates at
5119 least three thousand (3,000) new direct jobs within five (5) years
5120 after the date the business or industry commences commercial
5121 production;

5122 (ii) Within five (5) years after the date the
5123 business or industry commences commercial production, the average
5124 annual wage of the jobs is at least one hundred fifty percent
5125 (150%) of the most recently published state average annual wage or
5126 the most recently published average annual wage of the county in
5127 which the qualified business or industry is located as determined



5128 by the Mississippi Department of Employment Security, whichever is
5129 the lesser. The criteria for the average annual wage requirement
5130 shall be based upon the state average annual wage or the average
5131 annual wage of the county whichever is appropriate, at the time of
5132 creation of the minimum number of jobs, and the threshold
5133 established at that time will remain constant for the duration of
5134 the additional period; and

5135 (iii) The qualified business or industry meets and
5136 maintains the job and wage requirements of subparagraphs (i) and
5137 (ii) of this paragraph (a) for four (4) consecutive calendar
5138 quarters.

5139 (b) A qualified business or industry that is a project
5140 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
5141 incentive payments for the additional period provided in paragraph
5142 (a) of this subsection (2) may apply to the MDA to receive
5143 incentive payments for an additional period not to exceed ten (10)
5144 years beyond the expiration date of the additional period provided
5145 in paragraph (a) of this subsection (2) if:

5146 (i) The qualified business or industry creates at
5147 least four thousand (4,000) new direct jobs after qualifying for
5148 the additional incentive period provided in paragraph (a) of this
5149 subsection (2) but before the expiration of the additional period.
5150 For purposes of determining whether the business or industry meets
5151 the minimum jobs requirement of this subparagraph (i), the number
5152 of jobs the business or industry created in order to meet the
5153 minimum jobs requirement of paragraph (a) of this subsection (2)
5154 shall be subtracted from the minimum jobs requirement of this
5155 subparagraph (i);

5156 (ii) The average annual wage of the jobs is at
5157 least one hundred fifty percent (150%) of the most recently
5158 published state average annual wage or the most recently published
5159 average annual wage of the county in which the qualified business
5160 or industry is located as determined by the Mississippi Department



5161 of Employment Security, whichever is the lesser. The criteria for
5162 the average annual wage requirement shall be based upon the state
5163 average annual wage or the average annual wage of the county
5164 whichever is appropriate, at the time of creation of the minimum
5165 number of jobs, and the threshold established at that time will
5166 remain constant for the duration of the additional period; and

5167 (iii) The qualified business or industry meets and
5168 maintains the job and wage requirements of subparagraphs (i) and
5169 (ii) of this paragraph (b) for four (4) consecutive calendar
5170 quarters.

5171 (3) In order to receive incentive payments, an establishment
5172 shall apply to the MDA. The application shall be on a form
5173 prescribed by the MDA and shall contain such information as may be
5174 required by the MDA to determine if the applicant is qualified.

5175 (4) (a) In order to qualify to receive such payments, the
5176 establishment applying shall be required to meet the definition of
5177 the term "qualified business or industry";

5178 (b) The criteria for the average annual salary
5179 requirement shall be based upon the state average annual wage or
5180 the average annual wage of the county whichever is appropriate, at
5181 the time of application, and the threshold established upon
5182 application will remain constant for the duration of the project;

5183 (c) The business or industry must meet its job creation
5184 commitment within twenty-four (24) months of the application
5185 approval. However, if the qualified business or industry is
5186 applying for incentive payments for an additional period under
5187 subsection (2) of this section, the business or industry must
5188 comply with the applicable job and wage requirements of subsection
5189 (2) of this section.

5190 (5) (a) The MDA shall determine if the applicant is
5191 qualified to receive incentive payments.

5192 (b) If the applicant is determined to be qualified to
5193 receive incentive payments for an additional period under



5194 subsection (2) of this section, the MDA shall conduct a
5195 cost/benefit analysis to determine the estimated net direct state
5196 benefits and the net benefit rate applicable for the appropriate
5197 additional period and to estimate the amount of gross payroll for
5198 the additional period. In conducting such cost/benefit analysis,
5199 the MDA shall consider quantitative factors, such as the
5200 anticipated level of new tax revenues to the state along with the
5201 cost to the state of the qualified business or industry, and such
5202 other criteria as deemed appropriate by the MDA, including the
5203 adequacy of retirement benefits that the business or industry
5204 provides to individuals it employs in new direct jobs in this
5205 state. In no event shall incentive payments, cumulatively, exceed
5206 the estimated net direct state benefits. Once the qualified
5207 business or industry is approved by the MDA, an agreement shall be
5208 deemed to exist between the qualified business or industry and the
5209 State of Mississippi, requiring the continued incentive payment to
5210 be made as long as the qualified business or industry retains its
5211 eligibility.

5212 (6) Upon approval of such an application, the MDA shall
5213 notify the Department of Revenue and shall provide it with a copy
5214 of the approved application and the estimated net direct state
5215 benefits. The Department of Revenue may require the qualified
5216 business or industry to submit such additional information as may
5217 be necessary to administer the provisions of this chapter. The
5218 qualified business or industry shall report to the Department of
5219 Revenue periodically to show its continued eligibility for
5220 incentive payments. The qualified business or industry may be
5221 audited by the Department of Revenue to verify such eligibility.

5222 (7) If the qualified business or industry is located in an
5223 area that has been declared by the Governor to be a disaster area
5224 and as a result of the disaster the business or industry is unable
5225 to create or maintain the full-time jobs required by this section:



5226 (a) The Commissioner of Revenue may extend the period
5227 of time that the business or industry may receive incentive
5228 payments for a period of time not to exceed two (2) years;

5229 (b) The Commissioner of Revenue may waive the
5230 requirement that a certain number of jobs be maintained for a
5231 period of time not to exceed twenty-four (24) months; and

5232 (c) The MDA may extend the period of time within which
5233 the jobs must be created for a period of time not to exceed
5234 twenty-four (24) months.

5235 **[For businesses or industries that apply for incentive**
5236 **payments from and after July 1, 2010, this section shall read as**
5237 **follows:]**

5238 57-62-9. (1) (a) Except as otherwise provided in this
5239 section, a qualified business or industry that meets the
5240 qualifications specified in this chapter may receive quarterly
5241 incentive payments for a period not to exceed ten (10) years from
5242 the Department of Revenue pursuant to the provisions of this
5243 chapter in an amount which shall be equal to ninety percent (90%)
5244 of the amount of actual income tax withheld for employees with new
5245 direct jobs, but in no event more than four percent (4%) of the
5246 total annual salary paid for new direct jobs during such period,
5247 excluding benefits which are not subject to Mississippi income
5248 taxes.

5249 * * *

5250 (b) A qualified business or industry that is a project
5251 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
5252 which the ten-year period will begin. Such date may not be later
5253 than sixty (60) months after the date the business or industry
5254 applied for incentive payments.

5255 (2) (a) A qualified business or industry that is a project
5256 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
5257 receive incentive payments for an additional period not to exceed



5258 five (5) years beyond the expiration date of the initial ten-year
5259 period if:

5260 (i) The qualified business or industry creates at
5261 least three thousand (3,000) new direct jobs within five (5) years
5262 after the date the business or industry commences commercial
5263 production;

5264 (ii) Within five (5) years after the date the
5265 business or industry commences commercial production, the average
5266 annual wage of the jobs is at least one hundred fifty percent
5267 (150%) of the most recently published state average annual wage or
5268 the most recently published average annual wage of the county in
5269 which the qualified business or industry is located as determined
5270 by the Mississippi Department of Employment Security, whichever is
5271 the lesser. The criteria for the average annual wage requirement
5272 shall be based upon the state average annual wage or the average
5273 annual wage of the county whichever is appropriate, at the time of
5274 creation of the minimum number of jobs, and the threshold
5275 established at that time will remain constant for the duration of
5276 the additional period; and

5277 (iii) The qualified business or industry meets and
5278 maintains the job and wage requirements of subparagraphs (i) and
5279 (ii) of this paragraph (a) for four (4) consecutive calendar
5280 quarters.

5281 (b) A qualified business or industry that is a project
5282 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
5283 incentive payments for the additional period provided in paragraph
5284 (a) of this subsection (2) may apply to the MDA to receive
5285 incentive payments for an additional period not to exceed ten (10)
5286 years beyond the expiration date of the additional period provided
5287 in paragraph (a) of this subsection (2) if:

5288 (i) The qualified business or industry creates at
5289 least four thousand (4,000) new direct jobs after qualifying for
5290 the additional incentive period provided in paragraph (a) of this



5291 subsection (2) but before the expiration of the additional period.
5292 For purposes of determining whether the business or industry meets
5293 the minimum jobs requirement of this subparagraph (i), the number
5294 of jobs the business or industry created in order to meet the
5295 minimum jobs requirement of paragraph (a) of this subsection (2)
5296 shall be subtracted from the minimum jobs requirement of this
5297 subparagraph (i);

5298 (ii) The average annual wage of the jobs is at
5299 least one hundred fifty percent (150%) of the most recently
5300 published state average annual wage or the most recently published
5301 average annual wage of the county in which the qualified business
5302 or industry is located as determined by the Mississippi Department
5303 of Employment Security, whichever is the lesser. The criteria for
5304 the average annual wage requirement shall be based upon the state
5305 average annual wage or the average annual wage of the county
5306 whichever is appropriate, at the time of creation of the minimum
5307 number of jobs, and the threshold established at that time will
5308 remain constant for the duration of the additional period; and

5309 (iii) The qualified business or industry meets and
5310 maintains the job and wage requirements of subparagraphs (i) and
5311 (ii) of this paragraph (b) for four (4) consecutive calendar
5312 quarters.

5313 (3) In order to receive incentive payments, an establishment
5314 shall apply to the MDA. The application shall be on a form
5315 prescribed by the MDA and shall contain such information as may be
5316 required by the MDA to determine if the applicant is qualified.

5317 (4) (a) In order to qualify to receive such payments, the
5318 establishment applying shall be required to meet the definition of
5319 the term "qualified business or industry";

5320 (b) The criteria for the average annual salary
5321 requirement shall be based upon the state average annual wage or
5322 the average annual wage of the county whichever is appropriate, at



5323 the time of application, and the threshold established upon
5324 application will remain constant for the duration of the project;

5325 (c) The business or industry must meet its job creation
5326 commitment within twenty-four (24) months of the application
5327 approval. However, if the qualified business or industry is
5328 applying for incentive payments for an additional period under
5329 subsection (2) of this section, the business or industry must
5330 comply with the applicable job and wage requirements of subsection
5331 (2) of this section.

5332 (5) (a) The MDA shall determine if the applicant is
5333 qualified to receive incentive payments. * * *

5334 (b) If the applicant is determined to be qualified to
5335 receive incentive payments for an additional period under
5336 subsection (2) of this section, the MDA shall conduct an
5337 analysis * * * to estimate the amount of gross payroll for the
5338 appropriate additional period. * * * Incentive payments,
5339 cumulatively, shall not exceed ninety percent (90%) of the amount
5340 of actual income tax withheld for employees with new direct jobs,
5341 but in no event more than four percent (4%) of the total annual
5342 salary paid for new direct jobs during the additional period,
5343 excluding benefits which are not subject to Mississippi income
5344 taxes. Once the qualified business or industry is approved by the
5345 MDA, an agreement shall be deemed to exist between the qualified
5346 business or industry and the State of Mississippi, requiring the
5347 continued incentive payment to be made as long as the qualified
5348 business or industry retains its eligibility.

5349 (6) Upon approval of such an application, the MDA shall
5350 notify the Department of Revenue and shall provide it with a copy
5351 of the approved application and the minimum job and salary
5352 requirements. The Department of Revenue may require the qualified
5353 business or industry to submit such additional information as may
5354 be necessary to administer the provisions of this chapter. The
5355 qualified business or industry shall report to the Department of



5356 Revenue periodically to show its continued eligibility for
5357 incentive payments. The qualified business or industry may be
5358 audited by the Department of Revenue to verify such eligibility.

5359 (7) If the qualified business or industry is located in an
5360 area that has been declared by the Governor to be a disaster area
5361 and as a result of the disaster the business or industry is unable
5362 to create or maintain the full-time jobs required by this section:

5363 (a) The Commissioner of Revenue may extend the period
5364 of time that the business or industry may receive incentive
5365 payments for a period of time not to exceed two (2) years;

5366 (b) The Commissioner of Revenue may waive the
5367 requirement that a certain number of jobs be maintained for a
5368 period of time not to exceed twenty-four (24) months; and

5369 (c) The MDA may extend the period of time within which
5370 the jobs must be created for a period of time not to exceed
5371 twenty-four (24) months.

5372 **SECTION 34.** Section 57-62-11, Mississippi Code of 1972, is
5373 amended as follows:

5374 57-62-11. (1) There is created in the State Treasury a
5375 special fund to be known as the Mississippi Advantage Jobs
5376 Incentive Payment Fund, into which shall be deposited withholding
5377 tax revenue required to be deposited into such fund pursuant to
5378 Section 27-7-312. The money in the fund shall be used for the
5379 purpose of making the incentive payments authorized under this
5380 chapter.

5381 (2) The Mississippi Advantage Jobs Incentive Payment Fund
5382 shall be administered by the Department of Revenue, and monies in
5383 the fund, less three percent (3%) to be retained by the Department
5384 of Revenue to pay the reasonable and necessary expenses of the
5385 Department of Revenue in administering its duties under this
5386 chapter, shall be expended pursuant to the approved application.
5387 Amounts in the fund at the end of any fiscal year that are not



5388 necessary to make future incentive payments shall be paid into the
5389 General Fund.

5390 (3) The liability of the State of Mississippi to make the
5391 incentive payments authorized under this chapter shall be limited
5392 to the balance contained in the fund.

5393 **SECTION 35.** Section 57-62-13, Mississippi Code of 1972, is
5394 amended as follows:

5395 57-62-13. (1) As soon as practicable after the end of a
5396 calendar quarter for which a qualified business or industry has
5397 qualified to receive an incentive payment, the qualified business
5398 or industry shall file a claim for the payment with the Department
5399 of Revenue and shall specify the actual number of new direct jobs
5400 created and maintained by the business or industry for the
5401 calendar quarter and the gross payroll thereof. The Department of
5402 Revenue shall verify the actual number of new direct jobs created
5403 and maintained by the business or industry and compliance with the
5404 average annual wage requirements for such business or industry
5405 under this chapter. If the qualified business or industry files a
5406 claim for an incentive payment during an additional incentive
5407 period provided under Section 57-62-9(2), the Department of
5408 Revenue shall verify the actual number of new direct jobs created
5409 and maintained by the business or industry and compliance with the
5410 average annual wage requirements for such business or industry
5411 under this chapter. If the Department of Revenue is not able to
5412 provide such verification utilizing all available resources, the
5413 Department of Revenue may request such additional information from
5414 the business or industry as may be necessary.

5415 (2) (a) The business or industry must meet the salary and
5416 job requirements of this chapter for four (4) consecutive calendar
5417 quarters prior to payment of the first incentive payment. Except
5418 as otherwise provided in Section 57-62-9, if the business or
5419 industry does not maintain the salary or job requirements of this
5420 chapter at any other time during the ten-year period after the



5421 date the first payment was made, the incentive payments shall not
5422 be made and shall not be resumed until such time as the actual
5423 verified number of new direct jobs created and maintained by the
5424 business or industry equals or exceeds the requirements of this
5425 chapter for one (1) calendar quarter.

5426 (b) If the business or industry is qualified to receive
5427 incentive payments for an additional period provided under Section
5428 57-62-9(2), the business or industry must meet the wage and job
5429 requirements of Section 57-62-9(2), for four (4) consecutive
5430 calendar quarters prior to payment of the first incentive payment.
5431 If the business or industry does not maintain the wage or job
5432 requirements of Section 57-62-9(2), at any other time during the
5433 appropriate additional period after the date the first payment was
5434 made, the incentive payments shall not be made and shall not be
5435 resumed until such time as the actual verified number of new
5436 direct jobs created and maintained by the business or industry
5437 equals or exceeds the amounts specified in Section 57-62-9(2), for
5438 one (1) calendar quarter.

5439 (3) An establishment that has qualified pursuant to this
5440 chapter may receive payments only in accordance with the provision
5441 under which it initially applied and was approved. If an
5442 establishment that is receiving incentive payments expands, it may
5443 apply for additional incentive payments based on the new gross
5444 payroll for new direct jobs anticipated from the expansion only,
5445 pursuant to this chapter.

5446 (4) As soon as practicable after verification of the
5447 qualified business or industry meeting the requirements of this
5448 chapter and all rules and regulations, the Department of Finance
5449 and Administration, upon requisition of the Department of Revenue,
5450 shall issue a warrant drawn on the Mississippi Advantage Jobs
5451 Incentive Payment Fund to the establishment in the amount of the
5452 incentive payment as determined pursuant to subsection (1) of this
5453 section for the calendar quarter.



5454 **SECTION 36.** Section 57-62-15, Mississippi Code of 1972, is
5455 amended as follows:

5456 57-62-15. The MDA and the Department of Revenue shall
5457 promulgate rules and regulations, in accordance with the
5458 Mississippi Administrative Procedures Law, and all application
5459 forms and other forms necessary to implement their respective
5460 duties and responsibilities under the provisions of this chapter.

5461 **SECTION 37.** Section 57-73-21, Mississippi Code of 1972, is
5462 amended as follows:

5463 **[In cases involving business enterprises that received or**
5464 **applied for the job tax credit authorized by this section prior to**
5465 **January 1, 2005, this section shall read as follows:]**

5466 57-73-21. (1) Annually by December 31, using the most
5467 current data available from the University Research Center,
5468 Mississippi Department of Employment Security and the United
5469 States Department of Commerce, the State Tax Commission shall rank
5470 and designate the state's counties as provided in this section.
5471 The twenty-eight (28) counties in this state having a combination
5472 of the highest unemployment rate and lowest per capita income for
5473 the most recent thirty-six-month period, with equal weight being
5474 given to each category, are designated Tier Three areas. The
5475 twenty-seven (27) counties in the state with a combination of the
5476 next highest unemployment rate and next lowest per capita income
5477 for the most recent thirty-six-month period, with equal weight
5478 being given to each category, are designated Tier Two areas. The
5479 twenty-seven (27) counties in the state with a combination of the
5480 lowest unemployment rate and the highest per capita income for the
5481 most recent thirty-six-month period, with equal weight being given
5482 to each category, are designated Tier One areas. Counties
5483 designated by the Tax Commission qualify for the appropriate tax
5484 credit for jobs as provided in subsections (2), (3) and (4) of
5485 this section. The designation by the Tax Commission is effective
5486 for the tax years of permanent business enterprises which begin



5487 after the date of designation. For companies which plan an
5488 expansion in their labor forces, the Tax Commission shall
5489 prescribe certification procedures to ensure that the companies
5490 can claim credits in future years without regard to whether or not
5491 a particular county is removed from the list of Tier Three or Tier
5492 Two areas.

5493 (2) Permanent business enterprises primarily engaged in
5494 manufacturing, processing, warehousing, distribution, wholesaling
5495 and research and development, or permanent business enterprises
5496 designated by rule and regulation of the Mississippi Development
5497 Authority as air transportation and maintenance facilities, final
5498 destination or resort hotels having a minimum of one hundred fifty
5499 (150) guest rooms, recreational facilities that impact tourism,
5500 movie industry studios, telecommunications enterprises, data or
5501 information processing enterprises or computer software
5502 development enterprises or any technology intensive facility or
5503 enterprise, in counties designated by the Tax Commission as Tier
5504 Three areas are allowed a job tax credit for taxes imposed by
5505 Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually
5506 for each net new full-time employee job for five (5) years
5507 beginning with years two (2) through six (6) after the creation of
5508 the job; however, if the permanent business enterprise is located
5509 in an area that has been declared by the Governor to be a disaster
5510 area and as a direct result of the disaster the permanent business
5511 enterprise is unable to maintain the required number of jobs, the
5512 Chairman of the State Tax Commission may extend this time period
5513 for not more two (2) years. The number of new full-time jobs must
5514 be determined by comparing the monthly average number of full-time
5515 employees subject to the Mississippi income tax withholding for
5516 the taxable year with the corresponding period of the prior
5517 taxable year. Only those permanent businesses that increase
5518 employment by ten (10) or more in a Tier Three area are eligible
5519 for the credit. Credit is not allowed during any of the five (5)



5520 years if the net employment increase falls below ten (10). The
5521 Tax Commission shall adjust the credit allowed each year for the
5522 net new employment fluctuations above the minimum level of ten
5523 (10).

5524 (3) Permanent business enterprises primarily engaged in
5525 manufacturing, processing, warehousing, distribution, wholesaling
5526 and research and development, or permanent business enterprises
5527 designated by rule and regulation of the Mississippi Development
5528 Authority as air transportation and maintenance facilities, final
5529 destination or resort hotels having a minimum of one hundred fifty
5530 (150) guest rooms, recreational facilities that impact tourism,
5531 movie industry studios, telecommunications enterprises, data or
5532 information processing enterprises or computer software
5533 development enterprises or any technology intensive facility or
5534 enterprise, in counties that have been designated by the Tax
5535 Commission as Tier Two areas are allowed a job tax credit for
5536 taxes imposed by Section 27-7-5 equal to One Thousand Dollars
5537 (\$1,000.00) annually for each net new full-time employee job for
5538 five (5) years beginning with years two (2) through six (6) after
5539 the creation of the job; however, if the permanent business
5540 enterprise is located in an area that has been declared by the
5541 Governor to be a disaster area and as a direct result of the
5542 disaster the permanent business enterprise is unable to maintain
5543 the required number of jobs, the Chairman of the State Tax
5544 Commission may extend this time period for not more two (2) years.
5545 The number of new full-time jobs must be determined by comparing
5546 the monthly average number of full-time employees subject to
5547 Mississippi income tax withholding for the taxable year with the
5548 corresponding period of the prior taxable year. Only those
5549 permanent businesses that increase employment by fifteen (15) or
5550 more in Tier Two areas are eligible for the credit. The credit is
5551 not allowed during any of the five (5) years if the net employment
5552 increase falls below fifteen (15). The Tax Commission shall



5553 adjust the credit allowed each year for the net new employment
5554 fluctuations above the minimum level of fifteen (15).

5555 (4) Permanent business enterprises primarily engaged in
5556 manufacturing, processing, warehousing, distribution, wholesaling
5557 and research and development, or permanent business enterprises
5558 designated by rule and regulation of the Mississippi Development
5559 Authority as air transportation and maintenance facilities, final
5560 destination or resort hotels having a minimum of one hundred fifty
5561 (150) guest rooms, recreational facilities that impact tourism,
5562 movie industry studios, telecommunications enterprises, data or
5563 information processing enterprises or computer software
5564 development enterprises or any technology intensive facility or
5565 enterprise, in counties designated by the Tax Commission as Tier
5566 One areas are allowed a job tax credit for taxes imposed by
5567 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually
5568 for each net new full-time employee job for five (5) years
5569 beginning with years two (2) through six (6) after the creation of
5570 the job; however, if the permanent business enterprise is located
5571 in an area that has been declared by the Governor to be a disaster
5572 area and as a direct result of the disaster the permanent business
5573 enterprise is unable to maintain the required number of jobs, the
5574 Chairman of the State Tax Commission may extend this time period
5575 for not more two (2) years. The number of new full-time jobs must
5576 be determined by comparing the monthly average number of full-time
5577 employees subject to Mississippi income tax withholding for the
5578 taxable year with the corresponding period of the prior taxable
5579 year. Only those permanent businesses that increase employment by
5580 twenty (20) or more in Tier One areas are eligible for the credit.
5581 The credit is not allowed during any of the five (5) years if the
5582 net employment increase falls below twenty (20). The Tax
5583 Commission shall adjust the credit allowed each year for the net
5584 new employment fluctuations above the minimum level of twenty
5585 (20).



5586 (5) In addition to the credits authorized in subsections
5587 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)
5588 credit for each net new full-time employee or an additional One
5589 Thousand Dollars (\$1,000.00) credit for each net new full-time
5590 employee who is paid a salary, excluding benefits which are not
5591 subject to Mississippi income taxation, of at least one hundred
5592 twenty-five percent (125%) of the average annual wage of the state
5593 or an additional Two Thousand Dollars (\$2,000.00) credit for each
5594 net new full-time employee who is paid a salary, excluding
5595 benefits which are not subject to Mississippi income taxation, of
5596 at least two hundred percent (200%) of the average annual wage of
5597 the state, shall be allowed for any company establishing or
5598 transferring its national or regional headquarters from within or
5599 outside the State of Mississippi. A minimum of thirty-five (35)
5600 jobs must be created to qualify for the additional credit. The
5601 State Tax Commission shall establish criteria and prescribe
5602 procedures to determine if a company qualifies as a national or
5603 regional headquarters for purposes of receiving the credit awarded
5604 in this subsection. As used in this subsection, the average
5605 annual wage of the state is the most recently published average
5606 annual wage as determined by the Mississippi Department of
5607 Employment Security.

5608 (6) In addition to the credits authorized in subsections
5609 (2), (3), (4) and (5), any job requiring research and development
5610 skills (chemist, engineer, etc.) shall qualify for an additional
5611 One Thousand Dollars (\$1,000.00) credit for each net new full-time
5612 employee.

5613 (7) In lieu of the tax credits provided in subsections (2)
5614 through (6), any commercial or industrial property owner which
5615 remediates contaminated property in accordance with Sections
5616 49-35-1 through 49-35-25, is allowed a job tax credit for taxes
5617 imposed by Section 27-7-5 equal to the amounts provided in
5618 subsection (2), (3) or (4) for each net new full-time employee job



5619 for five (5) years beginning with years two (2) through six (6)
5620 after the creation of the job. The number of new full-time jobs
5621 must be determined by comparing the monthly average number of
5622 full-time employees subject to Mississippi income tax withholding
5623 for the taxable year with the corresponding period of the prior
5624 taxable year. This subsection shall be administered in the same
5625 manner as subsections (2), (3) and (4), except the landowner shall
5626 not be required to increase employment by the levels provided in
5627 subsections (2), (3) and (4) to be eligible for the tax credit.

5628 (8) Tax credits for five (5) years for the taxes imposed by
5629 Section 27-7-5 shall be awarded for additional net new full-time
5630 jobs created by business enterprises qualified under subsections
5631 (2), (3), (4), (5), (6) and (7) of this section. Except as
5632 otherwise provided, the Tax Commission shall adjust the credit
5633 allowed in the event of employment fluctuations during the
5634 additional five (5) years of credit.

5635 (9) (a) The sale, merger, acquisition, reorganization,
5636 bankruptcy or relocation from one (1) county to another county
5637 within the state of any business enterprise may not create new
5638 eligibility in any succeeding business entity, but any unused job
5639 tax credit may be transferred and continued by any transferee of
5640 the business enterprise. The Tax Commission shall determine
5641 whether or not qualifying net increases or decreases have occurred
5642 or proper transfers of credit have been made and may require
5643 reports, promulgate regulations, and hold hearings as needed for
5644 substantiation and qualification.

5645 (b) This subsection shall not apply in cases in which a
5646 business enterprise has ceased operation, laid off all its
5647 employees and is subsequently acquired by another unrelated
5648 business entity that continues operation of the enterprise in the
5649 same or a similar type of business. In such a case the succeeding
5650 business entity shall be eligible for the credit authorized by
5651 this section unless the cessation of operation of the business



5652 enterprise was for the purpose of obtaining new eligibility for
5653 the credit.

5654 (10) Any tax credit claimed under this section but not used
5655 in any taxable year may be carried forward for five (5) years from
5656 the close of the tax year in which the qualified jobs were
5657 established but the credit established by this section taken in
5658 any one (1) tax year must be limited to an amount not greater than
5659 fifty percent (50%) of the taxpayer's state income tax liability
5660 which is attributable to income derived from operations in the
5661 state for that year. If the permanent business enterprise is
5662 located in an area that has been declared by the Governor to be a
5663 disaster area and as a direct result of the disaster the business
5664 enterprise is unable to use the existing carryforward, the
5665 Chairman of the State Tax Commission may extend the period that
5666 the credit may be carried forward for a period of time not to
5667 exceed two (2) years.

5668 (11) No business enterprise for the transportation,
5669 handling, storage, processing or disposal of hazardous waste is
5670 eligible to receive the tax credits provided in this section.

5671 (12) The credits allowed under this section shall not be
5672 used by any business enterprise or corporation other than the
5673 business enterprise actually qualifying for the credits.

5674 (13) The tax credits provided for in this section shall be
5675 in addition to any tax credits described in Sections 57-51-13(b),
5676 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official
5677 action by the Mississippi Development Authority prior to July 1,
5678 1989, to any business enterprise determined prior to July 1, 1989,
5679 by the Mississippi Development Authority to be a qualified
5680 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or
5681 a qualified company as described in Section 57-53-1, as the case
5682 may be; however, from and after July 1, 1989, tax credits shall be
5683 allowed only under either this section or Sections 57-51-13(b),



5684 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time
5685 employee.

5686 (14) As used in this section, the term "telecommunications
5687 enterprises" means entities engaged in the creation, display,
5688 management, storage, processing, transmission or distribution for
5689 compensation of images, text, voice, video or data by wire or by
5690 wireless means, or entities engaged in the construction, design,
5691 development, manufacture, maintenance or distribution for
5692 compensation of devices, products, software or structures used in
5693 the above activities. Companies organized to do business as
5694 commercial broadcast radio stations, television stations or news
5695 organizations primarily serving in-state markets shall not be
5696 included within the definition of the term "telecommunications
5697 enterprises."

5698 **[In cases involving business enterprises that apply for the**
5699 **job tax credit authorized by this section from and after January**
5700 **1, 2005, this section shall read as follows:]**

5701 57-73-21. (1) Annually by December 31, using the most
5702 current data available from the University Research Center,
5703 Mississippi Department of Employment Security and the United
5704 States Department of Commerce, the State Tax Commission shall rank
5705 and designate the state's counties as provided in this section.
5706 The twenty-eight (28) counties in this state having a combination
5707 of the highest unemployment rate and lowest per capita income for
5708 the most recent thirty-six-month period, with equal weight being
5709 given to each category, are designated Tier Three areas. The
5710 twenty-seven (27) counties in the state with a combination of the
5711 next highest unemployment rate and next lowest per capita income
5712 for the most recent thirty-six-month period, with equal weight
5713 being given to each category, are designated Tier Two areas. The
5714 twenty-seven (27) counties in the state with a combination of the
5715 lowest unemployment rate and the highest per capita income for the
5716 most recent thirty-six-month period, with equal weight being given



5717 to each category, are designated Tier One areas. Counties
5718 designated by the Tax Commission qualify for the appropriate tax
5719 credit for jobs as provided in this section. The designation by
5720 the Tax Commission is effective for the tax years of permanent
5721 business enterprises which begin after the date of designation.
5722 For companies which plan an expansion in their labor forces, the
5723 Tax Commission shall prescribe certification procedures to ensure
5724 that the companies can claim credits in future years without
5725 regard to whether or not a particular county is removed from the
5726 list of Tier Three or Tier Two areas.

5727 (2) Permanent business enterprises in counties designated by
5728 the Tax Commission as Tier Three areas are allowed a job tax
5729 credit for taxes imposed by Section 27-7-5 equal to ten percent
5730 (10%) of the payroll of the enterprise for net new full-time
5731 employee jobs for five (5) years beginning with years two (2)
5732 through six (6) after the creation of the minimum number of jobs
5733 required by this subsection; however, if the permanent business
5734 enterprise is located in an area that has been declared by the
5735 Governor to be a disaster area and as a direct result of the
5736 disaster the permanent business enterprise is unable to maintain
5737 the required number of jobs, the Chairman of the State Tax
5738 Commission may extend this time period for not more two (2) years.
5739 The number of new full-time jobs must be determined by comparing
5740 the monthly average number of full-time employees subject to the
5741 Mississippi income tax withholding for the taxable year with the
5742 corresponding period of the prior taxable year. Only those
5743 permanent business enterprises that increase employment by ten
5744 (10) or more in a Tier Three area are eligible for the credit.
5745 Credit is not allowed during any of the five (5) years if the net
5746 employment increase falls below ten (10). The Tax Commission
5747 shall adjust the credit allowed each year for the net new
5748 employment fluctuations above the minimum level of ten (10).



5749 (3) Permanent business enterprises in counties that have
5750 been designated by the Tax Commission as Tier Two areas are
5751 allowed a job tax credit for taxes imposed by Section 27-7-5 equal
5752 to five percent (5%) of the payroll of the enterprise for net new
5753 full-time employee jobs for five (5) years beginning with years
5754 two (2) through six (6) after the creation of the minimum number
5755 of jobs required by this subsection; however, if the permanent
5756 business enterprise is located in an area that has been declared
5757 by the Governor to be a disaster area and as a direct result of
5758 the disaster the permanent business enterprise is unable to
5759 maintain the required number of jobs, the Chairman of the State
5760 Tax Commission may extend this time period for not more two (2)
5761 years. The number of new full-time jobs must be determined by
5762 comparing the monthly average number of full-time employees
5763 subject to Mississippi income tax withholding for the taxable year
5764 with the corresponding period of the prior taxable year. Only
5765 those permanent business enterprises that increase employment by
5766 fifteen (15) or more in Tier Two areas are eligible for the
5767 credit. The credit is not allowed during any of the five (5)
5768 years if the net employment increase falls below fifteen (15).
5769 The Tax Commission shall adjust the credit allowed each year for
5770 the net new employment fluctuations above the minimum level of
5771 fifteen (15).

5772 (4) Permanent business enterprises in counties designated by
5773 the Tax Commission as Tier One areas are allowed a job tax credit
5774 for taxes imposed by Section 27-7-5 equal to two and one-half
5775 percent (2.5%) of the payroll of the enterprise for net new
5776 full-time employee jobs for five (5) years beginning with years
5777 two (2) through six (6) after the creation of the minimum number
5778 of jobs required by this subsection; however, if the permanent
5779 business enterprise is located in an area that has been declared
5780 by the Governor to be a disaster area and as a direct result of
5781 the disaster the permanent business enterprise is unable to



5782 maintain the required number of jobs, the Chairman of the State
5783 Tax Commission may extend this time period for not more two (2)
5784 years. The number of new full-time jobs must be determined by
5785 comparing the monthly average number of full-time employees
5786 subject to Mississippi income tax withholding for the taxable year
5787 with the corresponding period of the prior taxable year. Only
5788 those permanent business enterprises that increase employment by
5789 twenty (20) or more in Tier One areas are eligible for the credit.
5790 The credit is not allowed during any of the five (5) years if the
5791 net employment increase falls below twenty (20). The Tax
5792 Commission shall adjust the credit allowed each year for the net
5793 new employment fluctuations above the minimum level of twenty
5794 (20).

5795 (5) In addition to the other credits authorized in this
5796 section, an additional Five Hundred Dollars (\$500.00) credit for
5797 each net new full-time employee or an additional One Thousand
5798 Dollars (\$1,000.00) credit for each net new full-time employee who
5799 is paid a salary, excluding benefits which are not subject to
5800 Mississippi income taxation, of at least one hundred twenty-five
5801 percent (125%) of the average annual wage of the state or an
5802 additional Two Thousand Dollars (\$2,000.00) credit for each net
5803 new full-time employee who is paid a salary, excluding benefits
5804 which are not subject to Mississippi income taxation, of at least
5805 two hundred percent (200%) of the average annual wage of the
5806 state, shall be allowed for any company establishing or
5807 transferring its national or regional headquarters from within or
5808 outside the State of Mississippi. A minimum of twenty (20) jobs
5809 must be created to qualify for the additional credit. The
5810 Mississippi Development Authority shall establish criteria and
5811 prescribe procedures to determine if a company qualifies as a
5812 national or regional headquarters for purposes of receiving the
5813 credit awarded in this subsection. As used in this subsection,
5814 the average annual wage of the state is the most recently



5815 published average annual wage as determined by the Mississippi
5816 Department of Employment Security.

5817 (6) In addition to the other credits authorized in this
5818 section, any job requiring research and development skills
5819 (chemist, engineer, etc.) shall qualify for an additional One
5820 Thousand Dollars (\$1,000.00) credit for each net new full-time
5821 employee.

5822 (7) In lieu of the other tax credits provided in this
5823 section, any commercial or industrial property owner which
5824 remediates contaminated property in accordance with Sections
5825 49-35-1 through 49-35-25, is allowed a job tax credit for taxes
5826 imposed by Section 27-7-5 equal to the percentage of payroll
5827 provided in subsection (2), (3) or (4) of this section for net new
5828 full-time employee jobs for five (5) years beginning with years
5829 two (2) through six (6) after the creation of the jobs. The
5830 number of new full-time jobs must be determined by comparing the
5831 monthly average number of full-time employees subject to
5832 Mississippi income tax withholding for the taxable year with the
5833 corresponding period of the prior taxable year. This subsection
5834 shall be administered in the same manner as subsections (2), (3)
5835 and (4), except the landowner shall not be required to increase
5836 employment by the levels provided in subsections (2), (3) and (4)
5837 to be eligible for the tax credit.

5838 (8) (a) Tax credits for five (5) years for the taxes
5839 imposed by Section 27-7-5 shall be awarded for increases in the
5840 annual payroll for net new full-time jobs created by business
5841 enterprises qualified under this section. The Tax Commission
5842 shall adjust the credit allowed in the event of payroll
5843 fluctuations during the additional five (5) years of credit.

5844 (b) Tax credits for five (5) years for the taxes
5845 imposed by Section 27-7-5 shall be awarded for additional net new
5846 full-time jobs created by business enterprises qualified under
5847 subsections (5) and (6) of this section. The Tax Commission shall



5848 adjust the credit allowed in the event of employment fluctuations
5849 during the additional five (5) years of credit.

5850 (9) (a) The sale, merger, acquisition, reorganization,
5851 bankruptcy or relocation from one (1) county to another county
5852 within the state of any business enterprise may not create new
5853 eligibility in any succeeding business entity, but any unused job
5854 tax credit may be transferred and continued by any transferee of
5855 the business enterprise. The Tax Commission shall determine
5856 whether or not qualifying net increases or decreases have occurred
5857 or proper transfers of credit have been made and may require
5858 reports, promulgate regulations, and hold hearings as needed for
5859 substantiation and qualification.

5860 (b) This subsection shall not apply in cases in which a
5861 business enterprise has ceased operation, laid off all its
5862 employees and is subsequently acquired by another unrelated
5863 business entity that continues operation of the enterprise in the
5864 same or a similar type of business. In such a case the succeeding
5865 business entity shall be eligible for the credit authorized by
5866 this section unless the cessation of operation of the business
5867 enterprise was for the purpose of obtaining new eligibility for
5868 the credit.

5869 (10) Any tax credit claimed under this section but not used
5870 in any taxable year may be carried forward for five (5) years from
5871 the close of the tax year in which the qualified jobs were
5872 established but the credit established by this section taken in
5873 any one (1) tax year must be limited to an amount not greater than
5874 fifty percent (50%) of the taxpayer's state income tax liability
5875 which is attributable to income derived from operations in the
5876 state for that year. If the permanent business enterprise is
5877 located in an area that has been declared by the Governor to be a
5878 disaster area and as a direct result of the disaster the business
5879 enterprise is unable to use the existing carry-forward, the
5880 Chairman of the State Tax Commission may extend the period that



5881 the credit may be carried forward for a period of time not to
5882 exceed two (2) years.

5883 (11) No business enterprise for the transportation,
5884 handling, storage, processing or disposal of hazardous waste is
5885 eligible to receive the tax credits provided in this section.

5886 (12) The credits allowed under this section shall not be
5887 used by any business enterprise or corporation other than the
5888 business enterprise actually qualifying for the credits.

5889 (13) As used in this section:

5890 (a) "Business enterprises" means entities primarily
5891 engaged in:

5892 (i) Manufacturing, processing, warehousing,
5893 distribution, wholesaling and research and development, or

5894 (ii) Permanent business enterprises designated by
5895 rule and regulation of the Mississippi Development Authority as
5896 air transportation and maintenance facilities, final destination
5897 or resort hotels having a minimum of one hundred fifty (150) guest
5898 rooms, recreational facilities that impact tourism, movie industry
5899 studios, telecommunications enterprises, data or information
5900 processing enterprises or computer software development
5901 enterprises or any technology intensive facility or enterprise.

5902 (b) "Telecommunications enterprises" means entities
5903 engaged in the creation, display, management, storage, processing,
5904 transmission or distribution for compensation of images, text,
5905 voice, video or data by wire or by wireless means, or entities
5906 engaged in the construction, design, development, manufacture,
5907 maintenance or distribution for compensation of devices, products,
5908 software or structures used in the above activities. Companies
5909 organized to do business as commercial broadcast radio stations,
5910 television stations or news organizations primarily serving
5911 in-state markets shall not be included within the definition of
5912 the term "telecommunications enterprises."



5913 (14) The tax credits provided for in this section shall be
5914 in addition to any tax credits described in Sections 57-51-13(b),
5915 57-53-1(1) (a) and 57-54-9(b) and granted pursuant to official
5916 action by the Mississippi Development Authority prior to July 1,
5917 1989, to any business enterprise determined prior to July 1, 1989,
5918 by the Mississippi Development Authority to be a qualified
5919 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or
5920 a qualified company as described in Section 57-53-1, as the case
5921 may be; however, from and after July 1, 1989, tax credits shall be
5922 allowed only under either this section or Sections 57-51-13(b),
5923 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time
5924 employee.

5925 **SECTION 38.** (1) As used in this section, the following
5926 words shall have the meanings ascribed herein unless the context
5927 clearly requires otherwise:

5928 (a) "Accreted value" of any bonds means, as of any date
5929 of computation, an amount equal to the sum of (i) the stated
5930 initial value of such bond, plus (ii) the interest accrued thereon
5931 from the issue date to the date of computation at the rate,
5932 compounded semiannually, that is necessary to produce the
5933 approximate yield to maturity shown for bonds of the same
5934 maturity.

5935 (b) "State" means the State of Mississippi.

5936 (c) "Commission" means the State Bond Commission.

5937 (2) (a) The Mississippi Development Authority, at one time,
5938 or from time to time, may declare by resolution the necessity for
5939 issuance of general obligation bonds of the State of Mississippi
5940 to provide funds for the grant program authorized in Section
5941 57-1-18. Upon the adoption of a resolution by the Mississippi
5942 Development Authority, declaring the necessity for the issuance of
5943 any part or all of the general obligation bonds authorized by this
5944 subsection, the Mississippi Development Authority shall deliver a
5945 certified copy of its resolution or resolutions to the commission.



5946 Upon receipt of such resolution, the commission, in its
5947 discretion, may act as the issuing agent, prescribe the form of
5948 the bonds, determine the appropriate method for sale of the bonds,
5949 advertise for and accept bids or negotiate the sale of the bonds,
5950 issue and sell the bonds so authorized to be sold and do any and
5951 all other things necessary and advisable in connection with the
5952 issuance and sale of such bonds. The total amount of bonds issued
5953 under this section shall not exceed One Million Dollars
5954 (\$1,000,000.00). No bonds authorized under this section shall be
5955 issued after July 1, 2014.

5956 (b) The proceeds of bonds issued pursuant to this
5957 section shall be deposited into the Small Municipalities and
5958 Limited Population Counties Fund created pursuant to Section
5959 57-1-18. Any investment earnings on bonds issued pursuant to this
5960 section shall be used to pay debt service on bonds issued under
5961 this section, in accordance with the proceedings authorizing
5962 issuance of such bonds.

5963 (3) The principal of and interest on the bonds authorized
5964 under this section shall be payable in the manner provided in this
5965 subsection. Such bonds shall bear such date or dates, be in such
5966 denomination or denominations, bear interest at such rate or rates
5967 (not to exceed the limits set forth in Section 75-17-101,
5968 Mississippi Code of 1972), be payable at such place or places
5969 within or without the State of Mississippi, shall mature
5970 absolutely at such time or times not to exceed twenty-five (25)
5971 years from date of issue, be redeemable before maturity at such
5972 time or times and upon such terms, with or without premium, shall
5973 bear such registration privileges, and shall be substantially in
5974 such form, all as shall be determined by resolution of the
5975 commission.

5976 (4) The bonds authorized by this section shall be signed by
5977 the chairman of the commission, or by his facsimile signature, and
5978 the official seal of the commission shall be affixed thereto,



5979 attested by the secretary of the commission. The interest
5980 coupons, if any, to be attached to such bonds may be executed by
5981 the facsimile signatures of such officers. Whenever any such
5982 bonds shall have been signed by the officials designated to sign
5983 the bonds who were in office at the time of such signing but who
5984 may have ceased to be such officers before the sale and delivery
5985 of such bonds, or who may not have been in office on the date such
5986 bonds may bear, the signatures of such officers upon such bonds
5987 and coupons shall nevertheless be valid and sufficient for all
5988 purposes and have the same effect as if the person so officially
5989 signing such bonds had remained in office until their delivery to
5990 the purchaser, or had been in office on the date such bonds may
5991 bear. However, notwithstanding anything herein to the contrary,
5992 such bonds may be issued as provided in the Registered Bond Act of
5993 the State of Mississippi.

5994 (5) All bonds and interest coupons issued under the
5995 provisions of this section have all the qualities and incidents of
5996 negotiable instruments under the provisions of the Uniform
5997 Commercial Code, and in exercising the powers granted by this
5998 section, the commission shall not be required to and need not
5999 comply with the provisions of the Uniform Commercial Code.

6000 (6) The commission shall act as issuing agent for the bonds
6001 authorized under this section, prescribe the form of the bonds,
6002 determine the appropriate method for sale of the bonds, advertise
6003 for and accept bids or negotiate the sale of the bonds, issue and
6004 sell the bonds so authorized to be sold, pay all fees and costs
6005 incurred in such issuance and sale, and do any and all other
6006 things necessary and advisable in connection with the issuance and
6007 sale of such bonds. The commission is authorized and empowered to
6008 pay the costs that are incident to the sale, issuance and delivery
6009 of the bonds authorized under this section from the proceeds
6010 derived from the sale of such bonds. The commission may sell such
6011 bonds on sealed bids at public sale or may negotiate the sale of



6012 the bonds for such price as it may determine to be for the best
6013 interest of the State of Mississippi. All interest accruing on
6014 such bonds so issued shall be payable semiannually or annually.

6015 If such bonds are sold by sealed bids at public sale, notice
6016 of the sale shall be published at least one time, not less than
6017 ten (10) days before the date of sale, and shall be so published
6018 in one or more newspapers published or having a general
6019 circulation in the City of Jackson, Mississippi, selected by the
6020 commission.

6021 The commission, when issuing any bonds under the authority of
6022 this section, may provide that bonds, at the option of the State
6023 of Mississippi, may be called in for payment and redemption at the
6024 call price named therein and accrued interest on such date or
6025 dates named therein.

6026 (7) The bonds issued under the provisions of this section
6027 are general obligations of the State of Mississippi, and for the
6028 payment thereof the full faith and credit of the State of
6029 Mississippi is irrevocably pledged. If the funds appropriated by
6030 the Legislature are insufficient to pay the principal of and the
6031 interest on such bonds as they become due, then the deficiency
6032 shall be paid by the State Treasurer from any funds in the State
6033 Treasury not otherwise appropriated. All such bonds shall contain
6034 recitals on their faces substantially covering the provisions of
6035 this subsection.

6036 (8) Upon the issuance and sale of bonds under the provisions
6037 of this section, the commission shall transfer the proceeds of any
6038 such sale or sales to the Small Municipalities and Limited
6039 Population Counties Fund created in Section 57-1-18. The proceeds
6040 of such bonds shall be disbursed solely upon the order of the
6041 Mississippi Development Authority under such restrictions, if any,
6042 as may be contained in the resolution providing for the issuance
6043 of the bonds.



6044 (9) The bonds authorized under this section may be issued
6045 without any other proceedings or the happening of any other
6046 conditions or things other than those proceedings, conditions and
6047 things which are specified or required by this section. Any
6048 resolution providing for the issuance of bonds under the
6049 provisions of this section shall become effective immediately upon
6050 its adoption by the commission, and any such resolution may be
6051 adopted at any regular or special meeting of the commission by a
6052 majority of its members.

6053 (10) The bonds authorized under the authority of this
6054 section may be validated in the Chancery Court of the First
6055 Judicial District of Hinds County, Mississippi, in the manner and
6056 with the force and effect provided by Chapter 13, Title 31,
6057 Mississippi Code of 1972, for the validation of county, municipal,
6058 school district and other bonds. The notice to taxpayers required
6059 by such statutes shall be published in a newspaper published or
6060 having a general circulation in the City of Jackson, Mississippi.

6061 (11) Any holder of bonds issued under the provisions of this
6062 section or of any of the interest coupons pertaining thereto may,
6063 either at law or in equity, by suit, action, mandamus or other
6064 proceeding, protect and enforce any and all rights granted under
6065 this section, or under such resolution, and may enforce and compel
6066 performance of all duties required by this section to be
6067 performed, in order to provide for the payment of bonds and
6068 interest thereon.

6069 (12) All bonds issued under the provisions of this section
6070 shall be legal investments for trustees and other fiduciaries, and
6071 for savings banks, trust companies and insurance companies
6072 organized under the laws of the State of Mississippi, and such
6073 bonds shall be legal securities which may be deposited with and
6074 shall be received by all public officers and bodies of this state
6075 and all municipalities and political subdivisions for the purpose
6076 of securing the deposit of public funds.



6077 (13) Bonds issued under the provisions of this section and
6078 income therefrom shall be exempt from all taxation in the State of
6079 Mississippi.

6080 (14) The proceeds of the bonds issued under this section
6081 shall be used solely for the purposes therein provided, including
6082 the costs incident to the issuance and sale of such bonds.

6083 (15) The State Treasurer is authorized, without further
6084 process of law, to certify to the Department of Finance and
6085 Administration the necessity for warrants, and the Department of
6086 Finance and Administration is authorized and directed to issue
6087 such warrants, in such amounts as may be necessary to pay when due
6088 the principal of, premium, if any, and interest on, or the
6089 accreted value of, all bonds issued under this section; and the
6090 State Treasurer shall forward the necessary amount to the
6091 designated place or places of payment of such bonds in ample time
6092 to discharge such bonds, or the interest thereon, on the due dates
6093 thereof.

6094 (16) This section shall be deemed to be full and complete
6095 authority for the exercise of the powers therein granted, but this
6096 section shall not be deemed to repeal or to be in derogation of
6097 any existing law of this state.

6098 **SECTION 39.** Section 57-1-18, Mississippi Code of 1972, is
6099 amended as follows:

6100 57-1-18. (1) For the purposes of this section, the
6101 following terms shall have the meanings ascribed in this section
6102 unless the context clearly indicates otherwise:

6103 (a) "Limited population county" means a county in the
6104 State of Mississippi with a population of thirty thousand (30,000)
6105 or less according to the most recent federal decennial census at
6106 the time the county submits its application to the MDA under this
6107 section.

6108 (b) "MDA" means the Mississippi Development Authority.



6109 (c) "Project" means highways, streets and other
6110 roadways, bridges, sidewalks, utilities, airfields, airports,
6111 acquisition of equipment, acquisition of real property,
6112 development of real property, improvements to real property, and
6113 any other project approved by the MDA.

6114 (d) "Small municipality" means a municipality in the
6115 State of Mississippi with a population of ten thousand (10,000) or
6116 less according to the most recent federal decennial census at the
6117 time the municipality submits its application to the MDA under
6118 this section.

6119 (2) (a) There is hereby created in the State Treasury a
6120 special fund to be designated as the "Small Municipalities and
6121 Limited Population Counties Fund," which shall consist of funds
6122 appropriated or otherwise made available by the Legislature in any
6123 manner and funds from any other source designated for deposit into
6124 such fund. Unexpended amounts remaining in the fund at the end of
6125 a fiscal year shall not lapse into the State General Fund, and any
6126 investment earnings or interest earned on amounts in the fund
6127 shall be deposited to the credit of the fund. Monies in the fund
6128 shall be used to make grants to small municipalities and limited
6129 population counties or natural gas districts created by law and
6130 contained therein to assist in completing projects under this
6131 section.

6132 (b) Monies in the fund which are derived from proceeds
6133 of bonds issued under Sections 1 through 16 of Chapter 538, Laws
6134 of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003,
6135 Sections 55 through 70 of Chapter 1, Laws of 2004 Third
6136 Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws
6137 of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of
6138 Chapter 503, Laws of 2008, * * * Section 42 of Chapter 557, Laws
6139 of 2009, or Section 38 of this act, may be used to reimburse
6140 reasonable actual and necessary costs incurred by the MDA in
6141 providing assistance related to a project for which funding is



6142 provided under this section from the use of proceeds of such
6143 bonds. An accounting of actual costs incurred for which
6144 reimbursement is sought shall be maintained for each project by
6145 the MDA. Reimbursement of reasonable actual and necessary costs
6146 for a project shall not exceed three percent (3%) of the proceeds
6147 of bonds issued for such project. Monies authorized for a
6148 particular project may not be used to reimburse administrative
6149 costs for unrelated projects. Reimbursements under this
6150 subsection shall satisfy any applicable federal tax law
6151 requirements.

6152 (3) The MDA shall establish a grant program to make grants
6153 to small municipalities and limited population counties from the
6154 Small Municipalities and Limited Population Counties Fund. Grants
6155 made under this section to a small municipality or a limited
6156 population county shall not exceed Two Hundred Fifty Thousand
6157 Dollars (\$250,000.00) during any grant period established by the
6158 MDA. A small municipality or limited population county may apply
6159 to the MDA for a grant under this section in the manner provided
6160 for in this section.

6161 (4) A small municipality or limited population county
6162 desiring assistance under this section must submit an application
6163 to the MDA. The application must include a description of the
6164 project for which assistance is requested, the cost of the project
6165 for which assistance is requested, the amount of assistance
6166 requested and any other information required by the MDA.

6167 (5) The MDA shall have all powers necessary to implement and
6168 administer the program established under this section, and the
6169 department shall promulgate rules and regulations, in accordance
6170 with the Mississippi Administrative Procedures Law, necessary for
6171 the implementation of this section.

6172 (6) The MDA shall file an annual report with the Governor,
6173 Secretary of the Senate and the Clerk of the House of



6174 Representatives not later than December 1 of each year, describing
6175 all assistance provided under this section.

6176 **SECTION 40.** (1) As used in this section, the following
6177 words shall have the meanings ascribed herein unless the context
6178 clearly requires otherwise:

6179 (a) "Accreted value" of any bond means, as of any date
6180 of computation, an amount equal to the sum of (i) the stated
6181 initial value of such bond, plus (ii) the interest accrued thereon
6182 from the issue date to the date of computation at the rate,
6183 compounded semiannually, that is necessary to produce the
6184 approximate yield to maturity shown for bonds of the same
6185 maturity.

6186 (b) "State" means the State of Mississippi.

6187 (c) "Commission" means the State Bond Commission.

6188 (2) (a) (i) A special fund, to be designated as the "2010
6189 Jackson Zoo Improvements Fund" is created within the State
6190 Treasury. The fund shall be maintained by the State Treasurer as
6191 a separate and special fund, separate and apart from the General
6192 Fund of the state. Unexpended amounts remaining in the fund at
6193 the end of a fiscal year shall not lapse into the State General
6194 Fund, and any interest earned or investment earnings on amounts in
6195 the fund shall be deposited into such fund.

6196 (ii) Monies deposited into the fund shall be
6197 disbursed, in the discretion of the Department of Finance and
6198 Administration, to pay the costs of construction, repair,
6199 renovation, replacement and improvement of buildings, facilities,
6200 exhibits and infrastructure at the Jackson Zoo in Jackson,
6201 Mississippi.

6202 (b) Amounts deposited into such special fund shall be
6203 disbursed to pay the costs of the projects described in paragraph
6204 (a) of this subsection. Promptly after the commission has
6205 certified, by resolution duly adopted, that the projects described
6206 in paragraph (a) of this subsection shall have been completed,



6207 abandoned, or cannot be completed in a timely fashion, any amounts
6208 remaining in such special fund shall be applied to pay debt
6209 service on the bonds issued under this section, in accordance with
6210 the proceedings authorizing the issuance of such bonds and as
6211 directed by the commission.

6212 (3) (a) The commission, at one time, or from time to time,
6213 may declare by resolution the necessity for issuance of general
6214 obligation bonds of the State of Mississippi to provide funds for
6215 all costs incurred or to be incurred for the purposes described in
6216 subsection (2) of this section. Upon the adoption of a resolution
6217 by the Department of Finance and Administration, declaring the
6218 necessity for the issuance of any part or all of the general
6219 obligation bonds authorized by this subsection, the department
6220 shall deliver a certified copy of its resolution or resolutions to
6221 the commission. Upon receipt of such resolution, the commission,
6222 in its discretion, may act as issuing agent, prescribe the form of
6223 the bonds, determine the appropriate method for sale of the bonds,
6224 advertise for and accept bids or negotiate the sale of the bonds,
6225 issue and sell the bonds so authorized to be sold and do any and
6226 all other things necessary and advisable in connection with the
6227 issuance and sale of such bonds. The total amount of bonds issued
6228 under this section shall not exceed One Hundred Thousand Dollars
6229 (\$100,000.00). No bonds shall be issued under this section after
6230 July 1, 2014.

6231 (b) Any investment earnings on amounts deposited into
6232 the special fund created in subsection (2) of this section shall
6233 be used to pay debt service on bonds issued under this section, in
6234 accordance with the proceedings authorizing issuance of such
6235 bonds.

6236 (4) The principal of and interest on the bonds authorized
6237 under this section shall be payable in the manner provided in this
6238 subsection. Such bonds shall bear such date or dates, be in such
6239 denomination or denominations, bear interest at such rate or rates



6240 (not to exceed the limits set forth in Section 75-17-101,
6241 Mississippi Code of 1972), be payable at such place or places
6242 within or without the State of Mississippi, shall mature
6243 absolutely at such time or times not to exceed twenty-five (25)
6244 years from date of issue, be redeemable before maturity at such
6245 time or times and upon such terms, with or without premium, shall
6246 bear such registration privileges, and shall be substantially in
6247 such form, all as shall be determined by resolution of the
6248 commission.

6249 (5) The bonds authorized by this section shall be signed by
6250 the chairman of the commission, or by his facsimile signature, and
6251 the official seal of the commission shall be affixed thereto,
6252 attested by the secretary of the commission. The interest
6253 coupons, if any, to be attached to such bonds may be executed by
6254 the facsimile signatures of such officers. Whenever any such
6255 bonds shall have been signed by the officials designated to sign
6256 the bonds who were in office at the time of such signing but who
6257 may have ceased to be such officers before the sale and delivery
6258 of such bonds, or who may not have been in office on the date such
6259 bonds may bear, the signatures of such officers upon such bonds
6260 and coupons shall nevertheless be valid and sufficient for all
6261 purposes and have the same effect as if the person so officially
6262 signing such bonds had remained in office until their delivery to
6263 the purchaser, or had been in office on the date such bonds may
6264 bear. However, notwithstanding anything herein to the contrary,
6265 such bonds may be issued as provided in the Registered Bond Act of
6266 the State of Mississippi.

6267 (6) All bonds and interest coupons issued under the
6268 provisions of this section have all the qualities and incidents of
6269 negotiable instruments under the provisions of the Uniform
6270 Commercial Code, and in exercising the powers granted by this
6271 section, the commission shall not be required to and need not
6272 comply with the provisions of the Uniform Commercial Code.



6273 (7) The commission shall act as issuing agent for the bonds
6274 authorized under this section, prescribe the form of the bonds,
6275 determine the appropriate method for sale of the bonds, advertise
6276 for and accept bids or negotiate the sale of the bonds, issue and
6277 sell the bonds so authorized to be sold, pay all fees and costs
6278 incurred in such issuance and sale, and do any and all other
6279 things necessary and advisable in connection with the issuance and
6280 sale of such bonds. The commission is authorized and empowered to
6281 pay the costs that are incident to the sale, issuance and delivery
6282 of the bonds authorized under this section from the proceeds
6283 derived from the sale of such bonds. The commission may sell such
6284 bonds on sealed bids at public sale or may negotiate the sale of
6285 the bonds for such price as it may determine to be for the best
6286 interest of the State of Mississippi. All interest accruing on
6287 such bonds so issued shall be payable semiannually or annually.

6288 If such bonds are sold by sealed bids at public sale, notice
6289 of the sale shall be published at least one time, not less than
6290 ten (10) days before the date of sale, and shall be so published
6291 in one or more newspapers published or having a general
6292 circulation in the City of Jackson, Mississippi, selected by the
6293 commission.

6294 The commission, when issuing any bonds under the authority of
6295 this section, may provide that bonds, at the option of the State
6296 of Mississippi, may be called in for payment and redemption at the
6297 call price named therein and accrued interest on such date or
6298 dates named therein.

6299 (8) The bonds issued under the provisions of this section
6300 are general obligations of the State of Mississippi, and for the
6301 payment thereof the full faith and credit of the State of
6302 Mississippi is irrevocably pledged. If the funds appropriated by
6303 the Legislature are insufficient to pay the principal of and the
6304 interest on such bonds as they become due, then the deficiency
6305 shall be paid by the State Treasurer from any funds in the State



6306 Treasury not otherwise appropriated. All such bonds shall contain
6307 recitals on their faces substantially covering the provisions of
6308 this subsection.

6309 (9) Upon the issuance and sale of bonds under the provisions
6310 of this section, the commission shall transfer the proceeds of any
6311 such sale or sales to the special fund created in subsection (2)
6312 of this section. The proceeds of such bonds shall be disbursed
6313 solely upon the order of the Department of Finance and
6314 Administration under such restrictions, if any, as may be
6315 contained in the resolution providing for the issuance of the
6316 bonds.

6317 (10) The bonds authorized under this section may be issued
6318 without any other proceedings or the happening of any other
6319 conditions or things other than those proceedings, conditions and
6320 things which are specified or required by this section. Any
6321 resolution providing for the issuance of bonds under the
6322 provisions of this section shall become effective immediately upon
6323 its adoption by the commission, and any such resolution may be
6324 adopted at any regular or special meeting of the commission by a
6325 majority of its members.

6326 (11) The bonds authorized under the authority of this
6327 section may be validated in the Chancery Court of the First
6328 Judicial District of Hinds County, Mississippi, in the manner and
6329 with the force and effect provided by Chapter 13, Title 31,
6330 Mississippi Code of 1972, for the validation of county, municipal,
6331 school district and other bonds. The notice to taxpayers required
6332 by such statutes shall be published in a newspaper published or
6333 having a general circulation in the City of Jackson, Mississippi.

6334 (12) Any holder of bonds issued under the provisions of this
6335 section or of any of the interest coupons pertaining thereto may,
6336 either at law or in equity, by suit, action, mandamus or other
6337 proceeding, protect and enforce any and all rights granted under
6338 this section, or under such resolution, and may enforce and compel



6339 performance of all duties required by this section to be
6340 performed, in order to provide for the payment of bonds and
6341 interest thereon.

6342 (13) All bonds issued under the provisions of this section
6343 shall be legal investments for trustees and other fiduciaries, and
6344 for savings banks, trust companies and insurance companies
6345 organized under the laws of the State of Mississippi, and such
6346 bonds shall be legal securities which may be deposited with and
6347 shall be received by all public officers and bodies of this state
6348 and all municipalities and political subdivisions for the purpose
6349 of securing the deposit of public funds.

6350 (14) Bonds issued under the provisions of this section and
6351 income therefrom shall be exempt from all taxation in the State of
6352 Mississippi.

6353 (15) The proceeds of the bonds issued under this section
6354 shall be used solely for the purposes herein provided, including
6355 the costs incident to the issuance and sale of such bonds.

6356 (16) The State Treasurer is authorized, without further
6357 process of law, to certify to the Department of Finance and
6358 Administration the necessity for warrants, and the Department of
6359 Finance and Administration is authorized and directed to issue
6360 such warrants, in such amounts as may be necessary to pay when due
6361 the principal of, premium, if any, and interest on, or the
6362 accreted value of, all bonds issued under this section; and the
6363 State Treasurer shall forward the necessary amount to the
6364 designated place or places of payment of such bonds in ample time
6365 to discharge such bonds, or the interest thereon, on the due dates
6366 thereof.

6367 (17) This section shall be deemed to be full and complete
6368 authority for the exercise of the powers herein granted, but this
6369 section shall not be deemed to repeal or to be in derogation of
6370 any existing law of this state.



6371 **SECTION 41.** (1) As used in this section, the following
6372 words shall have the meanings ascribed herein unless the context
6373 clearly requires otherwise:

6374 (a) "Accreted value" of any bond means, as of any date
6375 of computation, an amount equal to the sum of (i) the stated
6376 initial value of such bond, plus (ii) the interest accrued thereon
6377 from the issue date to the date of computation at the rate,
6378 compounded semiannually, that is necessary to produce the
6379 approximate yield to maturity shown for bonds of the same
6380 maturity.

6381 (b) "State" means the State of Mississippi.

6382 (c) "Commission" means the State Bond Commission.

6383 (2) (a) (i) A special fund, to be designated as the "State
6384 Tax Commission Information Technology Systems Modernization Fund"
6385 is created within the State Treasury. The fund shall be
6386 maintained by the State Treasurer as a separate and special fund,
6387 separate and apart from the General Fund of the state. Unexpended
6388 amounts remaining in the fund at the end of a fiscal year shall
6389 not lapse into the State General Fund, and any interest earned or
6390 investment earnings on amounts in the fund shall be deposited into
6391 such fund.

6392 (ii) Monies deposited into the fund shall be
6393 disbursed, in the discretion of the Department of Finance and
6394 Administration, to pay the costs incurred for the purpose of
6395 making additions, upgrades and improvements to the State Tax
6396 Commission's information technology systems.

6397 (b) Amounts deposited into such special fund shall be
6398 disbursed to pay the costs of the projects described in paragraph
6399 (a) of this subsection. Promptly after the commission has
6400 certified, by resolution duly adopted, that the projects described
6401 in paragraph (a) of this subsection shall have been completed,
6402 abandoned, or cannot be completed in a timely fashion, any amounts
6403 remaining in such special fund shall be applied to pay debt



6404 service on the bonds issued under this section, in accordance with
6405 the proceedings authorizing the issuance of such bonds and as
6406 directed by the commission.

6407 (3) (a) The commission, at one time, or from time to time,
6408 may declare by resolution the necessity for issuance of general
6409 obligation bonds of the State of Mississippi to provide funds for
6410 all costs incurred or to be incurred for the purposes described in
6411 subsection (2) of this section. Upon the adoption of a resolution
6412 by the Department of Finance and Administration, declaring the
6413 necessity for the issuance of any part or all of the general
6414 obligation bonds authorized by this subsection, the department
6415 shall deliver a certified copy of its resolution or resolutions to
6416 the commission. Upon receipt of such resolution, the commission,
6417 in its discretion, may act as issuing agent, prescribe the form of
6418 the bonds, determine the appropriate method for sale of the bonds,
6419 advertise for and accept bids or negotiate the sale of the bonds,
6420 issue and sell the bonds so authorized to be sold and do any and
6421 all other things necessary and advisable in connection with the
6422 issuance and sale of such bonds. The total amount of bonds issued
6423 under this section shall not exceed Seventeen Million Dollars
6424 (\$17,000,000.00). No bonds shall be issued under this section
6425 after July 1, 2013.

6426 (b) Any investment earnings on amounts deposited into
6427 the special fund created in subsection (2) of this section shall
6428 be used to pay debt service on bonds issued under this section, in
6429 accordance with the proceedings authorizing issuance of such
6430 bonds.

6431 (4) The principal of and interest on the bonds authorized
6432 under this section shall be payable in the manner provided in this
6433 subsection. Such bonds shall bear such date or dates, be in such
6434 denomination or denominations, bear interest at such rate or rates
6435 (not to exceed the limits set forth in Section 75-17-101,
6436 Mississippi Code of 1972), be payable at such place or places



6437 within or without the State of Mississippi, shall mature
6438 absolutely at such time or times not to exceed twenty-five (25)
6439 years from date of issue, be redeemable before maturity at such
6440 time or times and upon such terms, with or without premium, shall
6441 bear such registration privileges, and shall be substantially in
6442 such form, all as shall be determined by resolution of the
6443 commission.

6444 (5) The bonds authorized by this section shall be signed by
6445 the chairman of the commission, or by his facsimile signature, and
6446 the official seal of the commission shall be affixed thereto,
6447 attested by the secretary of the commission. The interest
6448 coupons, if any, to be attached to such bonds may be executed by
6449 the facsimile signatures of such officers. Whenever any such
6450 bonds shall have been signed by the officials designated to sign
6451 the bonds who were in office at the time of such signing but who
6452 may have ceased to be such officers before the sale and delivery
6453 of such bonds, or who may not have been in office on the date such
6454 bonds may bear, the signatures of such officers upon such bonds
6455 and coupons shall nevertheless be valid and sufficient for all
6456 purposes and have the same effect as if the person so officially
6457 signing such bonds had remained in office until their delivery to
6458 the purchaser, or had been in office on the date such bonds may
6459 bear. However, notwithstanding anything herein to the contrary,
6460 such bonds may be issued as provided in the Registered Bond Act of
6461 the State of Mississippi.

6462 (6) All bonds and interest coupons issued under the
6463 provisions of this section have all the qualities and incidents of
6464 negotiable instruments under the provisions of the Uniform
6465 Commercial Code, and in exercising the powers granted by this
6466 section, the commission shall not be required to and need not
6467 comply with the provisions of the Uniform Commercial Code.

6468 (7) The commission shall act as issuing agent for the bonds
6469 authorized under this section, prescribe the form of the bonds,



6470 determine the appropriate method for sale of the bonds, advertise
6471 for and accept bids or negotiate the sale of the bonds, issue and
6472 sell the bonds so authorized to be sold, pay all fees and costs
6473 incurred in such issuance and sale, and do any and all other
6474 things necessary and advisable in connection with the issuance and
6475 sale of such bonds. The commission is authorized and empowered to
6476 pay the costs that are incident to the sale, issuance and delivery
6477 of the bonds authorized under this section from the proceeds
6478 derived from the sale of such bonds. The commission may sell such
6479 bonds on sealed bids at public sale or may negotiate the sale of
6480 the bonds for such price as it may determine to be for the best
6481 interest of the State of Mississippi. All interest accruing on
6482 such bonds so issued shall be payable semiannually or annually.

6483 If such bonds are sold by sealed bids at public sale, notice
6484 of the sale shall be published at least one time, not less than
6485 ten (10) days before the date of sale, and shall be so published
6486 in one or more newspapers published or having a general
6487 circulation in the City of Jackson, Mississippi, selected by the
6488 commission.

6489 The commission, when issuing any bonds under the authority of
6490 this section, may provide that bonds, at the option of the State
6491 of Mississippi, may be called in for payment and redemption at the
6492 call price named therein and accrued interest on such date or
6493 dates named therein.

6494 (8) The bonds issued under the provisions of this section
6495 are general obligations of the State of Mississippi, and for the
6496 payment thereof the full faith and credit of the State of
6497 Mississippi is irrevocably pledged. If the funds appropriated by
6498 the Legislature are insufficient to pay the principal of and the
6499 interest on such bonds as they become due, then the deficiency
6500 shall be paid by the State Treasurer from any funds in the State
6501 Treasury not otherwise appropriated. All such bonds shall contain



6502 recitals on their faces substantially covering the provisions of
6503 this subsection.

6504 (9) Upon the issuance and sale of bonds under the provisions
6505 of this section, the commission shall transfer the proceeds of any
6506 such sale or sales to the special fund created in subsection (2)
6507 of this section. The proceeds of such bonds shall be disbursed
6508 solely upon the order of the Department of Finance and
6509 Administration under such restrictions, if any, as may be
6510 contained in the resolution providing for the issuance of the
6511 bonds.

6512 (10) The bonds authorized under this section may be issued
6513 without any other proceedings or the happening of any other
6514 conditions or things other than those proceedings, conditions and
6515 things which are specified or required by this section. Any
6516 resolution providing for the issuance of bonds under the
6517 provisions of this section shall become effective immediately upon
6518 its adoption by the commission, and any such resolution may be
6519 adopted at any regular or special meeting of the commission by a
6520 majority of its members.

6521 (11) The bonds authorized under the authority of this
6522 section may be validated in the Chancery Court of the First
6523 Judicial District of Hinds County, Mississippi, in the manner and
6524 with the force and effect provided by Chapter 13, Title 31,
6525 Mississippi Code of 1972, for the validation of county, municipal,
6526 school district and other bonds. The notice to taxpayers required
6527 by such statutes shall be published in a newspaper published or
6528 having a general circulation in the City of Jackson, Mississippi.

6529 (12) Any holder of bonds issued under the provisions of this
6530 section or of any of the interest coupons pertaining thereto may,
6531 either at law or in equity, by suit, action, mandamus or other
6532 proceeding, protect and enforce any and all rights granted under
6533 this section, or under such resolution, and may enforce and compel
6534 performance of all duties required by this section to be



6535 performed, in order to provide for the payment of bonds and
6536 interest thereon.

6537 (13) All bonds issued under the provisions of this section
6538 shall be legal investments for trustees and other fiduciaries, and
6539 for savings banks, trust companies and insurance companies
6540 organized under the laws of the State of Mississippi, and such
6541 bonds shall be legal securities which may be deposited with and
6542 shall be received by all public officers and bodies of this state
6543 and all municipalities and political subdivisions for the purpose
6544 of securing the deposit of public funds.

6545 (14) Bonds issued under the provisions of this section and
6546 income therefrom shall be exempt from all taxation in the State of
6547 Mississippi.

6548 (15) The proceeds of the bonds issued under this section
6549 shall be used solely for the purposes herein provided, including
6550 the costs incident to the issuance and sale of such bonds.

6551 (16) The State Treasurer is authorized, without further
6552 process of law, to certify to the Department of Finance and
6553 Administration the necessity for warrants, and the Department of
6554 Finance and Administration is authorized and directed to issue
6555 such warrants, in such amounts as may be necessary to pay when due
6556 the principal of, premium, if any, and interest on, or the
6557 accreted value of, all bonds issued under this section; and the
6558 State Treasurer shall forward the necessary amount to the
6559 designated place or places of payment of such bonds in ample time
6560 to discharge such bonds, or the interest thereon, on the due dates
6561 thereof.

6562 (17) This section shall be deemed to be full and complete
6563 authority for the exercise of the powers herein granted, but this
6564 section shall not be deemed to repeal or to be in derogation of
6565 any existing law of this state.



6566 **SECTION 42.** (1) As used in this section, the following
6567 words shall have the meanings ascribed herein unless the context
6568 clearly requires otherwise:

6569 (a) "Accreted value" of any bond means, as of any date
6570 of computation, an amount equal to the sum of (i) the stated
6571 initial value of such bond, plus (ii) the interest accrued thereon
6572 from the issue date to the date of computation at the rate,
6573 compounded semiannually, that is necessary to produce the
6574 approximate yield to maturity shown for bonds of the same
6575 maturity.

6576 (b) "State" means the State of Mississippi.

6577 (c) "Commission" means the State Bond Commission.

6578 (2) (a) (i) A special fund, to be designated as the "2010
6579 Long Leaf Trace Improvements Fund" is created within the State
6580 Treasury. The fund shall be maintained by the State Treasurer as
6581 a separate and special fund, separate and apart from the General
6582 Fund of the state. Unexpended amounts remaining in the fund at
6583 the end of a fiscal year shall not lapse into the State General
6584 Fund, and any interest earned or investment earnings on amounts in
6585 the fund shall be deposited into such fund.

6586 (ii) 1. Of the monies deposited into the fund,
6587 Seven Hundred Thousand Dollars (\$700,000.00) shall be disbursed,
6588 in the discretion of the Department of Finance and Administration,
6589 to assist the City of Hattiesburg, Mississippi, in paying the
6590 costs associated with constructing and making improvements to the
6591 Long Leaf Trace in Hattiesburg, Mississippi.

6592 2. Of the monies deposited into the fund, One
6593 Hundred Thousand Dollars (\$100,000.00) shall be disbursed, in the
6594 discretion of the Department of Finance and Administration, to
6595 assist in paying the costs associated with establishing a park and
6596 related facilities adjacent to the central office of the
6597 Hattiesburg Public School System in Hattiesburg, Mississippi.



6598 (b) Amounts deposited into such special fund shall be
6599 disbursed to pay the costs of the projects described in paragraph
6600 (a) of this subsection. Promptly after the commission has
6601 certified, by resolution duly adopted, that the projects described
6602 in paragraph (a) of this subsection shall have been completed,
6603 abandoned, or cannot be completed in a timely fashion, any amounts
6604 remaining in such special fund shall be applied to pay debt
6605 service on the bonds issued under this section, in accordance with
6606 the proceedings authorizing the issuance of such bonds and as
6607 directed by the commission.

6608 (3) (a) The commission, at one time, or from time to time,
6609 may declare by resolution the necessity for issuance of general
6610 obligation bonds of the State of Mississippi to provide funds for
6611 all costs incurred or to be incurred for the purposes described in
6612 subsection (2) of this section. Upon the adoption of a resolution
6613 by the Department of Finance and Administration, declaring the
6614 necessity for the issuance of any part or all of the general
6615 obligation bonds authorized by this subsection, the department
6616 shall deliver a certified copy of its resolution or resolutions to
6617 the commission. Upon receipt of such resolution, the commission,
6618 in its discretion, may act as issuing agent, prescribe the form of
6619 the bonds, determine the appropriate method for sale of the bonds,
6620 advertise for and accept bids or negotiate the sale of the bonds,
6621 issue and sell the bonds so authorized to be sold and do any and
6622 all other things necessary and advisable in connection with the
6623 issuance and sale of such bonds. The total amount of bonds issued
6624 under this section shall not exceed Eight Hundred Thousand Dollars
6625 (\$800,000.00). No bonds shall be issued under this section after
6626 July 1, 2014.

6627 (b) Any investment earnings on amounts deposited into
6628 the special fund created in subsection (2) of this section shall
6629 be used to pay debt service on bonds issued under this section, in



6630 accordance with the proceedings authorizing issuance of such
6631 bonds.

6632 (4) The principal of and interest on the bonds authorized
6633 under this section shall be payable in the manner provided in this
6634 subsection. Such bonds shall bear such date or dates, be in such
6635 denomination or denominations, bear interest at such rate or rates
6636 (not to exceed the limits set forth in Section 75-17-101,
6637 Mississippi Code of 1972), be payable at such place or places
6638 within or without the State of Mississippi, shall mature
6639 absolutely at such time or times not to exceed twenty-five (25)
6640 years from date of issue, be redeemable before maturity at such
6641 time or times and upon such terms, with or without premium, shall
6642 bear such registration privileges, and shall be substantially in
6643 such form, all as shall be determined by resolution of the
6644 commission.

6645 (5) The bonds authorized by this section shall be signed by
6646 the chairman of the commission, or by his facsimile signature, and
6647 the official seal of the commission shall be affixed thereto,
6648 attested by the secretary of the commission. The interest
6649 coupons, if any, to be attached to such bonds may be executed by
6650 the facsimile signatures of such officers. Whenever any such
6651 bonds shall have been signed by the officials designated to sign
6652 the bonds who were in office at the time of such signing but who
6653 may have ceased to be such officers before the sale and delivery
6654 of such bonds, or who may not have been in office on the date such
6655 bonds may bear, the signatures of such officers upon such bonds
6656 and coupons shall nevertheless be valid and sufficient for all
6657 purposes and have the same effect as if the person so officially
6658 signing such bonds had remained in office until their delivery to
6659 the purchaser, or had been in office on the date such bonds may
6660 bear. However, notwithstanding anything herein to the contrary,
6661 such bonds may be issued as provided in the Registered Bond Act of
6662 the State of Mississippi.



6663 (6) All bonds and interest coupons issued under the
6664 provisions of this section have all the qualities and incidents of
6665 negotiable instruments under the provisions of the Uniform
6666 Commercial Code, and in exercising the powers granted by this
6667 section, the commission shall not be required to and need not
6668 comply with the provisions of the Uniform Commercial Code.

6669 (7) The commission shall act as issuing agent for the bonds
6670 authorized under this section, prescribe the form of the bonds,
6671 determine the appropriate method for sale of the bonds, advertise
6672 for and accept bids or negotiate the sale of the bonds, issue and
6673 sell the bonds so authorized to be sold, pay all fees and costs
6674 incurred in such issuance and sale, and do any and all other
6675 things necessary and advisable in connection with the issuance and
6676 sale of such bonds. The commission is authorized and empowered to
6677 pay the costs that are incident to the sale, issuance and delivery
6678 of the bonds authorized under this section from the proceeds
6679 derived from the sale of such bonds. The commission may sell such
6680 bonds on sealed bids at public sale or may negotiate the sale of
6681 the bonds for such price as it may determine to be for the best
6682 interest of the State of Mississippi. All interest accruing on
6683 such bonds so issued shall be payable semiannually or annually.

6684 If such bonds are sold by sealed bids at public sale, notice
6685 of the sale shall be published at least one time, not less than
6686 ten (10) days before the date of sale, and shall be so published
6687 in one or more newspapers published or having a general
6688 circulation in the City of Jackson, Mississippi, selected by the
6689 commission.

6690 The commission, when issuing any bonds under the authority of
6691 this section, may provide that bonds, at the option of the State
6692 of Mississippi, may be called in for payment and redemption at the
6693 call price named therein and accrued interest on such date or
6694 dates named therein.



6695 (8) The bonds issued under the provisions of this section
6696 are general obligations of the State of Mississippi, and for the
6697 payment thereof the full faith and credit of the State of
6698 Mississippi is irrevocably pledged. If the funds appropriated by
6699 the Legislature are insufficient to pay the principal of and the
6700 interest on such bonds as they become due, then the deficiency
6701 shall be paid by the State Treasurer from any funds in the State
6702 Treasury not otherwise appropriated. All such bonds shall contain
6703 recitals on their faces substantially covering the provisions of
6704 this subsection.

6705 (9) Upon the issuance and sale of bonds under the provisions
6706 of this section, the commission shall transfer the proceeds of any
6707 such sale or sales to the special fund created in subsection (2)
6708 of this section. The proceeds of such bonds shall be disbursed
6709 solely upon the order of the Department of Finance and
6710 Administration under such restrictions, if any, as may be
6711 contained in the resolution providing for the issuance of the
6712 bonds.

6713 (10) The bonds authorized under this section may be issued
6714 without any other proceedings or the happening of any other
6715 conditions or things other than those proceedings, conditions and
6716 things which are specified or required by this section. Any
6717 resolution providing for the issuance of bonds under the
6718 provisions of this section shall become effective immediately upon
6719 its adoption by the commission, and any such resolution may be
6720 adopted at any regular or special meeting of the commission by a
6721 majority of its members.

6722 (11) The bonds authorized under the authority of this
6723 section may be validated in the Chancery Court of the First
6724 Judicial District of Hinds County, Mississippi, in the manner and
6725 with the force and effect provided by Chapter 13, Title 31,
6726 Mississippi Code of 1972, for the validation of county, municipal,
6727 school district and other bonds. The notice to taxpayers required



6728 by such statutes shall be published in a newspaper published or
6729 having a general circulation in the City of Jackson, Mississippi.

6730 (12) Any holder of bonds issued under the provisions of this
6731 section or of any of the interest coupons pertaining thereto may,
6732 either at law or in equity, by suit, action, mandamus or other
6733 proceeding, protect and enforce any and all rights granted under
6734 this section, or under such resolution, and may enforce and compel
6735 performance of all duties required by this section to be
6736 performed, in order to provide for the payment of bonds and
6737 interest thereon.

6738 (13) All bonds issued under the provisions of this section
6739 shall be legal investments for trustees and other fiduciaries, and
6740 for savings banks, trust companies and insurance companies
6741 organized under the laws of the State of Mississippi, and such
6742 bonds shall be legal securities which may be deposited with and
6743 shall be received by all public officers and bodies of this state
6744 and all municipalities and political subdivisions for the purpose
6745 of securing the deposit of public funds.

6746 (14) Bonds issued under the provisions of this section and
6747 income therefrom shall be exempt from all taxation in the State of
6748 Mississippi.

6749 (15) The proceeds of the bonds issued under this section
6750 shall be used solely for the purposes herein provided, including
6751 the costs incident to the issuance and sale of such bonds.

6752 (16) The State Treasurer is authorized, without further
6753 process of law, to certify to the Department of Finance and
6754 Administration the necessity for warrants, and the Department of
6755 Finance and Administration is authorized and directed to issue
6756 such warrants, in such amounts as may be necessary to pay when due
6757 the principal of, premium, if any, and interest on, or the
6758 accreted value of, all bonds issued under this section; and the
6759 State Treasurer shall forward the necessary amount to the
6760 designated place or places of payment of such bonds in ample time



6761 to discharge such bonds, or the interest thereon, on the due dates
6762 thereof.

6763 (17) This section shall be deemed to be full and complete
6764 authority for the exercise of the powers herein granted, but this
6765 section shall not be deemed to repeal or to be in derogation of
6766 any existing law of this state.

6767 **SECTION 43.** Chapter 465, Laws of 1999, is amended as
6768 follows:

6769 Section 1. As used in this act, the following words shall
6770 have the meanings ascribed herein unless the context clearly
6771 requires otherwise:

6772 (a) "Accreted value" of any bond means, as of any date
6773 of computation, an amount equal to the sum of (i) the stated
6774 initial value of such bond, plus (ii) the interest accrued thereon
6775 from the issue date to the date of computation at the rate,
6776 compounded semiannually, that is necessary to produce the
6777 approximate yield to maturity shown for bonds of the same
6778 maturity.

6779 (b) "State" means the State of Mississippi.

6780 (c) "Commission" means the State Bond Commission.

6781 Section 2. (1) The Mississippi Development Authority shall
6782 utilize the proceeds of the bonds issued pursuant to this act to
6783 loan or grant funds to the appropriate planning and development
6784 district to establish a program whereby the planning and
6785 development district may make loans, at a rate not to exceed one
6786 percent (1%) less than the federal discount rate, to persons or
6787 entities to assist in the development of commercial property and
6788 culturally significant property in the Farish Street Historic
6789 District. The proceeds of the loans may be used to pay costs
6790 incurred by such persons or entities for acquisition;
6791 construction; demolition; design, engineering, architectural,
6792 consulting and other services; and other costs approved by the
6793 Mississippi Development Authority.



6794 (2) Money received by the Mississippi Development Authority
6795 for the repayment of any loans made pursuant to the program
6796 established pursuant to subsection (1) of this section shall be
6797 paid to the State Treasurer to be deposited into a sinking fund
6798 hereby created in the State Treasury. The money in the sinking
6799 fund shall be expended upon legislative appropriation to pay the
6800 interest on and principal of bonds issued pursuant to this act.
6801 Unexpended amounts remaining in the sinking fund at the end of the
6802 fiscal year shall not lapse into the State General Fund, and any
6803 interest earned on amounts in the sinking fund shall be deposited
6804 to the credit of the sinking fund.

6805 (3) (a) A special fund, to be designated as the "Farish
6806 Street Historic District Fund," is created within the State
6807 Treasury, which shall consist of money deposited into the fund
6808 pursuant to this act. The fund shall be maintained by the State
6809 Treasurer as a separate and special fund, separate and apart from
6810 the General Fund of the state. Money remaining in the fund at the
6811 end of a fiscal year shall not lapse into the General Fund and
6812 investment earnings on amounts in the fund shall be deposited into
6813 such fund. Money in the fund may not be used or expended for any
6814 purpose except as authorized under this act.

6815 (b) Monies deposited into the Farish Street Historic
6816 District Fund shall be disbursed by the Mississippi Development
6817 Authority to provide funds for the purposes authorized in
6818 subsection (1) of this section.

6819 Section 3. (1) In administering the provisions of this act,
6820 the Mississippi Development Authority shall have the following
6821 powers and duties:

6822 (a) To supervise the use of all funds made available
6823 under this act for the loans authorized in Section 2 of this act;

6824 (b) To review all loans for which funds are authorized
6825 to be made available under this act;



6826 (c) To requisition monies in the Farish Street Historic
6827 District Fund and distribute those monies in accordance with the
6828 provisions of this act;

6829 (d) To maintain an accurate record of all loans made
6830 available under this act; and

6831 (e) To adopt and promulgate such rules and regulations
6832 as may be necessary or desirable for the purpose of implementing
6833 the provisions of this act.

6834 (2) Any person or other entity desiring a loan authorized
6835 under Section 2 of this act shall submit an application along with
6836 plans for the proposed project, for which a loan is sought, to the
6837 Department of Archives and History for review. The Department of
6838 Archives and History shall review the proposed project and
6839 determine whether or not the proposed work conforms with the
6840 "Secretary of the Interior's Standards for Rehabilitation and
6841 Guidelines for Rehabilitating Historic Buildings." * * * If the
6842 Department of Archives and History determines that a proposed
6843 project conforms with the "Secretary of the Interior's Standards
6844 for Rehabilitation and Guidelines for Rehabilitating Historic
6845 Buildings," * * * the Department of Archives and History shall
6846 advise the applicant of its review assessment and shall return the
6847 application to the applicant. New construction within the Farish
6848 Street Neighborhood Historic District and rehabilitation of
6849 historic buildings within the district shall be compatible in
6850 size, scale, massing, materials and setback in relation to the
6851 district's historic buildings.

6852 Section 4. (1) The commission, at one time, or from time to
6853 time, may declare by resolution the necessity for issuance of
6854 general obligation bonds of the State of Mississippi to provide
6855 funds for all costs incurred or to be incurred for the purposes
6856 described in Section 2 of this act. Upon the adoption of a
6857 resolution by the Department of Finance and Administration,
6858 declaring the necessity for the issuance of any part or all of the



6859 general obligation bonds authorized by this section, the
6860 Department of Finance and Administration shall deliver a certified
6861 copy of its resolution or resolutions to the commission. Upon
6862 receipt of such resolution, the commission, in its discretion, may
6863 act as the issuing agent, prescribe the form of the bonds,
6864 determine the appropriate method for sale of the bonds, advertise
6865 for and accept bids or negotiate the sale of the bonds, issue and
6866 sell the bonds so authorized to be sold and do any and all other
6867 things necessary and advisable in connection with the issuance and
6868 sale of such bonds. The total amount of bonds issued under this
6869 act shall not exceed Six Million Five Hundred Thousand Dollars
6870 (\$6,500,000.00).

6871 (2) Proceeds from the sale of the bonds issued under this
6872 act shall be deposited in the special fund created in Section 2(3)
6873 of this act. Any investment earnings on amounts deposited into
6874 the special fund created in Section 2(3) of this act shall be used
6875 to pay debt service on bonds issued under this act, in accordance
6876 with the proceedings authorizing issuance of such bonds.

6877 Section 5. The principal of and interest on the bonds
6878 authorized under this act shall be payable in the manner provided
6879 in this section. Such bonds shall bear such date or dates, be in
6880 such denomination or denominations, bear interest at such rate or
6881 rates (not to exceed the limits set forth in Section 75-17-101,
6882 Mississippi Code of 1972), be payable at such place or places
6883 within or without the State of Mississippi, shall mature
6884 absolutely at such time or times not to exceed twenty-five (25)
6885 years from date of issue, be redeemable before maturity at such
6886 time or times and upon such terms, with or without premium, shall
6887 bear such registration privileges, and shall be substantially in
6888 such form, all as shall be determined by resolution of the
6889 commission.

6890 Section 6. The bonds authorized by this act shall be signed
6891 by the chairman of the commission, or by his facsimile signature,



6892 and the official seal of the commission shall be affixed thereto,
6893 attested by the secretary of the commission. The interest
6894 coupons, if any, to be attached to such bonds may be executed by
6895 the facsimile signatures of such officers. Whenever any such
6896 bonds shall have been signed by the officials designated to sign
6897 the bonds who were in office at the time of such signing but who
6898 may have ceased to be such officers before the sale and delivery
6899 of such bonds, or who may not have been in office on the date such
6900 bonds may bear, the signatures of such officers upon such bonds
6901 and coupons shall nevertheless be valid and sufficient for all
6902 purposes and have the same effect as if the person so officially
6903 signing such bonds had remained in office until their delivery to
6904 the purchaser, or had been in office on the date such bonds may
6905 bear. However, notwithstanding anything herein to the contrary,
6906 such bonds may be issued as provided in the Registered Bond Act of
6907 the State of Mississippi.

6908 Section 7. All bonds and interest coupons issued under the
6909 provisions of this act have all the qualities and incidents of
6910 negotiable instruments under the provisions of the * * * Uniform
6911 Commercial Code, and in exercising the powers granted by this act,
6912 the commission shall not be required to and need not comply with
6913 the provisions of the * * * Uniform Commercial Code.

6914 Section 8. The commission shall act as the issuing agent for
6915 the bonds authorized under this act, prescribe the form of the
6916 bonds, determine the appropriate method for sale of the bonds,
6917 advertise for and accept bids or negotiate the sale of the bonds,
6918 issue and sell the bonds so authorized to be sold, pay all fees
6919 and costs incurred in such issuance and sale, and do any and all
6920 other things necessary and advisable in connection with the
6921 issuance and sale of such bonds. The commission is authorized and
6922 empowered to pay the costs that are incident to the sale, issuance
6923 and delivery of the bonds authorized under this act from the
6924 proceeds derived from the sale of such bonds. The commission may



6925 sell such bonds on sealed bids at public sale or may negotiate the
6926 sale of the bonds, and for such price as it may determine to be
6927 for the best interest of the State of Mississippi * * *. All
6928 interest accruing on such bonds so issued shall be payable
6929 semiannually or annually * * *.

6930 If such bonds are sold by sealed bids at public sale, notice
6931 of the sale of any such bonds shall be published at least one
6932 time, not less than ten (10) days before the date of sale, and
6933 shall be so published in one or more newspapers published or
6934 having a general circulation in the City of Jackson,
6935 Mississippi, * * * selected by the commission.

6936 The commission, when issuing any bonds under the authority of
6937 this act, may provide that bonds, at the option of the State of
6938 Mississippi, may be called in for payment and redemption at the
6939 call price named therein and accrued interest on such date or
6940 dates named therein.

6941 Section 9. The bonds issued under the provisions of this act
6942 are general obligations of the State of Mississippi, and for the
6943 payment thereof the full faith and credit of the State of
6944 Mississippi is irrevocably pledged. If the funds appropriated by
6945 the Legislature are insufficient to pay the principal of and the
6946 interest on such bonds as they become due, then the deficiency
6947 shall be paid by the State Treasurer from any funds in the State
6948 Treasury not otherwise appropriated. All such bonds shall contain
6949 recitals on their faces substantially covering the provisions of
6950 this section.

6951 Section 10. Upon the issuance and sale of bonds under the
6952 provisions of this act, the commission shall transfer the proceeds
6953 of any such sale or sales to the special fund created in Section
6954 2(3) of this act. The proceeds of such bonds shall be disbursed
6955 solely upon the order of the Mississippi Development Authority
6956 under such restrictions, if any, as may be contained in the
6957 resolution providing for the issuance of the bonds.



6958 Section 11. The bonds authorized under this act may be
6959 issued without any other proceedings or the happening of any other
6960 conditions or things other than those proceedings, conditions and
6961 things which are specified or required by this act. Any
6962 resolution providing for the issuance of bonds under the
6963 provisions of this act shall become effective immediately upon its
6964 adoption by the commission, and any such resolution may be adopted
6965 at any regular or special meeting of the commission by a majority
6966 of its members.

6967 Section 12. The bonds authorized under the authority of this
6968 act may be validated in the Chancery Court of the First Judicial
6969 District of Hinds County, Mississippi, in the manner and with the
6970 force and effect provided by Chapter 13, Title 31, Mississippi
6971 Code of 1972, for the validation of county, municipal, school
6972 district and other bonds. The notice to taxpayers required by
6973 such statutes shall be published in a newspaper published or
6974 having a general circulation in the City of Jackson, Mississippi.

6975 Section 13. Any holder of bonds issued under the provisions
6976 of this act or of any of the interest coupons pertaining thereto
6977 may, either at law or in equity, by suit, action, mandamus or
6978 other proceeding, protect and enforce any and all rights granted
6979 under this act, or under such resolution, and may enforce and
6980 compel performance of all duties required by this act to be
6981 performed, in order to provide for the payment of bonds and
6982 interest thereon.

6983 Section 14. All bonds issued under the provisions of this
6984 act shall be legal investments for trustees and other fiduciaries,
6985 and for savings banks, trust companies and insurance companies
6986 organized under the laws of the State of Mississippi, and such
6987 bonds shall be legal securities which may be deposited with and
6988 shall be received by all public officers and bodies of this state
6989 and all municipalities and political subdivisions for the purpose
6990 of securing the deposit of public funds.



6991 Section 15. Bonds issued under the provisions of this act
6992 and income therefrom shall be exempt from all taxation in the
6993 State of Mississippi.

6994 Section 16. The proceeds of the bonds issued under this act
6995 shall be used solely for the purposes herein provided, including
6996 the costs incident to the issuance and sale of such bonds.

6997 Section 17. The State Treasurer is authorized, without
6998 further process of law, to certify to the Department of Finance
6999 and Administration the necessity for warrants, and the Department
7000 of Finance and Administration is authorized and directed to issue
7001 such warrants, in such amounts as may be necessary to pay when due
7002 the principal of, premium, if any, and interest on, or the
7003 accreted value of, all bonds issued under this act; and the State
7004 Treasurer shall forward the necessary amount to the designated
7005 place or places of payment of such bonds in ample time to
7006 discharge such bonds, or the interest thereon, on the due dates
7007 thereof.

7008 Section 18. This act shall be deemed to be full and complete
7009 authority for the exercise of the powers herein granted, but this
7010 act shall not be deemed to repeal or to be in derogation of any
7011 existing law of this state.

7012 **SECTION 44.** (1) (a) The Mississippi Development Authority
7013 (MDA) is authorized to provide one or more interest-free
7014 nonrecourse loans to the City of Jackson, Mississippi, to assist
7015 the City of Jackson in paying the costs associated with making
7016 repairs, upgrades and improvements to portions of the city's water
7017 and sewer systems infrastructure located in the areas within and
7018 in close proximity to the state grounds and lands described in
7019 Sections 29-5-2 and 29-5-81, Mississippi Code of 1972. The
7020 aggregate amount of all loans made under this section shall not
7021 exceed Six Million Dollars (\$6,000,000.00), and the time allowed
7022 for repayment of a loan shall not exceed seven (7) years.



7023 (b) The City of Jackson must submit an application to
7024 the MDA. The application must include a description of the
7025 purpose for which assistance is requested, the amount of
7026 assistance requested and any other information required by the
7027 MDA.

7028 (c) The MDA shall have all powers necessary to
7029 implement and administer the loans authorized under this section,
7030 and the MDA shall promulgate rules and regulations, in accordance
7031 with the Mississippi Administrative Procedures Law, necessary for
7032 the implementation of this section.

7033 (2) There is created in the State Treasury a special fund to
7034 be designated as the "2010 City of Jackson Water and Sewer Systems
7035 Loan Fund," which shall consist of the proceeds of general
7036 obligation bonds authorized to be issued by this section and funds
7037 from any other source designated for deposit into the fund.
7038 Unexpended amounts remaining in the fund at the end of a fiscal
7039 year shall not lapse into the State General Fund, and any
7040 investment earnings or interest earned on amounts in the fund
7041 shall be deposited to the credit of the fund. Monies in the fund
7042 shall be used by the MDA for the purposes described in this
7043 section.

7044 (3) As used in this section, the following words shall have
7045 the meanings ascribed herein unless the context clearly requires
7046 otherwise:

7047 (a) "Accreted value" of any bonds means, as of any date
7048 of computation, an amount equal to the sum of (i) the stated
7049 initial value of such bond, plus (ii) the interest accrued thereon
7050 from the issue date to the date of computation at the rate,
7051 compounded semiannually, that is necessary to produce the
7052 approximate yield to maturity shown for bonds of the same
7053 maturity.

7054 (b) "State" means the State of Mississippi.

7055 (c) "Commission" means the State Bond Commission.



7056 (4) (a) The Mississippi Development Authority, at one time,
7057 or from time to time, may declare by resolution the necessity for
7058 issuance of general obligation bonds of the State of Mississippi
7059 to provide funds for the loans authorized in this section. Upon
7060 the adoption of a resolution by the Mississippi Development
7061 Authority, declaring the necessity for the issuance of any part or
7062 all of the general obligation bonds authorized by this subsection,
7063 the Mississippi Development Authority shall deliver a certified
7064 copy of its resolution or resolutions to the commission. Upon
7065 receipt of such resolution, the commission, in its discretion, may
7066 act as the issuing agent, prescribe the form of the bonds,
7067 determine the appropriate method for sale of the bonds, advertise
7068 for and accept bids or negotiate the sale of the bonds, issue and
7069 sell the bonds so authorized to be sold and do any and all other
7070 things necessary and advisable in connection with the issuance and
7071 sale of such bonds. The total amount of bonds issued under this
7072 section shall not exceed Six Million Dollars (\$6,000,000.00). No
7073 bonds authorized under this section shall be issued after July 1,
7074 2013.

7075 (b) The proceeds of bonds issued pursuant to this
7076 section shall be deposited into the 2010 City of Jackson Water and
7077 Sewer Systems Loan Fund created pursuant to subsection (2) of this
7078 section. Any investment earnings on bonds issued pursuant to this
7079 section shall be used to pay debt service on bonds issued under
7080 this section, in accordance with the proceedings authorizing
7081 issuance of such bonds.

7082 (5) The principal of and interest on the bonds authorized
7083 under this section shall be payable in the manner provided in this
7084 subsection. Such bonds shall bear such date or dates, be in such
7085 denomination or denominations, bear interest at such rate or rates
7086 (not to exceed the limits set forth in Section 75-17-101,
7087 Mississippi Code of 1972), be payable at such place or places
7088 within or without the State of Mississippi, shall mature



7089 absolutely at such time or times not to exceed twenty-five (25)
7090 years from date of issue, be redeemable before maturity at such
7091 time or times and upon such terms, with or without premium, shall
7092 bear such registration privileges, and shall be substantially in
7093 such form, all as shall be determined by resolution of the
7094 commission.

7095 (6) The bonds authorized by this section shall be signed by
7096 the chairman of the commission, or by his facsimile signature, and
7097 the official seal of the commission shall be affixed thereto,
7098 attested by the secretary of the commission. The interest
7099 coupons, if any, to be attached to such bonds may be executed by
7100 the facsimile signatures of such officers. Whenever any such
7101 bonds shall have been signed by the officials designated to sign
7102 the bonds who were in office at the time of such signing but who
7103 may have ceased to be such officers before the sale and delivery
7104 of such bonds, or who may not have been in office on the date such
7105 bonds may bear, the signatures of such officers upon such bonds
7106 and coupons shall nevertheless be valid and sufficient for all
7107 purposes and have the same effect as if the person so officially
7108 signing such bonds had remained in office until their delivery to
7109 the purchaser, or had been in office on the date such bonds may
7110 bear. However, notwithstanding anything herein to the contrary,
7111 such bonds may be issued as provided in the Registered Bond Act of
7112 the State of Mississippi.

7113 (7) All bonds and interest coupons issued under the
7114 provisions of this section have all the qualities and incidents of
7115 negotiable instruments under the provisions of the Uniform
7116 Commercial Code, and in exercising the powers granted by this
7117 section, the commission shall not be required to and need not
7118 comply with the provisions of the Uniform Commercial Code.

7119 (8) The commission shall act as issuing agent for the bonds
7120 authorized under this section, prescribe the form of the bonds,
7121 determine the appropriate method for sale of the bonds, advertise



7122 for and accept bids or negotiate the sale of the bonds, issue and
7123 sell the bonds so authorized to be sold, pay all fees and costs
7124 incurred in such issuance and sale, and do any and all other
7125 things necessary and advisable in connection with the issuance and
7126 sale of such bonds. The commission is authorized and empowered to
7127 pay the costs that are incident to the sale, issuance and delivery
7128 of the bonds authorized under this section from the proceeds
7129 derived from the sale of such bonds. The commission may sell such
7130 bonds on sealed bids at public sale or may negotiate the sale of
7131 the bonds for such price as it may determine to be for the best
7132 interest of the State of Mississippi. All interest accruing on
7133 such bonds so issued shall be payable semiannually or annually.

7134 If such bonds are sold by sealed bids at public sale, notice
7135 of the sale shall be published at least one time, not less than
7136 ten (10) days before the date of sale, and shall be so published
7137 in one or more newspapers published or having a general
7138 circulation in the City of Jackson, Mississippi, selected by the
7139 commission.

7140 The commission, when issuing any bonds under the authority of
7141 this section, may provide that bonds, at the option of the State
7142 of Mississippi, may be called in for payment and redemption at the
7143 call price named therein and accrued interest on such date or
7144 dates named therein.

7145 (9) The bonds issued under the provisions of this section
7146 are general obligations of the State of Mississippi, and for the
7147 payment thereof the full faith and credit of the State of
7148 Mississippi is irrevocably pledged. If the funds appropriated by
7149 the Legislature are insufficient to pay the principal of and the
7150 interest on such bonds as they become due, then the deficiency
7151 shall be paid by the State Treasurer from any funds in the State
7152 Treasury not otherwise appropriated. All such bonds shall contain
7153 recitals on their faces substantially covering the provisions of
7154 this subsection.



7155 (10) Upon the issuance and sale of bonds under the
7156 provisions of this section, the commission shall transfer the
7157 proceeds of any such sale or sales to the 2010 City of Jackson
7158 Water and Sewer Systems Loan Fund created in subsection (2) of
7159 this section. The proceeds of such bonds shall be disbursed
7160 solely upon the order of the Mississippi Development Authority
7161 under such restrictions, if any, as may be contained in the
7162 resolution providing for the issuance of the bonds.

7163 (11) The bonds authorized under this section may be issued
7164 without any other proceedings or the happening of any other
7165 conditions or things other than those proceedings, conditions and
7166 things which are specified or required by this section. Any
7167 resolution providing for the issuance of bonds under the
7168 provisions of this section shall become effective immediately upon
7169 its adoption by the commission, and any such resolution may be
7170 adopted at any regular or special meeting of the commission by a
7171 majority of its members.

7172 (12) The bonds authorized under the authority of this
7173 section may be validated in the Chancery Court of the First
7174 Judicial District of Hinds County, Mississippi, in the manner and
7175 with the force and effect provided by Chapter 13, Title 31,
7176 Mississippi Code of 1972, for the validation of county, municipal,
7177 school district and other bonds. The notice to taxpayers required
7178 by such statutes shall be published in a newspaper published or
7179 having a general circulation in the City of Jackson, Mississippi.

7180 (13) Any holder of bonds issued under the provisions of this
7181 section or of any of the interest coupons pertaining thereto may,
7182 either at law or in equity, by suit, action, mandamus or other
7183 proceeding, protect and enforce any and all rights granted under
7184 this section, or under such resolution, and may enforce and compel
7185 performance of all duties required by this section to be
7186 performed, in order to provide for the payment of bonds and
7187 interest thereon.



7188 (14) All bonds issued under the provisions of this section
7189 shall be legal investments for trustees and other fiduciaries, and
7190 for savings banks, trust companies and insurance companies
7191 organized under the laws of the State of Mississippi, and such
7192 bonds shall be legal securities which may be deposited with and
7193 shall be received by all public officers and bodies of this state
7194 and all municipalities and political subdivisions for the purpose
7195 of securing the deposit of public funds.

7196 (15) Bonds issued under the provisions of this section and
7197 income therefrom shall be exempt from all taxation in the State of
7198 Mississippi.

7199 (16) The proceeds of the bonds issued under this section
7200 shall be used solely for the purposes therein provided, including
7201 the costs incident to the issuance and sale of such bonds.

7202 (17) The State Treasurer is authorized, without further
7203 process of law, to certify to the Department of Finance and
7204 Administration the necessity for warrants, and the Department of
7205 Finance and Administration is authorized and directed to issue
7206 such warrants, in such amounts as may be necessary to pay when due
7207 the principal of, premium, if any, and interest on, or the
7208 accreted value of, all bonds issued under this section; and the
7209 State Treasurer shall forward the necessary amount to the
7210 designated place or places of payment of such bonds in ample time
7211 to discharge such bonds, or the interest thereon, on the due dates
7212 thereof.

7213 (18) This section shall be deemed to be full and complete
7214 authority for the exercise of the powers therein granted, but this
7215 section shall not be deemed to repeal or to be in derogation of
7216 any existing law of this state.

7217 **SECTION 45.** (1) As used in this section, the following
7218 words shall have the meanings ascribed herein unless the context
7219 clearly requires otherwise:



7220 (a) "Accreted value" of any bonds means, as of any date
7221 of computation, an amount equal to the sum of (i) the stated
7222 initial value of such bond, plus (ii) the interest accrued thereon
7223 from the issue date to the date of computation at the rate,
7224 compounded semiannually, that is necessary to produce the
7225 approximate yield to maturity shown for bonds of the same
7226 maturity.

7227 (b) "State" means the State of Mississippi.

7228 (c) "Commission" means the State Bond Commission.

7229 (2) (a) The Commission on Environmental Quality, at one
7230 time, or from time to time, may declare by resolution the
7231 necessity for issuance of general obligation bonds of the State of
7232 Mississippi to provide funds for the Water Pollution Control
7233 Revolving Fund established in Section 49-17-85. Upon the adoption
7234 of a resolution by the Commission on Environmental Quality,
7235 declaring the necessity for the issuance of any part or all of the
7236 general obligation bonds authorized by this subsection, the
7237 Commission on Environmental Quality shall deliver a certified copy
7238 of its resolution or resolutions to the commission; however, the
7239 Commission on Environmental Quality shall declare the necessity
7240 for the issuance of bonds only in the amount necessary to match
7241 projected federal funds available through the following federal
7242 fiscal year. Upon receipt of such resolution, the commission, in
7243 its discretion, may act as the issuing agent, prescribe the form
7244 of the bonds, determine the appropriate method for sale of the
7245 bonds, advertise for and accept bids or negotiate the sale of the
7246 bonds, issue and sell the bonds so authorized to be sold and do
7247 any and all other things necessary and advisable in connection
7248 with the issuance and sale of such bonds. The total amount of
7249 bonds issued under this section shall not exceed Two Million Four
7250 Hundred Seventy Thousand Dollars (\$2,470,000.00).



7251 (b) The proceeds of bonds issued pursuant to this
7252 subsection shall be deposited into the Water Pollution Control
7253 Revolving Fund created pursuant to Section 49-17-85.

7254 (3) The principal of and interest on the bonds authorized
7255 under this section shall be payable in the manner provided in this
7256 section. Such bonds shall bear such date or dates, be in such
7257 denomination or denominations, bear interest at such rate or rates
7258 (not to exceed the limits set forth in Section 75-17-101,
7259 Mississippi Code of 1972), be payable at such place or places
7260 within or without the State of Mississippi, shall mature
7261 absolutely at such time or times not to exceed twenty-five (25)
7262 years from date of issue, be redeemable before maturity at such
7263 time or times and upon such terms, with or without premium, shall
7264 bear such registration privileges, and shall be substantially in
7265 such form, all as shall be determined by resolution of the
7266 commission.

7267 (4) The bonds authorized by this section shall be signed by
7268 the chairman of the commission, or by his facsimile signature, and
7269 the official seal of the commission shall be affixed thereto,
7270 attested by the secretary of the commission. The interest
7271 coupons, if any, to be attached to such bonds may be executed by
7272 the facsimile signatures of such officers. Whenever any such
7273 bonds shall have been signed by the officials designated to sign
7274 the bonds who were in office at the time of such signing but who
7275 may have ceased to be such officers before the sale and delivery
7276 of such bonds, or who may not have been in office on the date such
7277 bonds may bear, the signatures of such officers upon such bonds
7278 and coupons shall nevertheless be valid and sufficient for all
7279 purposes and have the same effect as if the person so officially
7280 signing such bonds had remained in office until their delivery to
7281 the purchaser, or had been in office on the date such bonds may
7282 bear. However, notwithstanding anything herein to the contrary,



7283 such bonds may be issued as provided in the Registered Bond Act of
7284 the State of Mississippi.

7285 (5) All bonds and interest coupons issued under the
7286 provisions of this section have all the qualities and incidents of
7287 negotiable instruments under the provisions of the Uniform
7288 Commercial Code, and in exercising the powers granted by this
7289 section, the commission shall not be required to and need not
7290 comply with the provisions of the Uniform Commercial Code.

7291 (6) The commission shall act as the issuing agent for the
7292 bonds authorized under this section, prescribe the form of the
7293 bonds, determine the appropriate method for sale of the bonds,
7294 advertise for and accept bids or negotiate the sale of the bonds,
7295 issue and sell the bonds so authorized to be sold, pay all fees
7296 and costs incurred in such issuance and sale, and do any and all
7297 other things necessary and advisable in connection with the
7298 issuance and sale of such bonds. The commission is authorized and
7299 empowered to pay the costs that are incident to the sale, issuance
7300 and delivery of the bonds authorized under this section from the
7301 proceeds derived from the sale of such bonds. The commission
7302 shall sell such bonds on sealed bids at public sale or may
7303 negotiate the sale of the bonds for such price as it may determine
7304 to be for the best interest of the State of Mississippi. All
7305 interest accruing on such bonds so issued shall be payable
7306 semiannually or annually.

7307 If the bonds are to be sold on sealed bids at public sale,
7308 notice of the sale of any such bonds shall be published at least
7309 one time, not less than ten (10) days before the date of sale, and
7310 shall be so published in one or more newspapers published or
7311 having a general circulation in the City of Jackson, Mississippi,
7312 selected by the commission.

7313 The commission, when issuing any bonds under the authority of
7314 this section, may provide that bonds, at the option of the State
7315 of Mississippi, may be called in for payment and redemption at the



7316 call price named therein and accrued interest on such date or
7317 dates named therein.

7318 (7) The bonds issued under the provisions of this section
7319 are general obligations of the State of Mississippi, and for the
7320 payment thereof the full faith and credit of the State of
7321 Mississippi is irrevocably pledged. Interest and investment
7322 earnings on money in the Water Pollution Control Revolving Fund
7323 shall be utilized to pay the principal and interest on such bonds
7324 as they become due. If the interest and investment earnings of
7325 the fund and any funds appropriated by the Legislature are
7326 insufficient to pay the principal of and the interest on such
7327 bonds as they become due, then the deficiency shall be paid by the
7328 State Treasurer from any funds in the State Treasury not otherwise
7329 appropriated. All such bonds shall contain recitals on their
7330 faces substantially covering the provisions of this section.

7331 (8) Upon the issuance and sale of bonds under the provisions
7332 of this section, the commission shall transfer the proceeds of any
7333 such sale or sales to the Water Pollution Control Revolving Fund
7334 created in Section 49-17-85. After the transfer of the proceeds
7335 of any such sale or sales to the Water Pollution Control Revolving
7336 Fund, any investment earnings or interest earned on the proceeds
7337 of such bonds shall be deposited to the credit of the Water
7338 Pollution Control Revolving Fund and shall be used only for the
7339 purposes provided in Section 49-17-85. The proceeds of such bonds
7340 shall be disbursed solely upon the order of the Commission on
7341 Environmental Quality under such restrictions, if any, as may be
7342 contained in the resolution providing for the issuance of the
7343 bonds.

7344 (9) The bonds authorized under this section may be issued
7345 without any other proceedings or the happening of any other
7346 conditions or things other than those proceedings, conditions and
7347 things which are specified or required by this section. Any
7348 resolution providing for the issuance of bonds under the



7349 provisions of this section shall become effective immediately upon
7350 its adoption by the commission, and any such resolution may be
7351 adopted at any regular or special meeting of the commission by a
7352 majority of its members.

7353 (10) The bonds authorized under the authority of this
7354 section may be validated in the Chancery Court of the First
7355 Judicial District of Hinds County, Mississippi, in the manner and
7356 with the force and effect provided by Chapter 13, Title 31,
7357 Mississippi Code of 1972, for the validation of county, municipal,
7358 school district and other bonds. The notice to taxpayers required
7359 by such statutes shall be published in a newspaper published or
7360 having a general circulation in the City of Jackson, Mississippi.

7361 (11) Any holder of bonds issued under the provisions of this
7362 section or of any of the interest coupons pertaining thereto may,
7363 either at law or in equity, by suit, action, mandamus or other
7364 proceeding, protect and enforce any and all rights granted under
7365 this section, or under such resolution, and may enforce and compel
7366 performance of all duties required by this section to be
7367 performed, in order to provide for the payment of bonds and
7368 interest thereon.

7369 (12) All bonds issued under the provisions of this section
7370 shall be legal investments for trustees and other fiduciaries, and
7371 for savings banks, trust companies and insurance companies
7372 organized under the laws of the State of Mississippi, and such
7373 bonds shall be legal securities which may be deposited with and
7374 shall be received by all public officers and bodies of this state
7375 and all municipalities and political subdivisions for the purpose
7376 of securing the deposit of public funds.

7377 (13) Bonds issued under the provisions of this section and
7378 income therefrom shall be exempt from all taxation in the State of
7379 Mississippi.



7380 (14) The proceeds of the bonds issued under this section
7381 shall be used solely for the purposes therein provided, including
7382 the costs incident to the issuance and sale of such bonds.

7383 (15) The State Treasurer is authorized, without further
7384 process of law, to certify to the Department of Finance and
7385 Administration the necessity for warrants, and the Department of
7386 Finance and Administration is authorized and directed to issue
7387 such warrants, in such amounts as may be necessary to pay when due
7388 the principal of, premium, if any, and interest on, or the
7389 accreted value of, all bonds issued under this section; and the
7390 State Treasurer shall forward the necessary amount to the
7391 designated place or places of payment of such bonds in ample time
7392 to discharge such bonds, or the interest thereon, on the due dates
7393 thereof.

7394 (16) This section shall be deemed to be full and complete
7395 authority for the exercise of the powers therein granted, but this
7396 section shall not be deemed to repeal or to be in derogation of
7397 any existing law of this state.

7398 **SECTION 46.** Section 49-17-85, Mississippi Code of 1972, is
7399 amended as follows:

7400 49-17-85. (1) There is established in the State Treasury a
7401 fund to be known as the "Water Pollution Control Revolving Fund"
7402 which shall be administered by the commission acting through the
7403 department. The revolving fund may receive bond proceeds and
7404 funds appropriated or otherwise made available by the Legislature
7405 in any manner and funds from any other source, public or private.
7406 The revolving fund shall be maintained in perpetuity for the
7407 purposes established in this section.

7408 (2) There is established in the State Treasury a fund to be
7409 known as the "Water Pollution Control Hardship Grants Fund," which
7410 shall be administered by the commission acting through the
7411 department. The grants fund shall be maintained in perpetuity for



7412 the purposes established in this section. Any interest earned on
7413 monies in the grants fund shall be credited to that fund.

7414 (3) The commission shall promulgate regulations for the
7415 administration of the revolving fund program, the hardship grants
7416 program and for related programs authorized under this section.
7417 The regulations shall be in accordance with the federal Water
7418 Quality Act of 1987, as amended and regulations and guidance
7419 issued under that act. The commission may enter into
7420 capitalization grant agreements with the United States
7421 Environmental Protection Agency and may accept capitalization
7422 grant awards made under Title VI of the Water Quality Act of 1987,
7423 as amended.

7424 (4) The commission shall establish a loan program which
7425 shall commence after October 1, 1988, to assist political
7426 subdivisions in the construction of water pollution control
7427 projects. Loans from the revolving fund may be made to political
7428 subdivisions as set forth in a loan agreement in amounts not
7429 exceeding one hundred percent (100%) of eligible project costs as
7430 established by the commission. Notwithstanding loan amount
7431 limitations set forth in Section 49-17-61, the commission may
7432 require local participation or funding from other sources, or
7433 otherwise limit the percentage of costs covered by loans from the
7434 revolving fund. The commission may establish a maximum amount for
7435 any loan in order to provide for broad and equitable participation
7436 in the program.

7437 (5) The commission shall establish a hardship grants program
7438 for rural communities, which shall commence after July 1, 1997, to
7439 assist severely economically disadvantaged small rural political
7440 subdivisions in the construction of water pollution control
7441 projects. The commission may receive and administer state or
7442 federal funds, or both, appropriated for the operation of this
7443 grants program and may take all actions necessary to implement the
7444 program in accordance with the federal hardship grants program.



7445 The hardship grants program shall operate in conjunction with the
7446 revolving loan program administered under this section.

7447 (6) The commission shall act for the state in all matters
7448 and with respect to all determinations under Title VI of the
7449 federal Water Quality Act of 1987, as amended and the federal
7450 Omnibus Appropriations and Recision Act of 1996.

7451 (7) Except as otherwise provided in this section, the
7452 revolving fund may be used only:

7453 (a) To make loans on the condition that:

7454 (i) The loans are made at or below market interest
7455 rates, at terms not to exceed the maximum time allowed by federal
7456 law after project completion; the interest rate and term may vary
7457 from time to time and from loan to loan at the discretion of the
7458 commission;

7459 (ii) Periodic principal and interest payments will
7460 commence when required by the commission but not later than one
7461 (1) year after project completion and all loans will be fully
7462 amortized when required by the commission but not later than the
7463 maximum time allowed by federal law after project completion;

7464 (iii) The recipient of a loan will establish a
7465 dedicated source of revenue for repayment of loans;

7466 (b) To buy or refinance the debt obligation of
7467 political subdivisions at or below market rates, where the debt
7468 obligations were incurred after March 7, 1985, and where the
7469 projects were constructed in compliance with applicable federal
7470 and state regulations;

7471 (c) To guarantee, or purchase insurance for,
7472 obligations of political subdivisions where the action would
7473 improve credit market access or reduce interest rates;

7474 (d) To provide loan guarantees for similar revolving
7475 funds established by municipalities or intermunicipal agencies;

7476 (e) To earn interest on fund accounts;



7477 (f) To establish nonpoint source pollution control
7478 management programs;

7479 (g) To establish estuary conservation and management
7480 programs;

7481 (h) For the reasonable costs of administering the
7482 revolving fund and conducting activities under this act, subject
7483 to the limitations established in Section 603(d)(7) of Title VI of
7484 the federal Clean Water Act, as amended, and subject to annual
7485 appropriation by the Legislature;

7486 (i) In connection with the issuance, sale and purchase
7487 of bonds under Section 31-25-1 et seq., related to the funding of
7488 projects, to provide security or a pledge of revenues for the
7489 repayment of the bonds; and

7490 (j) To pay the principal and interest on bonds issued
7491 pursuant to Section 11 of Chapter 580, Laws of 2007, Section 1 of
7492 Chapter 492, Laws of 2008, * * * Section 47 of Chapter 557, Laws
7493 of 2009, and Section 45 of this act, as they become due; however,
7494 only interest and investment earnings on money in the fund may be
7495 utilized for this purpose.

7496 (8) The hardship grants program shall be used only to
7497 provide hardship grants consistent with the federal hardship
7498 grants program for rural communities, regulations and guidance
7499 issued by the United States Environmental Protection Agency,
7500 subsections (3) and (5) of this section and regulations
7501 promulgated and guidance issued by the commission under this
7502 section.

7503 (9) The commission shall establish by regulation a system of
7504 priorities and a priority list of projects eligible for funding
7505 with loans from the revolving fund.

7506 (10) The commission may provide a loan from the revolving
7507 fund only with respect to a project if that project is on the
7508 priority list established by the commission.



7509 (11) The revolving fund shall be credited with all payments
7510 of principal and interest derived from the fund uses described in
7511 subsection (7) of this section. However, notwithstanding any
7512 other provision of law to the contrary, all or any portion of
7513 payments of principal and interest derived from the fund uses
7514 described in subsection (7) of this section may be designated or
7515 pledged for repayment of a loan as provided for in Section
7516 31-25-28 in connection with a loan from the Mississippi
7517 Development Bank.

7518 (12) The commission may establish and collect fees to defray
7519 the reasonable costs of administering the revolving fund if it
7520 determines that the administrative costs will exceed the
7521 limitations established in Section 603(d)(7) of Title VI of the
7522 federal Clean Water Act, as amended. The administration fees may
7523 be included in loan amounts to political subdivisions for the
7524 purpose of facilitating payment to the commission. The fees may
7525 not exceed five percent (5%) of the loan amount.

7526 (13) The commission may, on a case-by-case basis and to the
7527 extent allowed by federal law, renegotiate the payment of
7528 principal and interest on loans made under this section to the six
7529 (6) most southern counties of the state covered by the
7530 Presidential Declaration of Major Disaster for the State of
7531 Mississippi (FEMA-1604-DR) dated August 29, 2005, and to political
7532 subdivisions located in such counties; however, the interest on
7533 the loans shall not be forgiven for a period of more than
7534 twenty-four (24) months and the maturity of the loans shall not be
7535 extended for a period of more than forty-eight (48) months.

7536 **SECTION 47.** Sections 6 through 20, Chapter 521, Laws of
7537 1995, as amended by Section 17, Chapter 503, Laws of 2003, as
7538 amended by Section 2, Chapter 477, Laws of 2004, as amended by
7539 Section 2, Chapter 456, Laws of 2006, as last amended by Section
7540 3, Chapter 492, Laws of 2008, are amended as follows:



7541 Section 6. The board created in Section 41-3-16, at one
7542 time, or from time to time, may declare by resolution the
7543 necessity for issuance of general obligation bonds of the State of
7544 Mississippi to provide funds for all costs incurred or to be
7545 incurred by the board in constructing new water systems or
7546 repairing existing water systems described in Section 41-3-16.
7547 Upon the adoption of a resolution by the board, declaring the
7548 necessity for the issuance of any part or all of the general
7549 obligation bonds authorized by this section, the board shall
7550 deliver a certified copy of its resolution or resolutions to the
7551 State Bond Commission. Upon receipt of such resolution, the State
7552 Bond Commission, in its discretion, may act as the issuing agent,
7553 prescribe the form of the bonds, determine the appropriate method
7554 for the sale of the bonds, advertise for and accept bids or
7555 negotiate the sale of the bonds, issue and sell the tax exempt or
7556 taxable bonds so authorized to be sold, and do any and all other
7557 things necessary and advisable in connection with the issuance and
7558 sale of such bonds. The amount of bonds issued under Sections 6
7559 through 20 of this act shall not exceed Twenty-six Million One
7560 Hundred Forty-three Thousand Dollars (\$26,143,000.00), the
7561 proceeds of which shall be deposited in the revolving fund and
7562 Five Million Dollars (\$5,000,000.00), the proceeds of which shall
7563 be deposited in the emergency fund.

7564 Section 7. The principal of and interest on the bonds
7565 authorized under Section 6 of this act shall be payable in the
7566 manner provided in this section. Such bonds shall bear such date
7567 or dates, be in such denomination or denominations, bear interest
7568 at such rate or rates (not to exceed the limits set forth in
7569 Section 75-17-101), be payable at such place or places within or
7570 without the State of Mississippi, shall mature absolutely at such
7571 time or times not to exceed twenty-five (25) years from date of
7572 issue, be redeemable before maturity at such time or times and
7573 upon such terms, with or without premium, shall bear such



7574 registration privileges, and shall be substantially in such form,
7575 all as shall be determined by resolution of the State Bond
7576 Commission.

7577 Section 8. The bonds authorized by Section 6 of this act
7578 shall be signed by the Chairman of the State Bond Commission, or
7579 by his facsimile signature, and the official seal of the State
7580 Bond Commission shall be affixed thereto, attested by the
7581 Secretary of the State Bond Commission. The interest coupons, if
7582 any, to be attached to such bonds may be executed by the facsimile
7583 signatures of such officers. Whenever any such bonds shall have
7584 been signed by the officials designated to sign the bonds who were
7585 in office at the time of such signing but who may have ceased to
7586 be such officers before the sale and delivery of such bonds, or
7587 who may not have been in office on the date such bonds may bear,
7588 the signatures of such officers upon such bonds and coupons shall
7589 nevertheless be valid and sufficient for all purposes and have the
7590 same effect as if the person so officially signing such bonds had
7591 remained in office until their delivery to the purchaser, or had
7592 been in office on the date such bonds may bear. However,
7593 notwithstanding anything herein to the contrary, such bonds may be
7594 issued as provided in the Registered Bond Act of the State of
7595 Mississippi.

7596 Section 9. All bonds and interest coupons issued under the
7597 provisions of Sections 6 through 20 of this act have all the
7598 qualities and incidents of negotiable instruments under the
7599 provisions of the Uniform Commercial Code, and in exercising the
7600 powers granted by Sections 6 through 20 of this act, the State
7601 Bond Commission shall not be required to and need not comply with
7602 the provisions of the Uniform Commercial Code.

7603 Section 10. The State Bond Commission shall act as the
7604 issuing agent for the bonds authorized under Sections 6 through 20
7605 of this act, prescribe the form of the bonds, determine the
7606 appropriate method for sale of the bonds, advertise for and accept



7607 bids or negotiate the sale of the bonds, issue and sell the bonds
7608 so authorized to be sold, pay all fees and costs incurred in such
7609 issuance and sale, and do all other things necessary and advisable
7610 in connection with the issuance and sale of the bonds. The State
7611 Bond Commission may pay the costs that are incident to the sale,
7612 issuance and delivery of the bonds authorized under Sections 6
7613 through 20 of this act from the proceeds derived from the sale of
7614 the bonds. The State Bond Commission shall sell such bonds on
7615 sealed bids at public sale or may negotiate the sale of the bonds
7616 for such price as it may determine to be for the best interest of
7617 the State of Mississippi * * *. All interest accruing on such
7618 bonds so issued shall be payable semiannually or annually * * *.

7619 If the bonds are sold on sealed bids at public sale, notice
7620 of the sale of any such bonds shall be published at least one
7621 time, not less than ten (10) days before the date of sale, and
7622 shall be so published in one or more newspapers published or
7623 having a general circulation in the City of Jackson,
7624 Mississippi, * * * to be selected by the State Bond Commission.

7625 The State Bond Commission, when issuing any bonds under the
7626 authority of Sections 6 through 20 of this act, may provide that
7627 bonds, at the option of the State of Mississippi, may be called in
7628 for payment and redemption at the call price named therein and
7629 accrued interest on such date or dates named therein.

7630 Section 11. The bonds issued under the provisions of
7631 Sections 6 through 20 of this act are general obligations of the
7632 State of Mississippi, and for the payment thereof the full faith
7633 and credit of the State of Mississippi is irrevocably pledged. If
7634 the funds appropriated by the Legislature are insufficient to pay
7635 the principal of and interest on such bonds as they become due,
7636 then the deficiency shall be paid by the State Treasurer from any
7637 funds in the State Treasury not otherwise appropriated. All such
7638 bonds shall contain recitals on their faces substantially covering
7639 the provisions of this section.



7640 Section 12. The State Treasurer is authorized, without
7641 further process of law, to certify to the Department of Finance
7642 and Administration the necessity for warrants, and the Department
7643 of Finance and Administration is authorized and directed to issue
7644 such warrants, in such amounts as may be necessary to pay when due
7645 the principal of, premium, if any, and interest on, or the
7646 accreted value of, all bonds issued under Sections 6 through 20 of
7647 this act; and the State Treasurer shall forward the necessary
7648 amount to the designated place or places of payment of such bonds
7649 in ample time to discharge such bonds, or the interest on the
7650 bonds, on their due dates.

7651 Section 13. Upon the issuance and sale of bonds under the
7652 provisions of Sections 6 through 20 of this act, the State Bond
7653 Commission shall transfer the proceeds of any sale or sales of
7654 bonds to the revolving fund and the emergency fund in the amounts
7655 specified in Section 6 of this act. After such transfer, all
7656 investment earnings or interest earned on the proceeds of such
7657 bonds shall be deposited to the credit of the revolving fund and
7658 the emergency fund, and shall be used only for the purposes
7659 established in Section 41-3-16. The proceeds of such bonds shall
7660 be disbursed solely upon the order of the board created in Section
7661 1 of this act under such restrictions, if any, as may be contained
7662 in the resolution providing for the issuance of the bonds.

7663 Section 14. The bonds authorized under Sections 6 through 20
7664 of this act may be issued without any other proceedings or the
7665 happening of any other conditions or things other than those
7666 proceedings, conditions and things which are specified or required
7667 by Sections 6 through 20 of this act. Any resolution providing
7668 for the issuance of bonds under the provisions of Sections 6
7669 through 20 of this act shall become effective immediately upon its
7670 adoption by the State Bond Commission, and any such resolution may
7671 be adopted at any regular or special meeting of the State Bond
7672 Commission by a majority of its members.



7673 Section 15. The bonds authorized under the authority of
7674 Sections 6 through 20 of this act may be validated in the Chancery
7675 Court of the First Judicial District of Hinds County, Mississippi,
7676 in the manner and with the force and effect provided by Chapter
7677 13, Title 31, Mississippi Code of 1972, for the validation of
7678 county, municipal, school district and other bonds. The notice to
7679 taxpayers required by such statutes shall be published in a
7680 newspaper published or having a general circulation in the City of
7681 Jackson, Mississippi.

7682 Section 16. Any holder of bonds issued under the provisions
7683 of Sections 6 through 20 of this act or of any of the interest
7684 coupons pertaining thereto may, either at law or in equity, by
7685 suit, action, mandamus or other proceeding, protect and enforce
7686 all rights granted under Sections 6 through 20 of this act, or
7687 under such resolution, and may enforce and compel performance of
7688 all duties required by Sections 6 through 20 of this act to be
7689 performed, in order to provide for the payment of bonds and
7690 interest thereon.

7691 Section 17. All bonds issued under the provisions of
7692 Sections 6 through 20 of this act shall be legal investments for
7693 trustees and other fiduciaries, and for savings banks, trust
7694 companies and insurance companies organized under the laws of the
7695 State of Mississippi, and such bonds shall be legal securities
7696 which may be deposited with and shall be received by all public
7697 officers and bodies of this state and all municipalities and
7698 political subdivisions for the purpose of securing the deposit of
7699 public funds.

7700 Section 18. Bonds issued under the provisions of Sections 6
7701 through 20 of this act and income therefrom shall be exempt from
7702 all taxation in the State of Mississippi.

7703 Section 19. The proceeds of the bonds issued under the
7704 provisions of Sections 6 through 20 of this act shall be used



7705 solely for the purposes herein provided, including the costs
7706 incident to the issuance and sale of such bonds.

7707 Section 20. Sections 6 through 20 of this act shall be
7708 deemed to be full and complete authority for the exercise of the
7709 powers granted, but Sections 6 through 20 of this act shall not be
7710 deemed to repeal or to be in derogation of any existing law of
7711 this state.

7712 **SECTION 48.** Sections 136 through 151, Chapter 1, Laws of
7713 2004 Third Extraordinary Session, as amended by Section 1, Chapter
7714 347, Laws of 2005, as amended by Section 2, Chapter 399, Laws of
7715 2006, as amended by Section 1, Chapter 363, Laws of 2008, as
7716 amended by Section 7, Chapter 557, Laws of 2009, are amended as
7717 follows:

7718 Section 136. As used in Sections 136 through 151 of this
7719 act, the following words shall have the meanings ascribed herein
7720 unless the context clearly requires otherwise:

7721 (a) "Accreted value" of any bonds means, as of any date
7722 of computation, an amount equal to the sum of (i) the stated
7723 initial value of such bonds, plus (ii) the interest accrued
7724 thereon from the issue date to the date of computation at the
7725 rate, compounded semiannually, that is necessary to produce the
7726 approximate yield to maturity shown for bonds of the same
7727 maturity.

7728 (b) "State" means the State of Mississippi.

7729 (c) "Commission" means the State Bond Commission.

7730 Section 137. (1) The Department of Finance and
7731 Administration, at one time, or from time to time, may declare by
7732 resolution the necessity for issuance of general obligation bonds
7733 of the State of Mississippi to provide funds for the Supplementary
7734 Rural Fire Truck Fund created in Section 17-23-11, and the Rural
7735 Fire Truck Fund created in Section 17-23-1. Upon the adoption of
7736 a resolution by the Department of Finance and Administration,
7737 declaring the necessity for the issuance of any part or all of the



7738 general obligation bonds authorized by this section, the
7739 Department of Finance and Administration shall deliver a certified
7740 copy of its resolution or resolutions to the commission. Upon
7741 receipt of such resolution, the commission, in its discretion, may
7742 act as the issuing agent, prescribe the form of the bonds,
7743 determine the appropriate method for sale of the bonds, advertise
7744 for and accept bids or negotiate the sale of the bonds, issue and
7745 sell the bonds so authorized to be sold and do any and all other
7746 things necessary and advisable in connection with the issuance and
7747 sale of such bonds. The total amount of bonds issued under
7748 Sections 136 through 151 of this act shall not exceed Fifteen
7749 Million Nine Hundred Thousand Dollars (\$15,900,000.00). No bonds
7750 authorized under Sections 136 through 151 of this act shall be
7751 issued after July 1, 2011.

7752 (2) Four Million Nine Hundred Thousand Dollars
7753 (\$4,900,000.00) of the proceeds of bonds issued pursuant to
7754 Sections 136 through 151 of this act shall be deposited into the
7755 Supplementary Rural Fire Truck Fund created in Section 17-23-11.
7756 Eleven Million Dollars (\$11,000,000.00) of the proceeds of bonds
7757 issued pursuant to Sections 136 through 151, Laws of Chapter 1,
7758 2004 Third Extraordinary Session, as amended by Section 1 of
7759 Chapter 347, Laws of 2005, shall be deposited into the Rural Fire
7760 Truck Fund created in Section 17-23-1. Any investment earnings on
7761 bonds issued pursuant to Sections 136 through 151 of this act
7762 shall be used to pay debt service on bonds issued under Sections
7763 136 through 151 of this act, in accordance with the proceedings
7764 authorizing issuance of such bonds.

7765 Section 138. The principal of and interest on the bonds
7766 authorized under Sections 136 through 151 of this act shall be
7767 payable in the manner provided in this section. Such bonds shall
7768 bear such date or dates, be in such denomination or denominations,
7769 bear interest at such rate or rates (not to exceed the limits set
7770 forth in Section 75-17-101, Mississippi Code of 1972), be payable



7771 at such place or places within or without the State of
7772 Mississippi, shall mature absolutely at such time or times not to
7773 exceed twenty-five (25) years from date of issue, be redeemable
7774 before maturity at such time or times and upon such terms, with or
7775 without premium, shall bear such registration privileges, and
7776 shall be substantially in such form, all as shall be determined by
7777 resolution of the commission.

7778 Section 139. The bonds authorized by Sections 136 through
7779 151 of this act shall be signed by the chairman of the commission,
7780 or by his facsimile signature, and the official seal of the
7781 commission shall be affixed thereto, attested by the secretary of
7782 the commission. The interest coupons, if any, to be attached to
7783 such bonds may be executed by the facsimile signatures of such
7784 officers. Whenever any such bonds shall have been signed by the
7785 officials designated to sign the bonds who were in office at the
7786 time of such signing but who may have ceased to be such officers
7787 before the sale and delivery of such bonds, or who may not have
7788 been in office on the date such bonds may bear, the signatures of
7789 such officers upon such bonds and coupons shall nevertheless be
7790 valid and sufficient for all purposes and have the same effect as
7791 if the person so officially signing such bonds had remained in
7792 office until their delivery to the purchaser, or had been in
7793 office on the date such bonds may bear. However, notwithstanding
7794 anything herein to the contrary, such bonds may be issued as
7795 provided in the Registered Bond Act of the State of Mississippi.

7796 Section 140. All bonds and interest coupons issued under the
7797 provisions of Sections 136 through 151 of this act have all the
7798 qualities and incidents of negotiable instruments under the
7799 provisions of the Uniform Commercial Code, and in exercising the
7800 powers granted by Sections 136 through 151 of this act, the
7801 commission shall not be required to and need not comply with the
7802 provisions of the Uniform Commercial Code.



7803 Section 141. The commission shall act as issuing agent for
7804 the bonds authorized under Sections 136 through 151 of this act,
7805 prescribe the form of the bonds, determine the appropriate method
7806 for sale of the bonds, advertise for and accept bids or negotiate
7807 the sale of the bonds, issue and sell the bonds so authorized to
7808 be sold, pay all fees and costs incurred in such issuance and
7809 sale, and do any and all other things necessary and advisable in
7810 connection with the issuance and sale of such bonds. The
7811 commission is authorized and empowered to pay the costs that are
7812 incident to the sale, issuance and delivery of the bonds
7813 authorized under Sections 136 through 151 of this act from the
7814 proceeds derived from the sale of such bonds. The commission may
7815 sell such bonds on sealed bids at public sale or may negotiate the
7816 sale of the bonds for such price as it may determine to be for the
7817 best interest of the State of Mississippi. All interest accruing
7818 on such bonds so issued shall be payable semiannually or annually.

7819 If such bonds are sold by sealed bids at public sale, notice
7820 of the sale shall be published at least one time, not less than
7821 ten (10) days before the date of sale, and shall be so published
7822 in one or more newspapers published or having a general
7823 circulation in the City of Jackson, Mississippi, selected by the
7824 commission.

7825 The commission, when issuing any bonds under the authority of
7826 Sections 136 through 151 of this act, may provide that bonds, at
7827 the option of the State of Mississippi, may be called in for
7828 payment and redemption at the call price named therein and accrued
7829 interest on such date or dates named therein.

7830 Section 142. The bonds issued under the provisions of
7831 Sections 136 through 151 of this act are general obligations of
7832 the State of Mississippi, and for the payment thereof the full
7833 faith and credit of the State of Mississippi is irrevocably
7834 pledged. If the funds appropriated by the Legislature are
7835 insufficient to pay the principal of and the interest on such



7836 bonds as they become due, then the deficiency shall be paid by the
7837 State Treasurer from any funds in the State Treasury not otherwise
7838 appropriated. All such bonds shall contain recitals on their
7839 faces substantially covering the provisions of this section.

7840 Section 143. Upon the issuance and sale of bonds under the
7841 provisions of Sections 136 through 151 of this act, the commission
7842 shall transfer the proceeds of any such sale or sales to the
7843 Supplementary Rural Fire Truck Fund created in Section 17-23-11,
7844 and the Rural Fire Truck Fund created in Section 17-23-1 in the
7845 amounts provided for in Section 137 of this act. The proceeds of
7846 such bonds shall be disbursed solely upon the order of the
7847 Department of Finance and Administration under such restrictions,
7848 if any, as may be contained in the resolution providing for the
7849 issuance of the bonds.

7850 Section 144. The bonds authorized under Sections 136 through
7851 151 of this act may be issued without any other proceedings or the
7852 happening of any other conditions or things other than those
7853 proceedings, conditions and things which are specified or required
7854 by Sections 136 through 151 of this act. Any resolution providing
7855 for the issuance of bonds under the provisions of Sections 136
7856 through 151 of this act shall become effective immediately upon
7857 its adoption by the commission, and any such resolution may be
7858 adopted at any regular or special meeting of the commission by a
7859 majority of its members.

7860 Section 145. The bonds authorized under the authority of
7861 Sections 136 through 151 of this act may be validated in the
7862 Chancery Court of the First Judicial District of Hinds County,
7863 Mississippi, in the manner and with the force and effect provided
7864 by Chapter 13, Title 31, Mississippi Code of 1972, for the
7865 validation of county, municipal, school district and other bonds.
7866 The notice to taxpayers required by such statutes shall be
7867 published in a newspaper published or having a general circulation
7868 in the City of Jackson, Mississippi.



7869 Section 146. Any holder of bonds issued under the provisions
7870 of Sections 136 through 151 of this act or of any of the interest
7871 coupons pertaining thereto may, either at law or in equity, by
7872 suit, action, mandamus or other proceeding, protect and enforce
7873 any and all rights granted under Sections 136 through 151 of this
7874 act, or under such resolution, and may enforce and compel
7875 performance of all duties required by Sections 136 through 151 of
7876 this act to be performed, in order to provide for the payment of
7877 bonds and interest thereon.

7878 Section 147. All bonds issued under the provisions of
7879 Sections 136 through 151 of this act shall be legal investments
7880 for trustees and other fiduciaries, and for savings banks, trust
7881 companies and insurance companies organized under the laws of the
7882 State of Mississippi, and such bonds shall be legal securities
7883 which may be deposited with and shall be received by all public
7884 officers and bodies of this state and all municipalities and
7885 political subdivisions for the purpose of securing the deposit of
7886 public funds.

7887 Section 148. Bonds issued under the provisions of Sections
7888 136 through 151 of this act and income therefrom shall be exempt
7889 from all taxation in the State of Mississippi.

7890 Section 149. The proceeds of the bonds issued under Sections
7891 136 through 151 of this act shall be used solely for the purposes
7892 therein provided, including the costs incident to the issuance and
7893 sale of such bonds.

7894 Section 150. The State Treasurer is authorized, without
7895 further process of law, to certify to the Department of Finance
7896 and Administration the necessity for warrants, and the Department
7897 of Finance and Administration is authorized and directed to issue
7898 such warrants, in such amounts as may be necessary to pay when due
7899 the principal of, premium, if any, and interest on, or the
7900 accreted value of, all bonds issued under Sections 136 through 151
7901 of this act; and the State Treasurer shall forward the necessary



7902 amount to the designated place or places of payment of such bonds
7903 in ample time to discharge such bonds, or the interest thereon, on
7904 the due dates thereof.

7905 Section 151. Sections 136 through 151 of this act shall be
7906 deemed to be full and complete authority for the exercise of the
7907 powers therein granted, but Sections 136 through 151 of this act
7908 shall not be deemed to repeal or to be in derogation of any
7909 existing law of this state.

7910 **SECTION 49.** (1) As used in this section, the following
7911 words shall have the meanings ascribed herein unless the context
7912 clearly requires otherwise:

7913 (a) "Accreted value" of any bonds means, as of any date
7914 of computation, an amount equal to the sum of (i) the stated
7915 initial value of such bond, plus (ii) the interest accrued thereon
7916 from the issue date to the date of computation at the rate,
7917 compounded semiannually, that is necessary to produce the
7918 approximate yield to maturity shown for bonds of the same
7919 maturity.

7920 (b) "State" means the State of Mississippi.

7921 (c) "Commission" means the State Bond Commission.

7922 (2) (a) The commission, at one time, or from time to time,
7923 may declare by resolution the necessity for issuance of general
7924 obligation bonds of the State of Mississippi to provide funds for
7925 the Mississippi Community Heritage Preservation Grant Fund created
7926 pursuant to Section 39-5-145. Upon the adoption of a resolution
7927 by the Department of Finance and Administration, declaring the
7928 necessity for the issuance of any part or all of the general
7929 obligation bonds authorized by this section, the Department of
7930 Finance and Administration shall deliver a certified copy of its
7931 resolution or resolutions to the commission. Upon receipt of such
7932 resolution, the commission, in its discretion, may act as the
7933 issuing agent, prescribe the form of the bonds, determine the
7934 appropriate method for sale of the bonds, advertise for and accept



7935 bids or negotiate the sale of the bonds, issue and sell the bonds
7936 so authorized to be sold and do any and all other things necessary
7937 and advisable in connection with the issuance and sale of such
7938 bonds. The total amount of bonds issued under this section shall
7939 not exceed One Million Dollars (\$1,000,000.00). No bonds
7940 authorized under this section shall be issued after July 1, 2014.

7941 (b) The proceeds of bonds issued pursuant to this
7942 section shall be deposited into the Mississippi Community Heritage
7943 Preservation Grant Fund created pursuant to Section 39-5-145. Any
7944 investment earnings on bonds issued pursuant to this section shall
7945 be used to pay debt service on bonds issued under this section, in
7946 accordance with the proceedings authorizing issuance of such
7947 bonds.

7948 (3) The principal of and interest on the bonds authorized
7949 under this section shall be payable in the manner provided in this
7950 section. Such bonds shall bear such date or dates, be in such
7951 denomination or denominations, bear interest at such rate or rates
7952 (not to exceed the limits set forth in Section 75-17-101,
7953 Mississippi Code of 1972), be payable at such place or places
7954 within or without the State of Mississippi, shall mature
7955 absolutely at such time or times not to exceed twenty-five (25)
7956 years from date of issue, be redeemable before maturity at such
7957 time or times and upon such terms, with or without premium, shall
7958 bear such registration privileges, and shall be substantially in
7959 such form, all as shall be determined by resolution of the
7960 commission.

7961 (4) The bonds authorized by this section shall be signed by
7962 the chairman of the commission, or by his facsimile signature, and
7963 the official seal of the commission shall be affixed thereto,
7964 attested by the secretary of the commission. The interest
7965 coupons, if any, to be attached to such bonds may be executed by
7966 the facsimile signatures of such officers. Whenever any such
7967 bonds shall have been signed by the officials designated to sign



7968 the bonds who were in office at the time of such signing but who
7969 may have ceased to be such officers before the sale and delivery
7970 of such bonds, or who may not have been in office on the date such
7971 bonds may bear, the signatures of such officers upon such bonds
7972 and coupons shall nevertheless be valid and sufficient for all
7973 purposes and have the same effect as if the person so officially
7974 signing such bonds had remained in office until their delivery to
7975 the purchaser, or had been in office on the date such bonds may
7976 bear. However, notwithstanding anything herein to the contrary,
7977 such bonds may be issued as provided in the Registered Bond Act of
7978 the State of Mississippi.

7979 (5) All bonds and interest coupons issued under the
7980 provisions of this section have all the qualities and incidents of
7981 negotiable instruments under the provisions of the Uniform
7982 Commercial Code, and in exercising the powers granted by this
7983 section, the commission shall not be required to and need not
7984 comply with the provisions of the Uniform Commercial Code.

7985 (6) The commission shall act as issuing agent for the bonds
7986 authorized under this section, prescribe the form of the bonds,
7987 determine the appropriate method for sale of the bonds, advertise
7988 for and accept bids or negotiate sale of the bonds, issue and sell
7989 the bonds so authorized to be sold, pay all fees and costs
7990 incurred in such issuance and sale, and do any and all other
7991 things necessary and advisable in connection with the issuance and
7992 sale of such bonds. The commission is authorized and empowered to
7993 pay the costs that are incident to the sale, issuance and delivery
7994 of the bonds authorized under this section from the proceeds
7995 derived from the sale of such bonds. The commission may sell such
7996 bonds on sealed bids at public sale or may negotiate the sale of
7997 the bonds for such price as it may determine to be for the best
7998 interest of the State of Mississippi. All interest accruing on
7999 such bonds so issued shall be payable semiannually or annually.



8000 If such bonds are sold by sealed bids at public sale, notice
8001 of the sale shall be published at least one time, not less than
8002 ten (10) days before the date of sale, and shall be so published
8003 in one or more newspapers published or having a general
8004 circulation in the City of Jackson, Mississippi, selected by the
8005 commission.

8006 The commission, when issuing any bonds under the authority of
8007 this section, may provide that bonds, at the option of the State
8008 of Mississippi, may be called in for payment and redemption at the
8009 call price named therein and accrued interest on such date or
8010 dates named therein.

8011 (7) The bonds issued under the provisions of this section
8012 are general obligations of the State of Mississippi, and for the
8013 payment thereof the full faith and credit of the State of
8014 Mississippi is irrevocably pledged. If the funds appropriated by
8015 the Legislature are insufficient to pay the principal of and the
8016 interest on such bonds as they become due, then the deficiency
8017 shall be paid by the State Treasurer from any funds in the State
8018 Treasury not otherwise appropriated. All such bonds shall contain
8019 recitals on their faces substantially covering the provisions of
8020 this section.

8021 (8) Upon the issuance and sale of bonds under the provisions
8022 of this section, the commission shall transfer the proceeds of any
8023 such sale or sales to the Mississippi Community Heritage
8024 Preservation Grant Fund created in Section 39-5-145, and the
8025 proceeds of such bonds shall be disbursed for the purposes
8026 provided in Section 39-5-145.

8027 (9) The bonds authorized under this section may be issued
8028 without any other proceedings or the happening of any other
8029 conditions or things other than those proceedings, conditions and
8030 things which are specified or required by this section. Any
8031 resolution providing for the issuance of bonds under the
8032 provisions of this section shall become effective immediately upon



8033 its adoption by the commission, and any such resolution may be
8034 adopted at any regular or special meeting of the commission by a
8035 majority of its members.

8036 (10) The bonds authorized under the authority of this
8037 section may be validated in the Chancery Court of the First
8038 Judicial District of Hinds County, Mississippi, in the manner and
8039 with the force and effect provided by Chapter 13, Title 31,
8040 Mississippi Code of 1972, for the validation of county, municipal,
8041 school district and other bonds. The notice to taxpayers required
8042 by such statutes shall be published in a newspaper published or
8043 having a general circulation in the City of Jackson, Mississippi.

8044 (11) Any holder of bonds issued under the provisions of this
8045 section or of any of the interest coupons pertaining thereto may,
8046 either at law or in equity, by suit, action, mandamus or other
8047 proceeding, protect and enforce any and all rights granted under
8048 this section, or under such resolution, and may enforce and compel
8049 performance of all duties required by this section to be
8050 performed, in order to provide for the payment of bonds and
8051 interest thereon.

8052 (12) All bonds issued under the provisions of this section
8053 shall be legal investments for trustees and other fiduciaries, and
8054 for savings banks, trust companies and insurance companies
8055 organized under the laws of the State of Mississippi, and such
8056 bonds shall be legal securities which may be deposited with and
8057 shall be received by all public officers and bodies of this state
8058 and all municipalities and political subdivisions for the purpose
8059 of securing the deposit of public funds.

8060 (13) Bonds issued under the provisions of this section and
8061 income therefrom shall be exempt from all taxation in the State of
8062 Mississippi.

8063 (14) The proceeds of the bonds issued under this section
8064 shall be used solely for the purposes therein provided, including
8065 the costs incident to the issuance and sale of such bonds.



8066 (15) The State Treasurer is authorized, without further
8067 process of law, to certify to the Department of Finance and
8068 Administration the necessity for warrants, and the Department of
8069 Finance and Administration is authorized and directed to issue
8070 such warrants, in such amounts as may be necessary to pay when due
8071 the principal of, premium, if any, and interest on, or the
8072 accreted value of, all bonds issued under this section; and the
8073 State Treasurer shall forward the necessary amount to the
8074 designated place or places of payment of such bonds in ample time
8075 to discharge such bonds, or the interest thereon, on the due dates
8076 thereof.

8077 (16) This section shall be deemed to be full and complete
8078 authority for the exercise of the powers therein granted, but this
8079 section of this act shall not be deemed to repeal or to be in
8080 derogation of any existing law of this state.

8081 **SECTION 50.** Section 39-5-145, Mississippi Code of 1972, is
8082 amended as follows:

8083 39-5-145. (1) A special fund, to be designated the
8084 "Mississippi Community Heritage Preservation Grant Fund," is
8085 created within the State Treasury. The fund shall be maintained
8086 by the State Treasurer as a separate and special fund, separate
8087 and apart from the General Fund of the state. The fund shall
8088 consist of any monies designated for deposit therein from any
8089 source, including proceeds of any state general obligation bonds
8090 designated for deposit therein. Unexpended amounts remaining in
8091 the fund at the end of a fiscal year shall not lapse into the
8092 State General Fund and any interest earned or investment earnings
8093 on amounts in the fund shall be deposited into the fund. The
8094 expenditure of monies deposited into the fund shall be under the
8095 direction of the Department of Finance and Administration, based
8096 upon recommendations of the Board of Trustees of the Department of
8097 Archives and History, and such funds shall be paid by the State
8098 Treasurer upon warrants issued by the Department of Finance and



8099 Administration. Monies deposited into such fund shall be
8100 allocated and disbursed according to the provisions of this
8101 section. If any monies in the special fund are derived from
8102 proceeds of state general obligation bonds and are not used within
8103 four (4) years after the date such bond proceeds are deposited
8104 into the special fund, then the Department of Finance and
8105 Administration shall provide an accounting of such unused monies
8106 to the State Bond Commission.

8107 (2) Monies deposited into the fund shall be allocated and
8108 disbursed as follows:

8109 (a) (i) Twenty-four Million Three Hundred Fifty
8110 Thousand Dollars (\$24,350,000.00) shall be allocated and disbursed
8111 as grants on a reimbursable basis through the Department of
8112 Finance and Administration, based upon the recommendations of the
8113 Board of Trustees of the Department of Archives and History, to
8114 assist county governments, municipal governments, school districts
8115 and nonprofit organizations that have obtained Section 501(c)(3)
8116 tax-exempt status from the United States Internal Revenue Service
8117 in helping pay the costs incurred in preserving, restoring,
8118 rehabilitating, repairing or interpreting 1. historic county
8119 courthouses, 2. historic school buildings, and/or 3. other
8120 historic properties identified by certified local governments.
8121 Where possible, expenditures from the fund shall be used to match
8122 federal grants or other grants that may be accessed by the
8123 Department of Archives and History, other state agencies, county
8124 governments or municipal governments, school districts or
8125 nonprofit organizations that have obtained Section 501(c)(3)
8126 tax-exempt status from the United States Internal Revenue Service.
8127 Any properties, except those described in paragraphs (b) and (d)
8128 of this subsection, receiving monies pursuant to this section must
8129 be designated as "Mississippi Landmark" properties prior to
8130 selection as projects for funding under the provisions of this
8131 section.



8132 (ii) One Million Seven Hundred Fifty Thousand
8133 Dollars (\$1,750,000.00) shall be allocated and disbursed as grants
8134 through the Department of Finance and Administration, based upon
8135 the recommendations of the Board of Trustees of the Department of
8136 Archives and History, to assist county governments in helping pay
8137 the costs of historically appropriate restoration, repair and
8138 renovation of historically significant county courthouses. Grants
8139 to individual courthouses under this paragraph (a)(ii) shall not
8140 exceed Eight Hundred Seventy-five Thousand Dollars (\$875,000.00).

8141 (b) Two Hundred Fifty Thousand Dollars (\$250,000.00)
8142 shall be allocated and disbursed as grant funds to the Amory
8143 Regional Museum in Amory, Mississippi, to pay the costs of capital
8144 improvements, repair, renovation, furnishing and/or equipping of
8145 the museum. The Department of Finance and Administration is
8146 directed to transfer Two Hundred Fifty Thousand Dollars
8147 (\$250,000.00) from the fund to the city on or before December 31,
8148 2004, and the city shall place the funds into an escrow account.
8149 The city may expend the funds from the account only in an amount
8150 equal to matching funds that are provided from any source other
8151 than the state for the project. As the funds are withdrawn from
8152 the escrow account, the city shall certify to the Department of
8153 Finance and Administration the amount of the funds that have been
8154 withdrawn and that the funds * * * withdrawn are in an amount
8155 equal to matching funds required by this paragraph.

8156 (c) One Hundred Thousand Dollars (\$100,000.00) shall be
8157 allocated and disbursed as grant funds to the Jacinto Foundation,
8158 Inc., to pay the costs of capital improvements, repairing,
8159 renovating, restoring, rehabilitating, preserving, furnishing
8160 and/or equipping the courthouse and related facilities in Jacinto,
8161 Mississippi.

8162 (d) Four Hundred Twenty-five Thousand Dollars
8163 (\$425,000.00) shall be allocated and disbursed as grant funds to
8164 the Oxford-Lafayette County Heritage Foundation to pay the costs



8165 of capital improvements, repairing, renovating, restoring,
8166 rehabilitating, preserving, furnishing, equipping and/or acquiring
8167 the L.Q.C. Lamar Home in Oxford, Mississippi.

8168 (e) Seventy-five Thousand Dollars (\$75,000.00) shall be
8169 allocated and disbursed as grant funds to the City of Columbus,
8170 Mississippi, Federal/State Programs Department to pay the costs of
8171 capital improvements, repairing, renovating, restoring,
8172 rehabilitating, preserving, reconstructing, furnishing and/or
8173 equipping the Queen City Hotel in Columbus, Mississippi.

8174 (f) One Million Dollars (\$1,000,000.00) shall be
8175 allocated and disbursed as grant funds to the Town of Wesson,
8176 Mississippi, to pay the costs of restoration and renovation of the
8177 Old Wesson School.

8178 (g) Monies in the Mississippi Community Heritage
8179 Preservation Grant Fund which are derived from proceeds of state
8180 general obligation bonds may be used to reimburse reasonable
8181 actual and necessary costs incurred by the Mississippi Department
8182 of Archives and History in providing assistance directly related
8183 to a project described in paragraph (a) of this subsection for
8184 which funding is provided under this section. Reimbursement may
8185 be made only until such time as the project is completed. An
8186 accounting of actual costs incurred for which reimbursement is
8187 sought shall be maintained for each project by the Mississippi
8188 Department of Archives and History. Reimbursement of reasonable
8189 actual and necessary costs for a project shall not exceed three
8190 percent (3%) of the proceeds of bonds issued for such project.
8191 Monies authorized for a particular project may not be used to
8192 reimburse administrative costs for unrelated projects.

8193 (3) (a) The Board of Trustees of the Department of Archives
8194 and History shall receive and consider proposals from county
8195 governments, municipal governments, school districts and nonprofit
8196 organizations that have obtained Section 501(c)(3) tax-exempt
8197 status from the United States Internal Revenue Service for



8198 projects associated with the preservation, restoration,
8199 rehabilitation, repair or interpretation of (a) historic
8200 courthouses, (b) historic school buildings and/or (c) other
8201 historic properties identified by certified local governments.
8202 Proposals shall be submitted in accordance with the provisions of
8203 procedures, criteria and standards developed by the board. The
8204 board shall determine those projects to be funded and may require
8205 matching funds from any applicant seeking assistance under this
8206 section. This subsection shall not apply to projects described in
8207 subsection (2) (a) (ii), (2) (b), (2) (c), (2) (d), (2) (e) and (2) (f)
8208 of this section.

8209 (b) The Board of Trustees of the Department of Archives
8210 and History shall receive and consider proposals from county
8211 governments for projects associated with historically appropriate
8212 restoration, repair and renovation of historically significant
8213 county courthouses. Proposals shall be submitted in accordance
8214 with the provisions of procedures, criteria and standards
8215 developed by the board. The board shall determine those projects
8216 to be funded and may require matching funds from any applicant
8217 seeking assistance under this section. This subsection shall not
8218 apply to projects described in subsection (2) (a) (i), (2) (b),
8219 (2) (c), (2) (d), (2) (e) and (2) (f) of this section.

8220 (4) The Department of Archives and History shall publicize
8221 the Community Heritage Preservation Grant Program described in
8222 this section on a statewide basis, including the publication of
8223 the criteria and standards used by the department in selecting
8224 projects for funding. The selection of a project for funding
8225 under the provisions of this section shall be made solely upon the
8226 deliberate consideration of each proposed project on its merits.
8227 The board shall make every effort to award the grants in a manner
8228 that will fairly distribute the funds in regard to the geography
8229 and cultural diversity of the state. This subsection shall not



8230 apply to projects described in subsection (2) (b), (2) (c), (2) (d),
8231 (2) (e) and (2) (f) of this section.

8232 (5) With regard to any project awarded funding under this
8233 section, any consultant, planner, architect, engineer, exhibit
8234 contracting firm, historic preservation specialist or other
8235 professional hired by a grant recipient to work on any such
8236 project shall be approved by the board before their employment by
8237 the grant recipient.

8238 (6) Plans and specifications for all projects initiated
8239 under the provisions of this section shall be approved by the
8240 board before the awarding of any contracts. The plans and
8241 specifications for any work involving "Mississippi Landmark"
8242 properties shall be developed in accordance with "The Secretary of
8243 the Interior's Standards for the Treatment of Historic
8244 Properties."

8245 **SECTION 51.** Sections 210 through 226, Chapter 1, Laws of
8246 2004 Third Extraordinary Session, as amended by Section 2, Chapter
8247 458, Laws of 2005, as amended by Section 11, Chapter 538, Laws of
8248 2006, as amended by Section 3, Chapter 607, Laws of 2007, as
8249 amended by Section 4, Chapter 557, Laws of 2009, are amended as
8250 follows:

8251 Section 210. As used in Sections 210 through 226 of this
8252 act, the following words shall have the meanings ascribed herein
8253 unless the context clearly requires otherwise:

8254 (a) "Accreted value" of any bonds means, as of any date
8255 of computation, an amount equal to the sum of (i) the stated
8256 initial value of such bond, plus (ii) the interest accrued thereon
8257 from the issue date to the date of computation at the rate,
8258 compounded semiannually, that is necessary to produce the
8259 approximate yield to maturity shown for bonds of the same
8260 maturity;

8261 (b) "State" means the State of Mississippi; and

8262 (c) "Commission" means the State Bond Commission.



8263 Section 211. (1) (a) A special fund, to be designated as
8264 the "Mississippi Museum of Art Fund," is created within the State
8265 Treasury. The fund shall be maintained by the State Treasurer as
8266 a separate and special fund, separate and apart from the General
8267 Fund of the state. Unexpended amounts remaining in the fund at
8268 the end of a fiscal year shall not lapse into the State General
8269 Fund, and any interest earned or investment earnings on amounts in
8270 the fund shall be deposited into such fund.

8271 (b) Monies deposited into the fund shall be disbursed,
8272 in the discretion of the Department of Finance and Administration,
8273 for the purpose of providing funds to the Mississippi Museum of
8274 Art to pay the costs of acquisition of land, planning, design and
8275 site preparation for a facility for the Mississippi Museum of Art
8276 in Jackson, Mississippi, and/or construction, repair and
8277 renovation, upgrading, furnishing, equipping, expansion or
8278 enhancement of buildings or facilities for the Mississippi Museum
8279 of Art in Jackson, Mississippi.

8280 (2) Amounts deposited into such special fund shall be
8281 disbursed to pay the costs of the projects described in subsection
8282 (1) of this section. Promptly after the commission has certified,
8283 by resolution duly adopted, that the projects described in
8284 subsection (1) of this section shall have been completed,
8285 abandoned, or cannot be completed in a timely fashion, any amounts
8286 remaining in such special fund shall be applied to pay debt
8287 service on the bonds issued under Sections 210 through 226 of this
8288 act, in accordance with the proceedings authorizing the issuance
8289 of such bonds and as directed by the commission.

8290 (3) The Department of Finance and Administration is
8291 expressly authorized and empowered to receive and expend any local
8292 or other source funds in connection with the expenditure of funds
8293 provided for in this section. The expenditure of monies deposited
8294 into the special fund shall be under the direction of the
8295 Department of Finance and Administration, and such funds shall be



8296 paid by the State Treasurer upon warrants issued by the Department
8297 of Finance and Administration.

8298 Section 212. (1) The Department of Finance and
8299 Administration, at one time, or from time to time, may declare by
8300 resolution the necessity for issuance of general obligation bonds
8301 of the State of Mississippi to provide funds for all costs
8302 incurred or to be incurred for the purposes described in Section
8303 211 of this act. Upon the adoption of a resolution by the
8304 Department of Finance and Administration, declaring the necessity
8305 for the issuance of any part or all of the general obligation
8306 bonds authorized by this section, the Department of Finance and
8307 Administration shall deliver a certified copy of its resolution or
8308 resolutions to the commission. Upon receipt of such resolution,
8309 the commission, in its discretion, may act as the issuing agent,
8310 prescribe the form of the bonds, determine the appropriate method
8311 for sale of the bonds, advertise for and accept bids or negotiate
8312 the sale of the bonds, issue and sell the bonds so authorized to
8313 be sold and do any and all other things necessary and advisable in
8314 connection with the issuance and sale of such bonds. The total
8315 amount of bonds issued under Sections 210 through 226 of this act
8316 shall not exceed Five Million Five Hundred Thousand Dollars
8317 (\$5,500,000.00).

8318 (2) The proceeds of bonds issued pursuant to Sections 210
8319 through 226 of this act shall be deposited into the special fund
8320 created pursuant to Section 211 of this act. Any investment
8321 earnings on bonds issued pursuant to Sections 210 through 226 of
8322 this act shall be used to pay debt service on bonds issued under
8323 Sections 210 through 226 of this act, in accordance with the
8324 proceedings authorizing issuance of such bonds.

8325 Section 213. The principal of and interest on the bonds
8326 authorized under Sections 210 through 226 of this act shall be
8327 payable in the manner provided in this section. Such bonds shall
8328 bear such date or dates, be in such denomination or denominations,



8329 bear interest at such rate or rates (not to exceed the limits set
8330 forth in Section 75-17-101, Mississippi Code of 1972), be payable
8331 at such place or places within or without the State of
8332 Mississippi, shall mature absolutely at such time or times not to
8333 exceed twenty-five (25) years from date of issue, be redeemable
8334 before maturity at such time or times and upon such terms, with or
8335 without premium, shall bear such registration privileges, and
8336 shall be substantially in such form, all as shall be determined by
8337 resolution of the commission.

8338 Section 214. The bonds authorized by Sections 210 through
8339 226 of this act shall be signed by the chairman of the commission,
8340 or by his facsimile signature, and the official seal of the
8341 commission shall be affixed thereto, attested by the secretary of
8342 the commission. The interest coupons, if any, to be attached to
8343 such bonds may be executed by the facsimile signatures of such
8344 officers. Whenever any such bonds shall have been signed by the
8345 officials designated to sign the bonds who were in office at the
8346 time of such signing but who may have ceased to be such officers
8347 before the sale and delivery of such bonds, or who may not have
8348 been in office on the date such bonds may bear, the signatures of
8349 such officers upon such bonds and coupons shall nevertheless be
8350 valid and sufficient for all purposes and have the same effect as
8351 if the person so officially signing such bonds had remained in
8352 office until their delivery to the purchaser, or had been in
8353 office on the date such bonds may bear. However, notwithstanding
8354 anything herein to the contrary, such bonds may be issued as
8355 provided in the Registered Bond Act of the State of Mississippi.

8356 Section 215. All bonds and interest coupons issued under the
8357 provisions of Sections 210 through 226 of this act have all the
8358 qualities and incidents of negotiable instruments under the
8359 provisions of the Uniform Commercial Code, and in exercising the
8360 powers granted by Sections 210 through 226 of this act, the



8361 commission shall not be required to and need not comply with the
8362 provisions of the Uniform Commercial Code.

8363 Section 216. The commission shall act as the issuing agent
8364 for the bonds authorized under Sections 210 through 226 of this
8365 act, prescribe the form of the bonds, determine the appropriate
8366 method for sale of the bonds, advertise for and accept bids or
8367 negotiate the sale of the bonds, issue and sell the bonds so
8368 authorized to be sold, pay all fees and costs incurred in such
8369 issuance and sale, and do any and all other things necessary and
8370 advisable in connection with the issuance and sale of such bonds.
8371 The commission is authorized and empowered to pay the costs that
8372 are incident to the sale, issuance and delivery of the bonds
8373 authorized under Sections 210 through 226 of this act from the
8374 proceeds derived from the sale of such bonds. The commission may
8375 sell such bonds on sealed bids at public sale or may negotiate the
8376 sale of the bonds for such price as it may determine to be for the
8377 best interest of the State of Mississippi. All interest accruing
8378 on such bonds so issued shall be payable semiannually or annually.

8379 If such bonds are sold by sealed bids at public sale, notice
8380 of the sale shall be published at least one time, not less than
8381 ten (10) days before the date of sale, and shall be so published
8382 in one or more newspapers published or having a general
8383 circulation in the City of Jackson, Mississippi, selected by the
8384 commission.

8385 The commission, when issuing any bonds under the authority of
8386 Sections 210 through 226 of this act, may provide that bonds, at
8387 the option of the State of Mississippi, may be called in for
8388 payment and redemption at the call price named therein and accrued
8389 interest on such date or dates named therein.

8390 Section 217. The bonds issued under the provisions of
8391 Sections 210 through 226 of this act are general obligations of
8392 the State of Mississippi, and for the payment thereof the full
8393 faith and credit of the State of Mississippi is irrevocably



8394 pledged. If the funds appropriated by the Legislature are
8395 insufficient to pay the principal of and the interest on such
8396 bonds as they become due, then the deficiency shall be paid by the
8397 State Treasurer from any funds in the State Treasury not otherwise
8398 appropriated. All such bonds shall contain recitals on their
8399 faces substantially covering the provisions of this section.

8400 Section 218. Upon the issuance and sale of bonds under the
8401 provisions of Sections 210 through 226 of this act, the commission
8402 shall transfer the proceeds of any such sale or sales to the
8403 special fund created in Section 211 of this act. The proceeds of
8404 such bonds shall be disbursed solely upon the order of the
8405 Department of Finance and Administration under such restrictions,
8406 if any, as may be contained in the resolution providing for the
8407 issuance of the bonds.

8408 Section 219. The bonds authorized under Sections 210 through
8409 226 of this act may be issued without any other proceedings or the
8410 happening of any other conditions or things other than those
8411 proceedings, conditions and things which are specified or required
8412 by Sections 210 through 226 of this act. Any resolution providing
8413 for the issuance of bonds under the provisions of Sections 210
8414 through 226 of this act shall become effective immediately upon
8415 its adoption by the commission, and any such resolution may be
8416 adopted at any regular or special meeting of the commission by a
8417 majority of its members.

8418 Section 220. The bonds authorized under the authority of
8419 Sections 210 through 226 of this act may be validated in the
8420 Chancery Court of the First Judicial District of Hinds County,
8421 Mississippi, in the manner and with the force and effect provided
8422 by Chapter 13, Title 31, Mississippi Code of 1972, for the
8423 validation of county, municipal, school district and other bonds.
8424 The notice to taxpayers required by such statutes shall be
8425 published in a newspaper published or having a general circulation
8426 in the City of Jackson, Mississippi.



8427 Section 221. Any holder of bonds issued under the provisions
8428 of Sections 210 through 226 of this act or of any of the interest
8429 coupons pertaining thereto may, either at law or in equity, by
8430 suit, action, mandamus or other proceeding, protect and enforce
8431 any and all rights granted under Sections 210 through 226 of this
8432 act, or under such resolution, and may enforce and compel
8433 performance of all duties required by Sections 210 through 226 of
8434 this act to be performed, in order to provide for the payment of
8435 bonds and interest thereon.

8436 Section 222. All bonds issued under the provisions of
8437 Sections 210 through 226 of this act shall be legal investments
8438 for trustees and other fiduciaries, and for savings banks, trust
8439 companies and insurance companies organized under the laws of the
8440 State of Mississippi, and such bonds shall be legal securities
8441 which may be deposited with and shall be received by all public
8442 officers and bodies of this state and all municipalities and
8443 political subdivisions for the purpose of securing the deposit of
8444 public funds.

8445 Section 223. Bonds issued under the provisions of Sections
8446 210 through 226 of this act and income therefrom shall be exempt
8447 from all taxation in the State of Mississippi.

8448 Section 224. The proceeds of the bonds issued under Sections
8449 210 through 226 of this act shall be used solely for the purposes
8450 therein provided, including the costs incident to the issuance and
8451 sale of such bonds.

8452 Section 225. The State Treasurer is authorized, without
8453 further process of law, to certify to the Department of Finance
8454 and Administration the necessity for warrants, and the Department
8455 of Finance and Administration is authorized and directed to issue
8456 such warrants, in such amounts as may be necessary to pay when due
8457 the principal of, premium, if any, and interest on, or the
8458 accreted value of, all bonds issued under Sections 210 through 226
8459 of this act; and the State Treasurer shall forward the necessary



8460 amount to the designated place or places of payment of such bonds
8461 in ample time to discharge such bonds, or the interest thereon, on
8462 the due dates thereof.

8463 Section 226. Sections 210 through 226 of this act shall be
8464 deemed to be full and complete authority for the exercise of the
8465 powers therein granted, but Sections 210 through 226 of this act
8466 shall not be deemed to repeal or to be in derogation of any
8467 existing law of this state.

8468 **SECTION 52.** Sections 12 through 23 of this act shall take
8469 effect and be in force from and after July 1, 2010, Section 37 of
8470 this act shall take effect and be in force from and after January
8471 1, 2010, and the remainder of this act shall take effect and be in
8472 force from and after its passage.

