

By: Senator(s) King, Gordon, Mettetal,
Montgomery, Nunnelee, Powell, Stone, Dearing

To: Finance

SENATE BILL NO. 3181
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "HIGH ECONOMIC BENEFIT PROJECT"
3 UNDER THE ECONOMIC DEVELOPMENT HIGHWAY ACT; TO AMEND SECTION
4 64-5-25, MISSISSIPPI CODE OF 1972, TO INCREASE BY \$98,000,000.00
5 THE AMOUNT OF BONDS AUTHORIZED TO BE ISSUED UNDER THE ECONOMIC
6 DEVELOPMENT HIGHWAY ACT; TO AUTHORIZE THE ISSUANCE OF STATE
7 GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$180,000,000.00 TO
8 PROVIDE ADDITIONAL FUNDS FOR USE BY THE MISSISSIPPI TRANSPORTATION
9 COMMISSION AND THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR
10 THE REPLACEMENT OR REHABILITATION OF CERTAIN BRIDGES ON STATE
11 MAINTAINED HIGHWAYS THAT ARE DEFICIENT OR FUNCTIONALLY OBSOLETE,
12 FOR THE CONSTRUCTION AND RECONSTRUCTION OF CERTAIN STATE HIGHWAY
13 PROJECTS AND TO IMPROVE ACCESS TO CAMP SHELBY, AND TO PROVIDE
14 ADDITIONAL FUNDS FOR THE STATE AID ROAD FUND IN THE STATE
15 TREASURY; TO AUTHORIZE THE ISSUANCE OF \$20,000,000.00 IN STATE
16 GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE LOCAL SYSTEM
17 BRIDGE REPLACEMENT AND REHABILITATION PROGRAM; TO AMEND SECTION
18 65-37-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
19 AMEND SECTION 17-25-17, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL
20 SEPTEMBER 15, 2010, THE TIME BEFORE WHICH CONSTRUCTION MUST BEGIN
21 ON A CERTAIN PROJECT IN ORDER FOR THE ENTERPRISE OWNING OR LEASING
22 THE PROJECT TO BE REIMBURSED BY LOCAL GOVERNMENTS FOR CERTAIN
23 COSTS; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO GRANT
24 FUNDS TO THE NORTH CENTRAL MISSISSIPPI REGIONAL RAILROAD AUTHORITY
25 TO PAY A PORTION OF THE COSTS INCURRED BY THE MISSISSIPPI REGIONAL
26 RAILROAD AUTHORITY FOR THE REPAIR, RECONSTRUCTION AND IMPROVEMENT
27 OF THE EXISTING RAILROAD LINE FROM THE CITY OF WEST POINT,
28 MISSISSIPPI, TO GREENWOOD, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE
29 OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$15,000,000.00
30 TO PROVIDE FUNDS FOR SUCH GRANTS; TO AMEND SECTION 2, CHAPTER 497,
31 LAWS OF 2009, TO REDUCE THE AMOUNT OF BONDS AUTHORIZED TO BE
32 ISSUED FOR CERTAIN RAIL PROJECTS; AND FOR RELATED PURPOSES.

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

34 **SECTION 1.** Section 65-4-5, Mississippi Code of 1972, is
35 amended as follows:

36 65-4-5. (1) The following words when used in this chapter
37 shall have the meanings herein ascribed unless the context
38 otherwise clearly requires:

39 (a) "Board" means the Mississippi Development
40 Authority;



41 (b) "Department" means the Mississippi Department of
42 Transportation;

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

44 (i) Any new investment by a private company with
45 capital investments in land, buildings, depreciable fixed assets
46 and improvements of at least Seventy Million Dollars
47 (\$70,000,000.00);

48 (ii) Any new investment of at least Twenty Million
49 Dollars (\$20,000,000.00) by a private company having capital
50 investments in this state in land, buildings, depreciable fixed
51 assets and improvements of at least One Billion Dollars
52 (\$1,000,000,000.00) in the aggregate;

53 (iii) Public investment of at least One Hundred
54 Million Dollars (\$100,000,000.00) to take place over a specified
55 period of time and in accordance with a master plan duly adopted
56 by the controlling political subdivision;

57 (iv) Any new investments in land, buildings,
58 depreciable fixed assets and improvements by two (2) private
59 companies upon land that is adjacent whenever the new investments
60 of both companies are at least Sixty Million Dollars
61 (\$60,000,000.00) in the aggregate, and such new investments by
62 both private companies provide for the employment of at least five
63 hundred (500) employees in the aggregate;

64 (v) Any project which would benefit from the
65 construction of any highway bypass which would aid in economic
66 development and would provide an alternate route to avoid an
67 existing route which underpasses a railroad and which would aid in
68 existing or proposed industry;

69 (vi) Any master planned community;

70 (vii) Any new investments in land, buildings,
71 depreciable fixed assets and improvements by not more than three
72 (3) private companies physically located within a one-half-mile
73 radius of each other whenever the new investments of such



74 companies are at least Sixty Million Dollars (\$60,000,000.00) in
75 the aggregate, and such new investments by such companies provide
76 for the employment of at least three hundred (300) new employees
77 in the aggregate;

78 (viii) Any new investments in land, buildings,
79 depreciable fixed assets and improvements by two (2) or more
80 private companies upon lands originally adjacent, but now divided
81 by a four-lane state highway and bordered by a two-lane state
82 highway, and the new investments of the companies are at least
83 Fifty Million Dollars (\$50,000,000.00) in the aggregate, and a
84 portion of such new investment will be utilized for the
85 construction of a hospital;

86 (ix) Any new investments in land, buildings,
87 depreciable fixed assets and improvements, of at least Fifty
88 Million Dollars (\$50,000,000.00) in the aggregate, in any county
89 having a population greater than seventy thousand (70,000)
90 according to the latest federal decennial census, and in which the
91 population of such county, according to the latest federal
92 decennial census, increased by at least ten percent (10%) above
93 the population in the preceding federal decennial census, and a
94 portion of such new investment will be used for the construction
95 of a hospital for which a certificate of need has been issued by
96 the State Department of Health. This subparagraph (ix) shall
97 stand repealed from and after July 1, 2009;

98 (x) Any project as defined in Section
99 57-75-5(f)(xxi); however, the term "high economic benefit project"
100 does not include the construction of Mississippi Highway 348.
101 This subparagraph (x) shall stand repealed from and after July 1,
102 2011;

103 (xi) Any project as defined in Section 17-25-17;

104 (xii) Any project which would allow access to a
105 national intermodal facility with a minimum capital investment of
106 One Hundred Million Dollars (\$100,000,000.00) that is located



107 within five (5) miles of the State of Mississippi and has direct
108 access into an industrial park within the state.

109 However, if the initial investments that a private company
110 made in order to meet the definition of a high economic benefit
111 project under this paragraph (c)(i) * * * and in order to be
112 approved for such project exceeded Fifty Million Dollars
113 (\$50,000,000.00), or if subsequent to being approved for the
114 initial project the same company and/or one or more other private
115 companies made additional capital investments exceeding Fifty
116 Million Dollars (\$50,000,000.00) in aggregate value in land,
117 buildings, depreciable fixed assets and improvements physically
118 attached to or forming a part of the initially planned site
119 development, then an amount equal to fifty percent (50%) of all
120 such investments that exceeds Fifty Million Dollars
121 (\$50,000,000.00) shall be subtracted from the Sixty Million
122 Dollars (\$60,000,000.00) in aggregate value of new investments
123 required under this paragraph (c)(vii);

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

127 (e) "Private company" means:

128 (i) Any agricultural, aquacultural, maricultural,
129 processing, distribution, warehousing, manufacturing,
130 transportation or research and development enterprise;

131 (ii) Any air transportation and maintenance
132 facility, regional shopping mall, hospital, large hotel, resort or
133 movie industry studio;

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

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



139 (v) A developer with respect to any specific
140 project which meets the criteria established in paragraph (c)(vi)
141 of this subsection; or

142 (vi) A tourism project approved by the board;

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

145 (2) The Mississippi Department of Transportation is hereby
146 authorized to purchase rights-of-way and construct and maintain
147 roads and highways authorized to be constructed pursuant to this
148 chapter.

149 **SECTION 2.** Section 65-4-25, Mississippi Code of 1972, is
150 amended as follows:

151 **[Until June 30, 2011, this section shall read as follows:]**

152 65-4-25. The Mississippi Development Authority, acting
153 through its executive director, is authorized, at one time or from
154 time to time, to declare by resolution the necessity for issuance
155 of negotiable general obligation bonds of the State of Mississippi
156 to provide funds for the Economic Development Highway Fund
157 established in Section 65-4-15, Mississippi Code of 1972. Upon
158 the adoption of a resolution by the Executive Director of the
159 Mississippi Development Authority, declaring the necessity for the
160 issuance of any part or all of the general obligation bonds
161 authorized by Sections 65-4-25 through 65-4-45, Mississippi Code
162 of 1972, the executive director shall deliver a certified copy of
163 his resolution or resolutions to the State Bond Commission. Upon
164 receipt of the resolution, the State Bond Commission, in its
165 discretion, shall act as the issuing agent, prescribe the form of
166 the bonds, determine the appropriate method for the sale of the
167 bonds, advertise for and accept bids or negotiate the sale of the
168 bonds, issue and sell the bonds so authorized to be sold, and do
169 any and all other things necessary and advisable in connection
170 with the issuance and sale of such bonds. The principal amount of
171 bonds issued under Sections 65-4-25 through 65-4-45, Mississippi



172 Code of 1972, shall not exceed Three Hundred Seven Million Five
173 Hundred Thousand Dollars (\$307,500,000.00) in the aggregate.
174 However, an additional amount of bonds may be issued under
175 Sections 65-4-25 through 65-4-45, Mississippi Code of 1972, in an
176 amount not to exceed Seven Million Dollars (\$7,000,000.00), and
177 the proceeds of any such additional bonds issued shall be used to
178 provide funding for a high economic benefit project as defined in
179 Section 65-4-5(1)(c)(vi), Mississippi Code of 1972.

180 **[From and after July 1, 2011, this section shall read as**
181 **follows:]**

182 65-4-25. The Mississippi Development Authority, acting
183 through its executive director, is authorized, at one time or from
184 time to time, to declare by resolution the necessity for issuance
185 of negotiable general obligation bonds of the State of Mississippi
186 to provide funds for the Economic Development Highway Fund
187 established in Section 65-4-15, Mississippi Code of 1972. Upon
188 the adoption of a resolution by the Executive Director of the
189 Mississippi Development Authority, declaring the necessity for the
190 issuance of any part or all of the general obligation bonds
191 authorized by Sections 65-4-25 through 65-4-45, Mississippi Code
192 of 1972, the executive director shall deliver a certified copy of
193 his resolution or resolutions to the State Bond Commission. Upon
194 receipt of the resolution, the State Bond Commission, in its
195 discretion, shall act as the issuing agent, prescribe the form of
196 the bonds, advertise for and accept bids, issue and sell the bonds
197 so authorized to be sold, and do any and all other things
198 necessary and advisable in connection with the issuance and sale
199 of such bonds. The principal amount of bonds issued under
200 Sections 65-4-25 through 65-4-45, Mississippi Code of 1972, shall
201 not exceed Three Hundred Seven Million Five Hundred Thousand
202 Dollars (\$307,500,000.00) in the aggregate. However, an
203 additional amount of bonds may be issued under Sections 65-4-25
204 through 65-4-45, Mississippi Code of 1972, in an amount not to



205 exceed Seven Million Dollars (\$7,000,000.00), and the proceeds of
206 any such additional bonds issued shall be used to provide funding
207 for a high economic benefit project as defined in Section
208 65-4-5(1)(c)(vi), Mississippi Code of 1972.

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

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

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

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

221 (2) (a) (i) A special fund, to be designated as the "State
222 Highway Bridge Rehabilitation Fund," is created within the State
223 Treasury. The fund shall be maintained by the State Treasurer as
224 a separate and special fund, separate and apart from the General
225 Fund of the state. Unexpended amounts remaining in the fund at
226 the end of a fiscal year shall not lapse into the State General
227 Fund, and any interest earned or investment earnings on amounts in
228 the fund shall be deposited into such fund.

229 (ii) Monies deposited into the fund shall be
230 disbursed to pay the costs incurred by the Mississippi
231 Transportation Commission and the Mississippi Department of
232 Transportation for the replacement or rehabilitation of the
233 bridges on state maintained highways with a National Bridge
234 Inspection Standards sufficiency rating of fifty (50) or less.

235 (b) Amounts deposited into such special fund shall be
236 disbursed to pay the costs of projects described in paragraph (a)
237 of this subsection. If any monies in such special fund are not



238 used within four (4) years after the date the proceeds of the
239 bonds authorized under this section are deposited into the special
240 fund, then the Mississippi Transportation Commission shall provide
241 an accounting of such unused monies to the commission. Promptly
242 after the commission has certified, by resolution duly adopted,
243 that the projects described in paragraph (a) of this subsection
244 shall have been completed, abandoned, or cannot be completed in a
245 timely fashion, any amounts remaining in such special fund shall
246 be applied to pay debt service on the bonds issued under this
247 section, in accordance with the proceedings authorizing the
248 issuance of such bonds and as directed by the commission.

249 (c) The Mississippi Transportation Commission is
250 expressly authorized and empowered to receive and expend any
251 federal, local or other source funds in connection with the
252 expenditure of funds provided for under this subsection.

253 (d) The expenditure of monies deposited into the
254 special fund shall be under the direction of the Mississippi
255 Transportation Commission, and such funds shall be paid by the
256 State Treasurer upon warrants issued by the Department of Finance
257 and Administration, which warrants shall be issued upon
258 requisitions signed by the Executive Director of the Mississippi
259 Department of Transportation.

260 (3) (a) (i) A special fund, to be designated as the
261 "Vision 21 High Priority Projects Fund," is created within the
262 State Treasury. The fund shall be maintained by the State
263 Treasurer as a separate and special fund, separate and apart from
264 the General Fund of the state. Unexpended amounts remaining in
265 the fund at the end of a fiscal year shall not lapse into the
266 State General Fund, and any interest earned or investment earnings
267 on amounts in the fund shall be deposited into such fund.

268 (ii) Monies deposited into the special fund shall
269 be disbursed to pay the costs incurred by the Mississippi
270 Transportation Commission and the Mississippi Department of



271 Transportation for the construction and reconstruction or
272 improvement of those highway segments described in Section
273 65-3-97(4)(a). Upon the completion of the construction and
274 reconstruction or improvement of those highway segments, the
275 monies deposited into the special fund shall be disbursed to pay
276 the costs incurred by the Mississippi Transportation Commission
277 and the Mississippi Department of Transportation for the
278 construction and reconstruction or improvement of those highway
279 segments described in Section 65-3-97(5)(f)(xxvi), (f)(xxvii),
280 (f)(xxxiv), (f)(xxxv), (f)(xl), (f)(xli), (h)(xiv) and (h)(xvi).

281 (b) Amounts deposited into such special fund shall be
282 disbursed to pay the costs of projects described in paragraph (a)
283 of this subsection. If any monies in such special fund are not
284 used within four (4) years after the date the proceeds of the
285 bonds authorized under this section are deposited into the special
286 fund, then the Mississippi Transportation Commission shall provide
287 an accounting of such unused monies to the commission. Promptly
288 after the commission has certified, by resolution duly adopted,
289 that the projects described in paragraph (a) of this subsection
290 shall have been completed, abandoned, or cannot be completed in a
291 timely fashion, any amounts remaining in such special fund shall
292 be applied to pay debt service on the bonds issued under this
293 section, in accordance with the proceedings authorizing the
294 issuance of such bonds and as directed by the commission.

295 (c) The Mississippi Transportation Commission is
296 expressly authorized and empowered to receive and expend any
297 federal, local or other source funds in connection with the
298 expenditure of funds provided for under this subsection.

299 (d) The expenditure of monies deposited into the
300 special fund shall be under the direction of the Mississippi
301 Transportation Commission, and such funds shall be paid by the
302 State Treasurer upon warrants issued by the Department of Finance
303 and Administration, which warrants shall be issued upon



304 requisitions signed by the Executive Director of the Mississippi
305 Department of Transportation.

306 (4) (a) (i) A special fund, to be designated as the "Camp
307 Shelby Access Improvement Fund," is created within the State
308 Treasury. The fund shall be maintained by the State Treasurer as
309 a separate and special fund, separate and apart from the General
310 Fund of the state. Unexpended amounts remaining in the fund at
311 the end of a fiscal year shall not lapse into the State General
312 Fund, and any interest earned or investment earnings on amounts in
313 the fund shall be deposited into such fund.

314 (ii) Monies deposited into the fund shall be
315 disbursed to pay the costs incurred by the Mississippi
316 Transportation Commission and the Mississippi Department of
317 Transportation:

318 1. For the reconstruction to interstate
319 standards of U.S. Highway 49 from the South Gate of Camp Shelby to
320 U.S. Highway 98; and

321 2. To construct interchanges at the South
322 Gate and North Gate of Camp Shelby.

323 (b) Amounts deposited into such special fund shall be
324 disbursed to pay the costs of projects described in paragraph (a)
325 of this subsection. If any monies in such special fund are not
326 used within four (4) years after the date the proceeds of the
327 bonds authorized under this section are deposited into the special
328 fund, then the Mississippi Transportation Commission shall provide
329 an accounting of such unused monies to the commission. Promptly
330 after the commission has certified, by resolution duly adopted,
331 that the projects described in paragraph (a) of this subsection
332 shall have been completed, abandoned, or cannot be completed in a
333 timely fashion, any amounts remaining in such special fund shall
334 be applied to pay debt service on the bonds issued under this
335 section, in accordance with the proceedings authorizing the
336 issuance of such bonds and as directed by the commission.



337 (c) The Mississippi Transportation Commission is
338 expressly authorized and empowered to receive and expend any
339 federal, local or other source funds in connection with the
340 expenditure of funds provided for under this subsection.

341 (d) The expenditure of monies deposited into the
342 special fund shall be under the direction of the Mississippi
343 Transportation Commission, and such funds shall be paid by the
344 State Treasurer upon warrants issued by the Department of Finance
345 and Administration, which warrants shall be issued upon
346 requisitions signed by the Executive Director of the Mississippi
347 Department of Transportation.

348 (5) (a) For the purposes of providing for the payment of a
349 portion of the principal of and interest on bonds issued under
350 this section, there is created in the State Treasury a special
351 fund to be known as the "Mississippi Highway Construction, Bridge
352 Rehabilitation and State Aid Road Bond Sinking Fund." The bond
353 sinking fund shall consist of monies transferred into the fund by
354 the Mississippi Department of Transportation as required by
355 paragraph (b) of this subsection and shall be utilized to pay a
356 portion of the principal of and interest on bonds issued under
357 this section. Unexpended amounts remaining in the bond sinking
358 fund at the end of a fiscal year shall not lapse into the State
359 General Fund, and any interest earned or investment earnings on
360 amounts in the bond sinking fund shall be deposited into the bond
361 sinking fund.

362 (b) Beginning in the fiscal year during which the bonds
363 authorized to be issued by this section are issued, and each
364 fiscal year thereafter until the principal and interest on such
365 bonds is paid, the Mississippi Department of Transportation shall
366 transfer, from any available funds, an amount equal to Five
367 Million Dollars (\$5,000,000.00), into the Mississippi Highway
368 Construction, Bridge Rehabilitation and State Aid Road Bond
369 Sinking Fund. The transfer of funds required by this paragraph



370 shall be made by the department at such times as the State
371 Treasurer shall require.

372 (6) (a) (i) The commission, at one time, or from time to
373 time, may declare by resolution the necessity for issuance of
374 general obligation bonds of the State of Mississippi to provide
375 funds for all costs incurred or to be incurred for the purposes
376 described in subsections (2), (3) and (4) of this section. Upon
377 the adoption of a resolution by the Mississippi Transportation
378 Commission, declaring the necessity for the issuance of any part
379 or all of the general obligation bonds authorized by this section
380 for the purposes described in subsections (2), (3) and (4) of this
381 section, the Mississippi Transportation Commission shall deliver a
382 certified copy of its resolution or resolutions to the commission.
383 If the resolution adopted by the Mississippi Transportation
384 Commission is requesting the issuance of bonds for the purposes
385 described in subsections (2) and (3) of this section, the
386 resolution shall contain a list of the projects proposed to be
387 funded by the issuance of bonds under this section; however, the
388 list of projects in the resolution shall not control or restrict
389 the expenditure of the funds and the expenditure of such funds
390 shall be governed by the provisions of subsections (2) and (3) of
391 this section. Upon receipt of such resolution, the commission, in
392 its discretion, may act as the issuing agent, prescribe the form
393 of the bonds, determine the appropriate method for the sale of the
394 bonds, advertise for and accept bids or negotiate the sale of the
395 bonds, issue and sell the bonds so authorized to be sold and do
396 any and all other things necessary and advisable in connection
397 with the issuance and sale of such bonds.

398 (ii) The commission, at one time, or from time to
399 time, may declare by resolution the necessity for issuance of
400 general obligation bonds of the State of Mississippi to provide
401 funds for all costs incurred or to be incurred for the purpose of
402 providing additional funds for deposit into the State Aid Road



403 Fund in the State Treasury. Upon the adoption of a resolution by
404 the Office of State Aid Road Construction, declaring the necessity
405 for the issuance of any part or all of the general obligation
406 bonds authorized by this section for deposit into the State Aid
407 Road Fund, the Office of State Aid Road Construction shall deliver
408 a certified copy of its resolution or resolutions to the
409 commission. Upon receipt of such resolution, the commission, in
410 its discretion, may act as the issuing agent, prescribe the form
411 of the bonds, determine the appropriate method for the sale of the
412 bonds, advertise for and accept bids or negotiate the sale of the
413 bonds, issue and sell the bonds so authorized to be sold and do
414 any and all other things necessary and advisable in connection
415 with the issuance and sale of such bonds.

416 (iii) The total amount of bonds issued under this
417 section shall not exceed One Hundred Eighty Million Dollars
418 (\$180,000,000.00). No bonds shall be issued under this section
419 after July 1, 2014.

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

423 (i) The State Highway Bridge Rehabilitation Fund
424 created pursuant to subsection (2) of this
425 section.....\$100,000,000.00.

426 (ii) The Vision 21 High Priority Projects Fund
427 created pursuant to subsection (3) of this
428 section.....\$ 50,000,000.00.

429 (iii) The Camp Shelby Access Improvement Fund
430 created pursuant to subsection (4) of this
431 section.....\$ 10,000,000.00.

432 (iv) The State Aid Road Fund in the
433 State Treasury.....\$ 20,000,000.00.

434 (c) Any investment earnings on bonds issued pursuant to
435 this section shall be used to pay debt service on bonds issued



436 under this section, in accordance with the proceedings authorizing
437 issuance of such bonds.

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

451 (8) The bonds authorized by this section shall be signed by
452 the chairman of the commission, or by his facsimile signature, and
453 the official seal of the commission shall be affixed thereto,
454 attested by the secretary of the commission. The interest
455 coupons, if any, to be attached to such bonds may be executed by
456 the facsimile signatures of such officers. Whenever any such
457 bonds shall have been signed by the officials designated to sign
458 the bonds who were in office at the time of such signing but who
459 may have ceased to be such officers before the sale and delivery
460 of such bonds, or who may not have been in office on the date such
461 bonds may bear, the signatures of such officers upon such bonds
462 and coupons shall nevertheless be valid and sufficient for all
463 purposes and have the same effect as if the person so officially
464 signing such bonds had remained in office until their delivery to
465 the purchaser, or had been in office on the date such bonds may
466 bear. However, notwithstanding anything herein to the contrary,
467 such bonds may be issued as provided in the Registered Bond Act of
468 the State of Mississippi.



469 (9) All bonds and interest coupons issued under the
470 provisions of this section have all the qualities and incidents of
471 negotiable instruments under the provisions of the Uniform
472 Commercial Code, and in exercising the powers granted by this
473 section, the commission shall not be required to and need not
474 comply with the provisions of the Uniform Commercial Code.

475 (10) The commission shall act as the issuing agent for the
476 bonds authorized under this section, prescribe the form of the
477 bonds, advertise for and accept bids or negotiate the sale of the
478 bonds, issue and sell the bonds so authorized to be sold, pay all
479 fees and costs incurred in such issuance and sale, and do any and
480 all other things necessary and advisable in connection with the
481 issuance and sale of such bonds. The commission is authorized and
482 empowered to pay the costs that are incident to the sale, issuance
483 and delivery of the bonds authorized under this section from the
484 proceeds derived from the sale of such bonds. The commission
485 shall sell such bonds on sealed bids at public sale or may
486 negotiate the sale of the bonds for such price as it may determine
487 to be for the best interest of the State of Mississippi. All
488 interest accruing on such bonds so issued shall be payable
489 semiannually or annually.

490 If such bonds are sold by sealed bids at public sale, notice
491 of the sale of any such bonds shall be published at least one
492 time, not less than ten (10) days before the date of sale, and
493 shall be so published in one or more newspapers published or
494 having a general circulation in the City of Jackson, Mississippi,
495 selected by the commission.

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



501 (11) The bonds issued under the provisions of this section
502 are general obligations of the State of Mississippi, and for the
503 payment thereof the full faith and credit of the State of
504 Mississippi is irrevocably pledged. If the funds in the bond
505 sinking fund created in subsection (5) of this section and any
506 funds appropriated by the Legislature are insufficient to pay the
507 principal of and the interest on such bonds as they become due,
508 then the deficiency shall be paid by the State Treasurer from any
509 funds in the State Treasury not otherwise appropriated. All such
510 bonds shall contain recitals on their faces substantially covering
511 the provisions of this subsection.

512 (12) Upon the issuance and sale of bonds under the
513 provisions of this section, the commission shall transfer the
514 proceeds of any such sale or sales to the special funds created in
515 subsections (2), (3) and (4) of this section and the State Aid
516 Road Fund in the State Treasury in the amounts provided for in
517 subsection (6)(b) of this section. The proceeds of such bonds
518 shall be disbursed solely upon the order of the Mississippi
519 Transportation Commission or the Office of State Aid Road
520 Construction, as the case may be, under such restrictions, if any,
521 as may be contained in the resolution providing for the issuance
522 of the bonds.

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

532 (14) The bonds authorized under the authority of this
533 section may be validated in the Chancery Court of the First



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

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

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

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

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

562 (19) The State Treasurer is authorized, without further
563 process of law, to certify to the Department of Finance and
564 Administration the necessity for warrants, and the Department of
565 Finance and Administration is authorized and directed to issue
566 such warrants, in such amounts as may be necessary to pay when due



567 the principal of, premium, if any, and interest on, or the
568 accreted value of, all bonds issued under this section; and the
569 State Treasurer shall forward the necessary amount to the
570 designated place or places of payment of such bonds in ample time
571 to discharge such bonds, or the interest thereon, on the due dates
572 thereof.

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

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

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

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

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

589 (d) "Department" means the Department of Finance and
590 Administration.

591 (2) (a) The Department of Finance and Administration, at
592 one time, or from time to time, may declare by resolution the
593 necessity for issuance of general obligation bonds of the State of
594 Mississippi to provide funds for the Local System Bridge
595 Replacement and Rehabilitation Fund created under Section
596 65-37-13. Upon the adoption of a resolution by the department,
597 declaring the necessity for the issuance of any part or all of the
598 general obligation bonds authorized by this subsection, the
599 department shall deliver a certified copy of its resolution or



600 resolutions to the commission. Upon receipt of the resolution,
601 the commission, in its discretion, may act as the issuing agent,
602 prescribe the form of the bonds, determine the appropriate method
603 for sale of the bonds, advertise for and accept bids or negotiate
604 the sale of the bonds, issue and sell the bonds so authorized to
605 be sold and do any and all other things necessary and advisable in
606 connection with the issuance and sale of such bonds. The total
607 amount of bonds issued under this section shall not exceed Twenty
608 Million Dollars (\$20,000,000.00).

609 (b) The proceeds of bonds issued under this section
610 shall be deposited into the Local System Bridge Replacement and
611 Rehabilitation Fund created under Section 65-37-13. Any
612 investment earnings on bonds issued under this section shall be
613 used to pay debt service on those bonds, in accordance with the
614 proceedings authorizing issuance of the bonds.

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

627 (4) The bonds authorized by this section shall be signed by
628 the chairman of the commission, or by his facsimile signature, and
629 the official seal of the commission shall be affixed thereto,
630 attested by the secretary of the commission. The interest
631 coupons, if any, to be attached to such bonds may be executed by
632 the facsimile signatures of such officers. Whenever any such



633 bonds shall have been signed by the officials designated to sign
634 the bonds who were in office at the time of such signing but who
635 may have ceased to be such officers before the sale and delivery
636 of such bonds, or who may not have been in office on the date such
637 bonds may bear, the signatures of such officers upon such bonds
638 and coupons shall nevertheless be valid and sufficient for all
639 purposes and have the same effect as if the person so officially
640 signing such bonds had remained in office until their delivery to
641 the purchaser, or had been in office on the date such bonds may
642 bear. However, notwithstanding anything herein to the contrary,
643 such bonds may be issued as provided in the Registered Bond Act of
644 the State of Mississippi.

645 (5) All bonds and interest coupons issued under the
646 provisions of this section have all the qualities and incidents of
647 negotiable instruments under the provisions of the Uniform
648 Commercial Code, and in exercising the powers granted by this
649 section, the commission shall not be required to and need not
650 comply with the provisions of the Uniform Commercial Code.

651 (6) The commission shall act as issuing agent for the bonds
652 authorized under this section, prescribe the form of the bonds,
653 determine the appropriate method for sale of the bonds, advertise
654 for and accept bids or negotiate the sale of the bonds, issue and
655 sell the bonds so authorized to be sold, pay all fees and costs
656 incurred in such issuance and sale, and do any and all other
657 things necessary and advisable in connection with the issuance and
658 sale of such bonds. The commission is authorized and empowered to
659 pay the costs that are incident to the sale, issuance and delivery
660 of the bonds authorized under this section from the proceeds
661 derived from the sale of such bonds. The commission may sell such
662 bonds on sealed bids at public sale or may negotiate the sale of
663 the bonds for such price as it may determine to be for the best
664 interest of the State of Mississippi. All interest accruing on
665 such bonds so issued shall be payable semiannually or annually.



666 If such bonds are sold by sealed bids at public sale, notice
667 of the sale shall be published at least one time, not less than
668 ten (10) days before the date of sale, and shall be so published
669 in one or more newspapers published or having a general
670 circulation in the City of Jackson, Mississippi, selected by the
671 commission.

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

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

687 (8) Upon the issuance and sale of bonds under the provisions
688 of this section, the commission shall transfer the proceeds of any
689 such sale or sales to the Local System Bridge Replacement and
690 Rehabilitation Fund created under Section 65-37-13. The proceeds
691 of such bonds shall be disbursed solely upon the order of the
692 Department of Finance and Administration under such restrictions,
693 if any, as may be contained in the resolution providing for the
694 issuance of the bonds.

695 (9) The bonds authorized under this section may be issued
696 without any other proceedings or the happening of any other
697 conditions or things other than those proceedings, conditions and
698 things which are specified or required by this section. Any



699 resolution providing for the issuance of bonds under the
700 provisions of this section shall become effective immediately upon
701 its adoption by the commission, and any such resolution may be
702 adopted at any regular or special meeting of the commission by a
703 majority of its members.

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

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

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

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



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

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

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

749 **SECTION 5.** Section 65-37-13, Mississippi Code of 1972, is
750 amended as follows:

751 65-37-13. (1) There is created in the State Treasury a
752 special fund to be designated as the "Local System Bridge
753 Replacement and Rehabilitation Fund." The fund shall consist of
754 monies that the Legislature appropriates under subsection (2) of
755 this section * * * and any other monies that the Legislature may
756 designate for deposit into the fund. Monies in the fund may be
757 expended upon legislative appropriation in accordance with the
758 provisions of Sections 65-37-1 through 65-37-15.

759 (2) (a) During each regular legislative session held in
760 calendar years 1995, 1996, 1997 and 1998, if the official General
761 Fund revenue estimate for the succeeding fiscal year for which
762 appropriations are being made reflects a growth in General Fund
763 revenues of three percent (3%) or more for that succeeding fiscal



764 year, then the Legislature shall appropriate Twenty-five Million
765 Dollars (\$25,000,000.00) from the State General Fund for deposit
766 into the Local System Bridge Replacement and Rehabilitation Fund.

767 (b) During the regular legislative session held in
768 calendar year 1999, if the official General Fund revenue estimate
769 for the succeeding fiscal year for which appropriations are being
770 made reflects a growth in General Fund revenues of two percent
771 (2%) or more for the succeeding fiscal year, then the Legislature
772 shall appropriate Ten Million Dollars (\$10,000,000.00) from the
773 State General Fund for deposit into the Local System Bridge
774 Replacement and Rehabilitation Fund.

775 (c) Except as otherwise provided in this paragraph (c),
776 during each regular legislative session held in calendar years
777 2001 through 2014, if the official General Fund revenue estimate
778 for the succeeding fiscal year for which appropriations are being
779 made reflects a growth in General Fund revenues of two percent
780 (2%) or more for the succeeding fiscal year, then the Legislature
781 shall appropriate Twenty Million Dollars (\$20,000,000.00) from the
782 State General Fund for deposit into the Local System Bridge
783 Replacement and Rehabilitation Fund. However, during the regular
784 legislative sessions held in calendar years 2003, 2004, 2005,
785 2006, 2007, 2008, 2009 and 2010, the Legislature shall not be
786 required to appropriate funds for deposit into the Local System
787 Bridge Replacement and Rehabilitation Fund.

788 (3) Monies that are deposited into the fund under the
789 provisions of this section may be expended upon requisition
790 therefor by the State Aid Engineer in accordance with the
791 provisions of Sections 65-37-1 through 65-37-15. The Office of
792 State Aid Road Construction shall be entitled to reimbursement
793 from monies in the fund, upon requisitions therefor by the State
794 Aid Engineer, for the actual expenses incurred by the office in
795 administering the provisions of the local system bridge
796 replacement and rehabilitation program. Unexpended amounts



797 remaining in the fund at the end of a fiscal year shall not lapse
798 into the State General Fund, and any interest earned on amounts in
799 the fund shall be deposited to the credit of the fund.

800 (4) Monies in the Local System Bridge Replacement and
801 Rehabilitation Fund shall be allocated and become available for
802 distribution to counties in accordance with the formula prescribed
803 in Section 65-37-3 beginning January 1, 1995, on a
804 project-by-project basis. Monies in the Local System Bridge
805 Replacement and Rehabilitation Fund may not be used or expended
806 for any purpose except as authorized under Sections 65-37-1
807 through 65-37-15.

808 (5) Monies in the Local System Bridge Replacement and
809 Rehabilitation Fund may be credited to a county in advance of the
810 normal accrual to finance certain projects, subject to the
811 approval of the State Aid Engineer and subject further to the
812 following limitations:

813 (a) That the maximum amount of such monies that may be
814 advanced to any county shall not exceed ninety percent (90%) of
815 the funds estimated to accrue to such county during the remainder
816 of the term of office of the board of supervisors of such county;

817 (b) That no advance credit of funds will be made to any
818 county when the unobligated balance in the Local System Bridge
819 Replacement and Rehabilitation Fund is less than One Million
820 Dollars (\$1,000,000.00); and

821 (c) That such advance crediting of funds be effected by
822 the State Aid Engineer at the time of the approval of the plans
823 and specifications for the proposed projects.

824 It is the intent of this provision to utilize to the fullest
825 practicable extent the balance of monies in the Local System
826 Bridge Replacement and Rehabilitation Fund on hand at all times.

827 **SECTION 6.** Section 17-25-17, Mississippi Code of 1972, is
828 amended as follows:



829 17-25-17. (1) As used in this section, "project" means a
830 major steel rebar micro-mill for use in the manufacture of steel
831 rebar with an initial capital investment from private sources of
832 not less than One Hundred Million Dollars (\$100,000,000.00) which
833 will create at least one hundred (100) full-time jobs with an
834 average annual salary, excluding benefits which are not subject to
835 Mississippi income taxes, of at least Fifty Thousand Dollars
836 (\$50,000.00), and for which construction begins on or before
837 September 15, 2010.

838 (2) The governing authorities of any municipality or the
839 board of supervisors of any county in which there is to be located
840 a project may provide funds to the enterprise owning or leasing
841 the project in order to reimburse the enterprise for costs it
842 incurs for site preparation, real estate improvements, railroads,
843 roads, utilities and infrastructure related to the project.
844 Reimbursements shall be made with local funds and may include, but
845 not be limited to, the proceeds of bonds.

846 **SECTION 7.** (1) As used in this section:

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

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

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

856 (d) "MDA" means the Mississippi Development Authority.

857 (2) (a) There is established the North Central Mississippi
858 Regional Railroad Authority Grant Program to be administered by
859 the MDA to provide grants to the North Central Mississippi
860 Regional Railroad Authority.



861 (b) The MDA shall have all powers necessary to
862 implement and administer the program established under this
863 section.

864 (3) (a) There is created in the State Treasury a special
865 fund to be designated as the "North Central Mississippi Regional
866 Railroad Authority Grant Fund." The fund shall be maintained by
867 the State Treasurer as a separate and special fund, separate and
868 apart from the General Fund of the state. Unexpended amounts
869 remaining in the fund at the end of a fiscal year shall not lapse
870 into the State General Fund, and any interest earned or investment
871 earnings on amounts in the fund shall be deposited into such fund.

872 (b) Monies deposited into the fund shall be disbursed
873 by the Mississippi Development Authority in the form of a grant to
874 the North Central Mississippi Regional Railroad Authority to pay a
875 portion of the costs incurred by the Mississippi Regional Railroad
876 Authority for the repair, reconstruction and improvement of the
877 existing railroad line from the City of West Point, Mississippi,
878 to Greenwood, Mississippi.

879 (c) The expenditure of monies deposited into the
880 special fund shall be under the direction of the MDA, and such
881 funds shall be paid by the State Treasurer upon warrants issued by
882 the Department of Finance and Administration, which warrants shall
883 be issued upon requisitions signed by the Executive Director of
884 the MDA.

885 (2) (a) Upon the receipt of the funds described in
886 paragraph (b) of this subsection or verification that such funds
887 are irrevocably committed, the MDA, at one time, or from time to
888 time, may declare by resolution the necessity for issuance of
889 general obligation bonds of the State of Mississippi to provide
890 funds for the program authorized in this section. Upon the
891 adoption of a resolution by the Mississippi Development Authority,
892 declaring the necessity for the issuance of any part or all of the
893 general obligation bonds authorized by this subsection, the



894 Mississippi Development Authority shall deliver a certified copy
895 of its resolution or resolutions to the commission. Upon receipt
896 of such resolution, the commission, in its discretion, may act as
897 the issuing agent, prescribe the form of the bonds, determine the
898 appropriate method for sale of the bonds, advertise for and accept
899 bids or negotiate the sale of the bonds, issue and sell the bonds
900 so authorized to be sold, and do any and all other things
901 necessary and advisable in connection with the issuance and sale
902 of such bonds. The total amount of bonds issued under this
903 section shall not exceed Fifteen Million Dollars (\$15,000,000.00).
904 No bonds authorized under this section shall be issued after July
905 1, 2014.

906 (b) The issuance of the bonds described in this
907 subsection and the allocation of funds under this section are
908 conditioned upon the private sector, local governments or the
909 federal government providing not less than Sixty-five Million
910 Dollars (\$65,000,000.00) for the purpose of the repair,
911 reconstruction and improvement of the existing railroad line from
912 the City of West Point, Mississippi, to Greenwood, Mississippi.

913 (c) The proceeds of bonds issued pursuant to this
914 section shall be deposited into the North Central Mississippi
915 Regional Railroad Authority Grant Fund created pursuant to
916 subsection (3) of this section. Any investment earnings on bonds
917 issued pursuant to this section shall be used to pay debt service
918 on bonds issued under this section, in accordance with the
919 proceedings authorizing issuance of such bonds.

920 (3) The principal of and interest on the bonds authorized
921 under this section shall be payable in the manner provided in this
922 subsection. Such bonds shall bear such date or dates, be in such
923 denomination or denominations, bear interest at such rate or rates
924 (not to exceed the limits set forth in Section 75-17-101,
925 Mississippi Code of 1972), be payable at such place or places
926 within or without the State of Mississippi, shall mature



927 absolutely at such time or times not to exceed twenty-five (25)
928 years from date of issue, be redeemable before maturity at such
929 time or times and upon such terms, with or without premium, shall
930 bear such registration privileges, and shall be substantially in
931 such form, all as shall be determined by resolution of the
932 commission.

933 (4) The bonds authorized by this section shall be signed by
934 the chairman of the commission, or by his facsimile signature, and
935 the official seal of the commission shall be affixed thereto,
936 attested by the secretary of the commission. The interest
937 coupons, if any, to be attached to such bonds may be executed by
938 the facsimile signatures of such officers. Whenever any such
939 bonds shall have been signed by the officials designated to sign
940 the bonds who were in office at the time of such signing but who
941 may have ceased to be such officers before the sale and delivery
942 of such bonds, or who may not have been in office on the date such
943 bonds may bear, the signatures of such officers upon such bonds
944 and coupons shall nevertheless be valid and sufficient for all
945 purposes and have the same effect as if the person so officially
946 signing such bonds had remained in office until their delivery to
947 the purchaser, or had been in office on the date such bonds may
948 bear. However, notwithstanding anything herein to the contrary,
949 such bonds may be issued as provided in the Registered Bond Act of
950 the State of Mississippi.

951 (5) All bonds and interest coupons issued under the
952 provisions of this section have all the qualities and incidents of
953 negotiable instruments under the provisions of the Uniform
954 Commercial Code, and in exercising the powers granted by this
955 section, the commission shall not be required to and need not
956 comply with the provisions of the Uniform Commercial Code.

957 (6) The commission shall act as issuing agent for the bonds
958 authorized under this section, prescribe the form of the bonds,
959 determine the appropriate method for sale of the bonds, advertise



960 for and accept bids or negotiate the sale of the bonds, issue and
961 sell the bonds so authorized to be sold, pay all fees and costs
962 incurred in such issuance and sale, and do any and all other
963 things necessary and advisable in connection with the issuance and
964 sale of such bonds. The commission is authorized and empowered to
965 pay the costs that are incident to the sale, issuance and delivery
966 of the bonds authorized under this section from the proceeds
967 derived from the sale of such bonds. The commission may sell such
968 bonds on sealed bids at public sale or may negotiate the sale of
969 the bonds for such price as it may determine to be for the best
970 interest of the State of Mississippi. All interest accruing on
971 such bonds so issued shall be payable semiannually or annually.

972 If such bonds are sold by sealed bids at public sale, notice
973 of the sale shall be published at least one time, not less than
974 ten (10) days before the date of sale, and shall be so published
975 in one or more newspapers published or having a general
976 circulation in the City of Jackson, Mississippi, selected by the
977 commission.

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

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



993 (8) Upon the issuance and sale of bonds under the provisions
994 of this section, the commission shall transfer the proceeds of any
995 such sale or sales to the North Central Mississippi Regional
996 Railroad Authority Grant Fund created in subsection (3) of this
997 section. The proceeds of such bonds shall be disbursed solely
998 upon the order of the MDA under such restrictions, if any, as may
999 be contained in the resolution providing for the issuance of the
1000 bonds.

1001 (9) The bonds authorized under this section may be issued
1002 without any other proceedings or the happening of any other
1003 conditions or things other than those proceedings, conditions and
1004 things which are specified or required by this section. Any
1005 resolution providing for the issuance of bonds under the
1006 provisions of this section shall become effective immediately upon
1007 its adoption by the commission, and any such resolution may be
1008 adopted at any regular or special meeting of the commission by a
1009 majority of its members.

1010 (10) The bonds authorized under the authority of this
1011 section may be validated in the Chancery Court of the First
1012 Judicial District of Hinds County, Mississippi, in the manner and
1013 with the force and effect provided by Chapter 13, Title 31,
1014 Mississippi Code of 1972, for the validation of county, municipal,
1015 school district and other bonds. The notice to taxpayers required
1016 by such statutes shall be published in a newspaper published or
1017 having a general circulation in the City of Jackson, Mississippi.

1018 (11) Any holder of bonds issued under the provisions of this
1019 section or of any of the interest coupons pertaining thereto may,
1020 either at law or in equity, by suit, action, mandamus or other
1021 proceeding, protect and enforce any and all rights granted under
1022 this section, or under such resolution, and may enforce and compel
1023 performance of all duties required by this section to be
1024 performed, in order to provide for the payment of bonds and
1025 interest thereon.



1026 (12) All bonds issued under the provisions of this section
1027 shall be legal investments for trustees and other fiduciaries, and
1028 for savings banks, trust companies and insurance companies
1029 organized under the laws of the State of Mississippi, and such
1030 bonds shall be legal securities which may be deposited with and
1031 shall be received by all public officers and bodies of this state
1032 and all municipalities and political subdivisions for the purpose
1033 of securing the deposit of public funds.

1034 (13) Bonds issued under the provisions of this section and
1035 income therefrom shall be exempt from all taxation in the State of
1036 Mississippi.

1037 (14) The proceeds of the bonds issued under this section
1038 shall be used solely for the purposes therein provided, including
1039 the costs incident to the issuance and sale of such bonds.

1040 (15) The State Treasurer is authorized, without further
1041 process of law, to certify to the Department of Finance and
1042 Administration the necessity for warrants, and the Department of
1043 Finance and Administration is authorized and directed to issue
1044 such warrants, in such amounts as may be necessary to pay when due
1045 the principal of, premium, if any, and interest on, or the
1046 accreted value of, all bonds issued under this section; and the
1047 State Treasurer shall forward the necessary amount to the
1048 designated place or places of payment of such bonds in ample time
1049 to discharge such bonds, or the interest thereon, on the due dates
1050 thereof.

1051 (16) This section shall be deemed to be full and complete
1052 authority for the exercise of the powers therein granted, but this
1053 section shall not be deemed to repeal or to be in derogation of
1054 any existing law of this state.

1055 **SECTION 8.** Section 2, Chapter 497, Laws of 2009, is amended
1056 as follows:



1057 Section 2. (1) As used in this section, the following words
1058 shall have the meanings ascribed herein unless the context clearly
1059 requires otherwise:

1060 (a) "Accreted value" of any bond means, as of any date
1061 of computation, an amount equal to the sum of (i) the stated
1062 initial value of such bond, plus (ii) the interest accrued thereon
1063 from the issue date to the date of computation at the rate,
1064 compounded semiannually, that is necessary to produce the
1065 approximate yield to maturity shown for bonds of the same
1066 maturity.

1067 (b) "State" means the State of Mississippi.

1068 (c) "Commission" means the State Bond Commission.

1069 * * *

1070 (2) (a) The commission, at one time, or from time to time,
1071 may declare by resolution the necessity for issuance of general
1072 obligation bonds of the State of Mississippi in an amount not to
1073 exceed Three Million Dollars (\$3,000,000.00), in the
1074 aggregate, * * * to provide funds for the State Railroad
1075 Revitalization Fund created in Section 57-43-1, Mississippi Code
1076 of 1972. Upon the adoption of a resolution by the Mississippi
1077 Transportation Commission, declaring the necessity for the
1078 issuance of any part or all of the general obligation bonds
1079 authorized by this subsection, the Mississippi Transportation
1080 Commission shall deliver a certified copy of its resolution or
1081 resolutions to the commission. Upon receipt of such resolution,
1082 the commission, in its discretion, may act as the issuing agent,
1083 prescribe the form of the bonds, determine the appropriate method
1084 for sale of the bonds, advertise for and accept bids or negotiate
1085 the sale of the bonds, issue and sell the bonds so authorized to
1086 be sold, and do any and all other things necessary and advisable
1087 in connection with the issuance and sale of such bonds. The total
1088 amount of bonds issued under this section shall not exceed Three



1089 Million Dollars (\$3,000,000.00). No bonds shall be issued under
1090 this section after July 1, 2013.

1091 (b) The proceeds of the bonds issued under this section
1092 shall be * * * deposited into * * * the State Railroad
1093 Revitalization Fund created in Section 57-43-1, Mississippi Code
1094 of 1972, with One Million Dollars (\$1,000,000.00) of that total
1095 amount being deposited to the credit of the Mississippi
1096 Highway-Railroad Grade Crossing Safety Account created in Section
1097 57-43-15, Mississippi Code of 1972.

1098 * * *

1099 (3) The principal of and interest on the bonds authorized
1100 under this section shall be payable in the manner provided in this
1101 subsection. Such bonds shall bear such date or dates, be in such
1102 denomination or denominations, bear interest at such rate or rates
1103 (not to exceed the limits set forth in Section 75-17-101,
1104 Mississippi Code of 1972), be payable at such place or places
1105 within or without the State of Mississippi, shall mature
1106 absolutely at such time or times not to exceed twenty-five (25)
1107 years from date of issue, be redeemable before maturity at such
1108 time or times and upon such terms, with or without premium, shall
1109 bear such registration privileges, and shall be substantially in
1110 such form, all as shall be determined by resolution of the
1111 commission.

1112 (4) The bonds authorized by this section shall be signed by
1113 the chairman of the commission, or by his facsimile signature, and
1114 the official seal of the commission shall be affixed thereto,
1115 attested by the secretary of the commission. The interest
1116 coupons, if any, to be attached to such bonds may be executed by
1117 the facsimile signatures of such officers. Whenever any such
1118 bonds shall have been signed by the officials designated to sign
1119 the bonds who were in office at the time of such signing but who
1120 may have ceased to be such officers before the sale and delivery
1121 of such bonds, or who may not have been in office on the date such



1122 bonds may bear, the signatures of such officers upon such bonds
1123 and coupons shall nevertheless be valid and sufficient for all
1124 purposes and have the same effect as if the person so officially
1125 signing such bonds had remained in office until their delivery to
1126 the purchaser, or had been in office on the date such bonds may
1127 bear. However, notwithstanding anything herein to the contrary,
1128 such bonds may be issued as provided in the Registered Bond Act of
1129 the State of Mississippi.

1130 (5) All bonds and interest coupons issued under the
1131 provisions of this section have all the qualities and incidents of
1132 negotiable instruments under the provisions of the Uniform
1133 Commercial Code, and in exercising the powers granted by this
1134 section, the commission shall not be required to and need not
1135 comply with the provisions of the Uniform Commercial Code.

1136 (6) The commission shall act as the issuing agent for the
1137 bonds authorized under this section, prescribe the form of the
1138 bonds, determine the appropriate method for sale of the bonds,
1139 advertise for and accept bids or negotiate the sale of the bonds,
1140 issue and sell the bonds so authorized to be sold, pay all fees
1141 and costs incurred in such issuance and sale, and do any and all
1142 other things necessary and advisable in connection with the
1143 issuance and sale of such bonds. The commission is authorized and
1144 empowered to pay the costs that are incident to the sale, issuance
1145 and delivery of the bonds authorized under this section from the
1146 proceeds derived from the sale of such bonds. The commission may
1147 sell such bonds on sealed bids at public sale or may negotiate the
1148 sale of the bonds, and for such price as it may determine to be
1149 for the best interest of the State of Mississippi * * *. All
1150 interest accruing on such bonds so issued shall be payable
1151 semiannually or annually.

1152 If the bonds are to be sold on sealed bids at public sale,
1153 notice of the sale of any such bonds shall be published at least
1154 one time, not less than ten (10) days before the date of sale, and



1155 shall be so published in one or more newspapers published or
1156 having a general circulation in the City of Jackson, Mississippi,
1157 selected by the commission.

1158 The commission, when issuing any bonds under the authority of
1159 this section, may provide that bonds, at the option of the State
1160 of Mississippi, may be called in for payment and redemption at the
1161 call price named therein and accrued interest on such date or
1162 dates named therein.

1163 (7) The bonds issued under the provisions of this
1164 section * * * are general obligations of the State of Mississippi,
1165 and for the payment thereof the full faith and credit of the State
1166 of Mississippi is irrevocably pledged. If the funds * * *
1167 appropriated by the Legislature are insufficient to pay the
1168 principal of and the interest on such bonds as they become due,
1169 then the deficiency shall be paid by the State Treasurer from any
1170 funds in the State Treasury not otherwise appropriated. All such
1171 bonds shall contain recitals on their faces substantially covering
1172 the provisions of this subsection.

1173 (8) Upon the issuance and sale of bonds under the provisions
1174 of this section, the commission shall transfer the proceeds of any
1175 such sale or sales to * * * the Railroad Revitalization Fund
1176 created in Section 57-43-1, Mississippi Code of 1972 * * *. The
1177 proceeds of such bonds shall be disbursed solely upon the order of
1178 the Department of Finance and Administration under such
1179 restrictions, if any, as may be contained in the resolution
1180 providing for the issuance of the bonds.

1181 (9) The bonds authorized under this section may be issued
1182 without any other proceedings or the happening of any other
1183 conditions or things other than those proceedings, conditions and
1184 things which are specified or required by this section. Any
1185 resolution providing for the issuance of bonds under the
1186 provisions of this section shall become effective immediately upon
1187 its adoption by the commission, and any such resolution may be



1188 adopted at any regular or special meeting of the commission by a
1189 majority of its members.

1190 (10) The bonds authorized under the authority of this
1191 section may be validated in the Chancery Court of the First
1192 Judicial District of Hinds County, Mississippi, in the manner and
1193 with the force and effect provided by Chapter 13, Title 31,
1194 Mississippi Code of 1972, for the validation of county, municipal,
1195 school district and other bonds. The notice to taxpayers required
1196 by such statutes shall be published in a newspaper published or
1197 having a general circulation in the City of Jackson, Mississippi.

1198 (11) Any holder of bonds issued under the provisions of this
1199 section or of any of the interest coupons pertaining thereto may,
1200 either at law or in equity, by suit, action, mandamus or other
1201 proceeding, protect and enforce any and all rights granted under
1202 this section, or under such resolution, and may enforce and compel
1203 performance of all duties required by this section to be
1204 performed, in order to provide for the payment of bonds and
1205 interest thereon.

1206 (12) All bonds issued under the provisions of this section
1207 shall be legal investments for trustees and other fiduciaries, and
1208 for savings banks, trust companies and insurance companies
1209 organized under the laws of the State of Mississippi, and such
1210 bonds shall be legal securities which may be deposited with and
1211 shall be received by all public officers and bodies of this state
1212 and all municipalities and political subdivisions for the purpose
1213 of securing the deposit of public funds.

1214 (13) Bonds issued under the provisions of this section and
1215 income therefrom shall be exempt from all taxation in the State of
1216 Mississippi.

1217 (14) The proceeds of the bonds issued under this section
1218 shall be used solely for the purposes herein provided, including
1219 the costs incident to the issuance and sale of such bonds.



1220 (15) The State Treasurer is authorized, without further
1221 process of law, to certify to the Department of Finance and
1222 Administration the necessity for warrants, and the Department of
1223 Finance and Administration is authorized and directed to issue
1224 such warrants, in such amounts as may be necessary to pay when due
1225 the principal of, premium, if any, and interest on, or the
1226 accreted value of, all bonds issued under this section; and the
1227 State Treasurer shall forward the necessary amount to the
1228 designated place or places of payment of such bonds in ample time
1229 to discharge such bonds, or the interest thereon, on the due dates
1230 thereof.

1231 (16) This section shall be deemed to be full and complete
1232 authority for the exercise of the powers herein granted, but this
1233 section shall not be deemed to repeal or to be in derogation of
1234 any existing law of this state.

1235 **SECTION 9.** This act shall take effect and be in force from
1236 and after its passage.

