

By: Senator(s) Hewes, Gollott, King

To: Finance

SENATE BILL NO. 2485

1 AN ACT TO AMEND CHAPTER 584, LAWS OF 2001, TO LOWER TO
 2 \$15,000,000.00 THE AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT
 3 MAY BE ISSUED TO PROVIDE FUNDS NECESSARY FOR THE MISSISSIPPI STATE
 4 PORT AUTHORITY AT GULFPORT TO ACQUIRE THE RAIL LINE EXTENDING FROM
 5 THE STATE PORT AT GULFPORT, MISSISSIPPI, TO THE CITY OF
 6 HATTIESBURG, MISSISSIPPI; TO INCREASE TO \$25,000,000.00 THE AMOUNT
 7 OF STATE REVENUE BONDS THAT MAY BE ISSUED TO PROVIDE FUNDS FOR
 8 REPAIRS AND UPGRADES TO SUCH RAIL LINE NECESSARY TO PROVIDE
 9 INTERMODAL ACCESS TO AND FROM THE STATE PORT AT GULFPORT,
 10 MISSISSIPPI; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Chapter 585, Laws of 2001, is amended as follows:

13 Section 1. As used in this act, the following words shall
 14 have the meanings ascribed herein unless the context clearly
 15 requires otherwise:

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

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

24 (c) "Rail line" means the rail line extending from the
 25 State Port at Gulfport to the City of Hattiesburg, Mississippi.

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

27 (e) "Mississippi State Port Authority at Gulfport"
 28 means the Mississippi State Port Authority at Gulfport,
 29 Mississippi, acting subject to the approval of the Mississippi
 30 Development Authority.



31 Section 2. The Mississippi State Port Authority at Gulfport
32 may use the proceeds from general obligation bonds issued under
33 Sections 4 through 18 of this act to acquire the rail line for the
34 purpose of performing repairs and upgrades necessary to provide
35 intermodal access to and from the State Port at Gulfport,
36 Mississippi.

37 Section 3. For the purpose of providing for the payment of
38 the principal of and interest upon bonds issued under this act or
39 indebtedness incurred by the Mississippi State Port Authority at
40 Gulfport under Section 35 of this act, or both, there is created a
41 special bond sinking fund in the State Treasury. The special bond
42 sinking fund shall consist of the monies required to be deposited
43 into the fund under Section 19 of this act and such other amounts
44 as may be paid into such fund by appropriation or other
45 authorization by the Legislature. Except as otherwise provided in
46 this section, monies in the special bond sinking fund shall be
47 used first to pay the debt service requirements of the revenue
48 bonds issued under Sections 20 through 34 of this act or the debt
49 service requirements of the indebtedness incurred by the
50 Mississippi State Port Authority at Gulfport under Section 35 of
51 this act, or both. Whenever the balance in the special bond
52 sinking fund is equal to the next two (2) debt service
53 requirements of the revenue bonds issued under Sections 20 through
54 34 of this act or the next two (2) debt service requirements of
55 the indebtedness incurred by the Mississippi State Port Authority
56 at Gulfport under Section 35 of this act, or both, the excess
57 monies in such sinking fund shall be used to pay the debt service
58 requirements of the general obligation bonds issued under Sections
59 4 through 18 of this act; provided, however, that the balance in
60 the special bond sinking fund shall not fall below the amount
61 equal to the next two (2) debt service requirements of the revenue
62 bonds issued under Sections 20 through 34 of this act or the next
63 two (2) debt service requirements of the indebtedness incurred by



64 the Mississippi State Port Authority at Gulfport under Section 35
65 of this act, or both. Funds required in excess of the amount
66 available in the special bond sinking fund to pay the principal of
67 and interest upon the general obligation bonds issued under
68 Sections 4 through 18 of this act shall be appropriated from the
69 State General Fund. Unexpended amounts remaining in the special
70 bond sinking fund at the end of a fiscal year shall not lapse into
71 the State General Fund, and any interest earned or investment
72 earnings on amounts in the special bond sinking fund shall be
73 deposited into such sinking fund.

74 Section 4. (1) (a) A special fund, to be designated as the
75 "South Mississippi Rail Line Acquisition Fund" is created within
76 the State Treasury. The fund shall be maintained by the State
77 Treasurer as a separate and special fund, separate and apart from
78 the General Fund of the state. Unexpended amounts remaining in
79 the fund at the end of a fiscal year shall not lapse into the
80 State General Fund, and any interest earned or investment earnings
81 on amounts in the fund shall be deposited into such fund.

82 (b) Monies deposited into the fund shall be disbursed,
83 in the discretion of the Mississippi State Port Authority at
84 Gulfport, to pay the costs incurred by the Mississippi State Port
85 Authority at Gulfport in acquisition of the rail line.

86 (2) Amounts deposited into such special fund shall be
87 disbursed to pay the costs of the project described in subsection
88 (1) of this section. If any monies in the special fund are not
89 used within four (4) years after the date the proceeds of the
90 bonds authorized under Sections 4 through 18 of this act are
91 deposited into such fund, then the Mississippi State Port
92 Authority at Gulfport shall provide an accounting of such unused
93 monies to the commission. Promptly after the commission has
94 certified, by resolution duly adopted, that the project described
95 in subsection (1) shall have been completed, abandoned, or cannot
96 be completed in a timely fashion, any amounts remaining in such



97 special fund shall be applied to pay debt service on the bonds
98 issued under Sections 4 through 18 of this act, in accordance with
99 the proceedings authorizing the issuance of such bonds and as
100 directed by the commission.

101 Section 5. (1) The commission, at one time, or from time to
102 time, may declare by resolution the necessity for issuance of
103 general obligation bonds of the State of Mississippi to provide
104 funds for all costs incurred or to be incurred for the purposes
105 described in Section 4 of this act. Upon the adoption of a
106 resolution by the Mississippi State Port Authority at Gulfport,
107 declaring the necessity for the issuance of any part or all of the
108 general obligation bonds authorized by this section, the
109 Mississippi State Port Authority at Gulfport shall deliver a
110 certified copy of its resolution or resolutions to the commission.
111 Upon receipt of such resolution, the commission, in its
112 discretion, may act as the issuing agent, prescribe the form of
113 the bonds, advertise for and accept bids, issue and sell the bonds
114 so authorized to be sold and do any and all other things necessary
115 and advisable in connection with the issuance and sale of such
116 bonds. The total amount of bonds issued under Sections 4 through
117 18 of this act shall not exceed Fifteen Million Dollars
118 (\$15,000,000.00). No bonds shall be issued under Sections 4
119 through 18 of this act after July 1, 2004.

120 (2) Any investment earnings on amounts deposited into the
121 special fund created in Section 4 of this act shall be used to pay
122 debt service on bonds issued under Sections 4 through 18 of this
123 act, in accordance with the proceedings authorizing issuance of
124 such bonds.

125 Section 6. The principal of and interest on the bonds
126 authorized under Sections 4 through 18 of this act shall be
127 payable in the manner provided in this section. Such bonds shall
128 bear such date or dates, be in such denomination or denominations,
129 bear interest at such rate or rates (not to exceed the limits set



130 forth in Section 75-17-101, Mississippi Code of 1972), be payable
131 at such place or places within or without the State of
132 Mississippi, shall mature absolutely at such time or times not to
133 exceed twenty (20) years from date of issue, be redeemable before
134 maturity at such time or times and upon such terms, with or
135 without premium, shall bear such registration privileges, and
136 shall be substantially in such form, all as shall be determined by
137 resolution of the commission.

138 Section 7. The bonds authorized by Sections 4 through 18 of
139 this act shall be signed by the chairman of the commission, or by
140 his facsimile signature, and the official seal of the commission
141 shall be affixed thereto, attested by the secretary of the
142 commission. The interest coupons, if any, to be attached to such
143 bonds may be executed by the facsimile signatures of such
144 officers. Whenever any such bonds shall have been signed by the
145 officials designated to sign the bonds who were in office at the
146 time of such signing but who may have ceased to be such officers
147 before the sale and delivery of such bonds, or who may not have
148 been in office on the date such bonds may bear, the signatures of
149 such officers upon such bonds and coupons shall nevertheless be
150 valid and sufficient for all purposes and have the same effect as
151 if the person so officially signing such bonds had remained in
152 office until their delivery to the purchaser, or had been in
153 office on the date such bonds may bear. However, notwithstanding
154 anything herein to the contrary, such bonds may be issued as
155 provided in the Registered Bond Act of the State of Mississippi.

156 Section 8. All bonds and interest coupons issued under the
157 provisions of Sections 4 through 18 of this act have all the
158 qualities and incidents of negotiable instruments under the
159 provisions of the Mississippi Uniform Commercial Code, and in
160 exercising the powers granted by Sections 4 through 18 of this
161 act, the commission shall not be required to and need not comply
162 with the provisions of the Mississippi Uniform Commercial Code.



163 Section 9. The commission shall act as the issuing agent for
164 the bonds authorized under Sections 4 through 18 of this act,
165 prescribe the form of the bonds, advertise for and accept bids,
166 issue and sell the bonds so authorized to be sold, pay all fees
167 and costs incurred in such issuance and sale, and do any and all
168 other things necessary and advisable in connection with the
169 issuance and sale of such bonds. The commission is authorized and
170 empowered to pay the costs that are incident to the sale, issuance
171 and delivery of the bonds authorized under Sections 4 through 18
172 of this act from the proceeds derived from the sale of such bonds.
173 The commission shall sell such bonds on sealed bids at public
174 sale, and for such price as it may determine to be for the best
175 interest of the State of Mississippi, but no such sale shall be
176 made at a price less than par plus accrued interest to the date of
177 delivery of the bonds to the purchaser. All interest accruing on
178 such bonds so issued shall be payable semiannually or annually;
179 however, the first interest payment may be for any period of not
180 more than one (1) year.

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

188 The commission, when issuing any bonds under the authority of
189 Sections 4 through 18 of this act, may provide that bonds, at the
190 option of the State of Mississippi, may be called in for payment
191 and redemption at the call price named therein and accrued
192 interest on such date or dates named therein.

193 Section 10. The bonds issued under the provisions of
194 Sections 4 through 18 of this act are general obligations of the
195 State of Mississippi, and for the payment thereof the full faith



196 and credit of the State of Mississippi is irrevocably pledged.
197 Such bonds shall be payable from the special bond sinking fund
198 created in Section 3 of this act in the manner provided in such
199 section. If the funds available in such special bond sinking fund
200 for payment of the bonds and any funds appropriated by the
201 Legislature for such purposes are insufficient to pay the
202 principal of and the interest on such bonds as they become due,
203 then the deficiency shall be paid by the State Treasurer from any
204 funds in the State Treasury not otherwise appropriated. All such
205 bonds shall contain recitals on their faces substantially covering
206 the provisions of this section.

207 Section 11. Upon the issuance and sale of bonds under the
208 provisions of Sections 4 through 18 of this act, the commission
209 shall transfer the proceeds of any such sale or sales to the
210 special fund created in Section 4 of this act. The proceeds of
211 such bonds shall be disbursed solely upon the order of the
212 Mississippi State Port Authority at Gulfport under such
213 restrictions, if any, as may be contained in the resolution
214 providing for the issuance of the bonds.

215 Section 12. The bonds authorized under Sections 4 through 18
216 of this act may be issued without any other proceedings or the
217 happening of any other conditions or things other than those
218 proceedings, conditions and things which are specified or required
219 by Sections 4 through 18 of this act. Any resolution providing
220 for the issuance of bonds under the provisions of Sections 4
221 through 18 of this act shall become effective immediately upon its
222 adoption by the commission, and any such resolution may be adopted
223 at any regular or special meeting of the commission by a majority
224 of its members.

225 Section 13. The bonds authorized under the authority of
226 Sections 4 through 18 of this act may be validated in the Chancery
227 Court of the First Judicial District of Hinds County, Mississippi,
228 in the manner and with the force and effect provided by Chapter



229 13, Title 31, Mississippi Code of 1972, for the validation of
230 county, municipal, school district and other bonds. The notice to
231 taxpayers required by such statutes shall be published in a
232 newspaper published or having a general circulation in the City of
233 Jackson, Mississippi.

234 Section 14. Any holder of bonds issued under the provisions
235 of Sections 4 through 18 of this act or of any of the interest
236 coupons pertaining thereto may, either at law or in equity, by
237 suit, action, mandamus or other proceeding, protect and enforce
238 any and all rights granted under Sections 4 through 18 of this
239 act, or under such resolution, and may enforce and compel
240 performance of all duties required by Sections 4 through 18 of
241 this act to be performed, in order to provide for the payment of
242 bonds and interest thereon.

243 Section 15. All bonds issued under the provisions of
244 Sections 4 through 18 of this act shall be legal investments for
245 trustees and other fiduciaries, and for savings banks, trust
246 companies and insurance companies organized under the laws of the
247 State of Mississippi, and such bonds shall be legal securities
248 which may be deposited with and shall be received by all public
249 officers and bodies of this state and all municipalities and
250 political subdivisions for the purpose of securing the deposit of
251 public funds.

252 Section 16. Bonds issued under the provisions of Sections 4
253 through 18 of this act and income therefrom shall be exempt from
254 all taxation in the State of Mississippi.

255 Section 17. The proceeds of the bonds issued under Sections
256 4 through 18 of this act shall be used solely for the purposes
257 provided in Sections 4 through 18 of this act, including the costs
258 incident to the issuance and sale of such bonds.

259 Section 18. The State Treasurer is authorized, without
260 further process of law, to certify to the Department of Finance
261 and Administration the necessity for warrants, and the Department



262 of Finance and Administration is authorized and directed to issue
263 such warrants, in such amounts as may be necessary to pay when due
264 the principal of, premium, if any, and interest on, or the
265 accreted value of, all bonds issued under Sections 4 through 18 of
266 this act; and the State Treasurer shall forward the necessary
267 amount to the designated place or places of payment of such bonds
268 in ample time to discharge such bonds, or the interest thereon, on
269 the due dates thereof.

270 Section 19. (1) If the Mississippi State Port Authority at
271 Gulfport acquires the rail line, it may enter into any binding
272 agreement with a railroad or other entity providing that the
273 railroad or other entity shall lease the rail line from the
274 Mississippi State Port Authority at Gulfport for commercial
275 purposes. The Mississippi State Port Authority at Gulfport may
276 enter into any lease of the rail line to a railroad or other
277 entity for commercial purposes, and the payments from any such
278 lease shall be deposited into the special bond sinking fund
279 created in Section 3 of this act. Any lease entered into with a
280 railroad or other entity under this subsection (1) shall terminate
281 no earlier than the date of the maturity of the revenue bonds
282 issued under Sections 20 through 34 of this act or the date of the
283 maturity of the indebtedness incurred by the Mississippi State
284 Port Authority at Gulfport under Section 35 of this act, or both,
285 whichever is the later. The lease payments paid by the railroad
286 or other entity over a lease term shall be in an amount at least
287 sufficient to retire the revenue bonds issued under Sections 20
288 through 34 of this act at the date of maturity of the bonds or the
289 indebtedness incurred by the Mississippi State Port Authority at
290 Gulfport under Section 35 of this act at the date of maturity of
291 such indebtedness, or both, and the amount of the lease payments
292 may not be reduced until such bonds or indebtedness, or both, are
293 retired.



294 (2) If the Mississippi State Port Authority at Gulfport
295 acquires the rail line, it may enter into any contracts or other
296 agreements with any person, corporation, association, partnership,
297 governmental unit or other entity necessary to perform repairs and
298 upgrades to the rail line for the purpose of providing intermodal
299 access to and from the State Port at Gulfport, Mississippi. The
300 Mississippi State Port Authority at Gulfport may enter into any
301 contracts or other agreements with a railroad or other entity for
302 the operation, management and maintenance of the rail line.

303 (3) If the Mississippi State Port Authority at Gulfport
304 acquires the rail line, the Mississippi State Port Authority at
305 Gulfport shall have, as far as is practicable, all powers
306 authorized for railroad authorities under Section 19-29-1 et seq.,
307 Mississippi Code of 1972, and such additional powers as may be
308 determined necessary to carry out the provisions of this act.

309 Section 20. (1) (a) A special fund, to be designated as
310 the "South Mississippi Rail Line Upgrade and Repair Fund" is
311 created within the State Treasury. The fund shall be maintained
312 by the State Treasurer as a separate and special fund, separate
313 and apart from the General Fund of the state. Unexpended amounts
314 remaining in the fund at the end of a fiscal year shall not lapse
315 into the State General Fund, and any interest earned or investment
316 earnings on amounts in the fund shall be deposited into such fund.

317 (b) Monies deposited into the fund shall be disbursed,
318 in the discretion of the Mississippi State Port Authority at
319 Gulfport, to pay the costs incurred in performing repairs and
320 upgrades to the rail line for the purpose of providing intermodal
321 access to and from the State Port at Gulfport, Mississippi.

322 (2) Amounts deposited into such special fund shall be
323 disbursed to pay the costs of the projects described in subsection
324 (1) of this section. If any monies in the special fund are not
325 used within four (4) years after the date the proceeds of the
326 bonds authorized under Sections 20 through 34 of this act are



327 deposited into such fund, then the Mississippi State Port
328 Authority at Gulfport shall provide an accounting of such unused
329 monies to the commission. Promptly after the commission has
330 certified, by resolution duly adopted, that the projects described
331 in subsection (1) shall have been completed, abandoned, or cannot
332 be completed in a timely fashion, any amounts remaining in such
333 special fund shall be applied to pay debt service on the bonds
334 issued under Sections 20 through 34 of this act, in accordance
335 with the proceedings authorizing the issuance of such bonds and as
336 directed by the commission.

337 Section 21. (1) The commission, at one time or from time to
338 time, may declare by resolution the necessity for issuance of
339 revenue bonds of the State of Mississippi to provide funds for all
340 costs incurred or to be incurred for the purposes described in
341 Section 20 of this act. However, the commission may not issue
342 revenue bonds under Sections 20 through 34 of this act unless the
343 Mississippi State Port Authority at Gulfport first has entered
344 into an agreement with a railroad or other entity which satisfies
345 the lease requirements of Section 19 of this act. Upon the
346 adoption of a resolution by the Mississippi State Port Authority
347 of Gulfport, declaring the necessity for the issuance of any part
348 or all of the revenue bonds authorized by this section and that
349 the requirements of Section 19 of this act have been satisfied,
350 the Mississippi State Port Authority at Gulfport shall deliver a
351 certified copy of its resolution or resolutions to the commission.
352 Upon receipt of such resolution, the commission, in its
353 discretion, may act as the issuing agent, prescribe the form of
354 the bonds, advertise for and accept bids, issue and sell the bonds
355 so authorized to be sold and do any and all other things necessary
356 and advisable in connection with the issuance and sale of such
357 bonds. The total amount of bonds issued under Sections 20 through
358 34 of this act shall not exceed Twenty-five Million Dollars



359 (\$25,000,000.00). No bonds shall be issued under Sections 20
360 through 34 of this act after July 1, 2008.

361 (2) Any investment earnings on amounts deposited into the
362 special fund created in Section 20 of this act shall be used to
363 pay debt service on bonds issued under Sections 20 through 34 of
364 this act, in accordance with the proceedings authorizing issuance
365 of such bonds.

366 Section 22. The principal of and interest on the bonds
367 authorized under Sections 20 through 34 of this act shall be
368 payable in the manner provided in this section. Such bonds shall
369 bear such date or dates, be in such denomination or denominations,
370 bear interest at such rate or rates (not to exceed the limits set
371 forth in Section 75-17-103, Mississippi Code of 1972), be payable
372 at such place or places within or without the State of
373 Mississippi, shall mature absolutely at such time or times not to
374 exceed twenty (20) years from date of issue, be redeemable before
375 maturity at such time or times and upon such terms, with or
376 without premium, shall bear such registration privileges, and
377 shall be substantially in such form, all as shall be determined by
378 resolution of the commission.

379 Section 23. The bonds authorized by Sections 20 through 34
380 of this act shall be signed by the chairman of the commission, or
381 by his facsimile signature, and the official seal of the
382 commission shall be affixed thereto, attested by the secretary of
383 the commission. The interest coupons, if any, to be attached to
384 such bonds may be executed by the facsimile signatures of such
385 officers. Whenever any such bonds shall have been signed by the
386 officials designated to sign the bonds who were in office at the
387 time of such signing but who may have ceased to be such officers
388 before the sale and delivery of such bonds, or who may not have
389 been in office on the date such bonds may bear, the signatures of
390 such officers upon such bonds and coupons shall nevertheless be
391 valid and sufficient for all purposes and have the same effect as



392 if the person so officially signing such bonds had remained in
393 office until their delivery to the purchaser, or had been in
394 office on the date such bonds may bear. However, notwithstanding
395 anything herein to the contrary, such bonds may be issued as
396 provided in the Registered Bond Act of the State of Mississippi.

397 Section 24. All bonds and interest coupons issued under the
398 provisions of Sections 20 through 34 of this act have all the
399 qualities and incidents of negotiable instruments under the
400 provisions of the Uniform Commercial Code, and in exercising the
401 powers granted by Sections 20 through 34 of this act, the
402 commission shall not be required to and need not comply with the
403 provisions of the Uniform Commercial Code.

404 Section 25. The commission shall act as the issuing agent
405 for the bonds authorized under Sections 20 through 34 of this act,
406 prescribe the form of the bonds, advertise for and accept bids,
407 issue and sell the bonds so authorized to be sold, pay all fees
408 and costs incurred in such issuance and sale, and do any and all
409 other things necessary and advisable in connection with the
410 issuance and sale of such bonds. The commission is authorized and
411 empowered to pay the costs that are incident to the sale, issuance
412 and delivery of the bonds authorized under Sections 20 through 34
413 of this act from the proceeds derived from the sale of such bonds.
414 The commission shall sell such bonds on sealed bids at public
415 sale, and for such price as it may determine to be for the best
416 interest of the State of Mississippi, but no such sale shall be
417 made at a price less than par plus accrued interest to the date of
418 delivery of the bonds to the purchaser. All interest accruing on
419 such bonds so issued shall be payable semiannually or annually;
420 however, the first interest payment may be for any period of not
421 more than one (1) year.

422 Notice of the sale of any such bonds shall be published at
423 least one time, not less than ten (10) days before the date of
424 sale, and shall be so published in one or more newspapers



425 published or having a general circulation in the City of Jackson,
426 Mississippi, and in one or more other newspapers or financial
427 journals with a national circulation, to be selected by the
428 commission.

429 The commission, when issuing any bonds under the authority of
430 Sections 20 through 34 of this act, may provide that bonds, at the
431 option of the State of Mississippi, may be called in for payment
432 and redemption at the call price named therein and accrued
433 interest on such date or dates named therein.

434 Section 26. Bonds issued under authority of Sections 20
435 through 34 of this act shall be revenue bonds of the state, the
436 principal of and interest on which shall be payable solely from
437 and shall be secured by the special bond sinking fund created in
438 Section 3 of this act. The bonds shall never constitute an
439 indebtedness of the state within the meaning of any state
440 constitutional provision or statutory limitation, and shall never
441 constitute or give rise to a pecuniary liability of the state, or
442 a charge against its general credit or taxing powers, and such
443 fact shall be plainly stated on the face of each such bond. The
444 bonds shall not be considered when computing any limitation of
445 indebtedness of the state. All bonds issued under the authority
446 of Sections 20 through 34 of this act and all interest coupons
447 applicable thereto shall be construed to be negotiable
448 instruments, despite the fact that they are payable solely from a
449 specified source.

450 Section 27. Upon the issuance and sale of bonds under the
451 provisions of Sections 20 through 34 of this act, the commission
452 shall transfer the proceeds of any such sale or sales to the
453 special fund created in Section 20 of this act. The proceeds of
454 such bonds shall be disbursed solely upon the order of the
455 Mississippi State Port Authority at Gulfport under such
456 restrictions, if any, as may be contained in the resolution
457 providing for the issuance of the bonds.



458 Section 28. The bonds authorized under Sections 20 through
459 34 of this act may be issued without any other proceedings or the
460 happening of any other conditions or things other than those
461 proceedings, conditions and things which are specified or required
462 by Sections 20 through 34 of this act. Any resolution providing
463 for the issuance of bonds under the provisions of Sections 20
464 through 34 of this act shall become effective immediately upon its
465 adoption by the commission, and any such resolution may be adopted
466 at any regular or special meeting of the commission by a majority
467 of its members.

468 Section 29. The bonds authorized under the authority of
469 Sections 20 through 34 of this act may be validated in the
470 Chancery Court of the First Judicial District of Hinds County,
471 Mississippi, in the manner and with the force and effect provided
472 by Chapter 13, Title 31, Mississippi Code of 1972, for the
473 validation of county, municipal, school district and other bonds.
474 The notice to taxpayers required by such statutes shall be
475 published in a newspaper published or having a general circulation
476 in the City of Jackson, Mississippi.

477 Section 30. Any holder of bonds issued under the provisions
478 of Sections 20 through 34 of this act or of any of the interest
479 coupons pertaining thereto may, either at law or in equity, by
480 suit, action, mandamus or other proceeding, protect and enforce
481 any and all rights granted under Sections 20 through 34 of this
482 act, or under such resolution, and may enforce and compel
483 performance of all duties required by Sections 20 through 34 of
484 this act to be performed, in order to provide for the payment of
485 bonds and interest thereon.

486 Section 31. All bonds issued under the provisions of
487 Sections 20 through 34 of this act shall be legal investments for
488 trustees and other fiduciaries, and for savings banks, trust
489 companies and insurance companies organized under the laws of the
490 State of Mississippi, and such bonds shall be legal securities



491 which may be deposited with and shall be received by all public
492 officers and bodies of this state and all municipalities and
493 political subdivisions for the purpose of securing the deposit of
494 public funds.

495 Section 32. Bonds issued under the provisions of Sections 20
496 through 34 of this act and income therefrom shall be exempt from
497 all taxation in the State of Mississippi.

498 Section 33. The proceeds of the bonds issued under Sections
499 20 through 34 of this act shall be used solely for the purposes
500 provided in Sections 20 through 34 of this act, including the
501 costs incident to the issuance and sale of such bonds.

502 Section 34. The State Treasurer is authorized, without
503 further process of law, to certify to the Department of Finance
504 and Administration the necessity for warrants, and the Department
505 of Finance and Administration is authorized and directed to issue
506 such warrants, in such amounts as may be necessary to pay when due
507 the principal of, premium, if any, and interest on, or the
508 accreted value of, all bonds issued under Sections 20 through 34
509 of this act; and the State Treasurer shall forward the necessary
510 amount to the designated place or places of payment of such bonds
511 in ample time to discharge such bonds, or the interest thereon, on
512 the due dates thereof.

513 Section 35. In addition to, and not as a limitation of, the
514 availability of the use of proceeds from general obligation bonds
515 issued under Sections 4 through 18 of this act or the use of
516 proceeds from revenue bonds issued under Sections 20 through 34 of
517 this act, or both, the Mississippi State Port Authority at
518 Gulfport may borrow money from the Mississippi Development Bank
519 pursuant to Section 31-25-1 et seq., Mississippi Code of 1972, to
520 provide funds to acquire the rail line and/or to perform repairs
521 and upgrades necessary to provide intermodal access to and from
522 the State Port at Gulfport, Mississippi. Any loan made by the
523 Mississippi Development Bank to the Mississippi State Port



524 Authority at Gulfport for the purposes stated in this section may
525 be made upon such terms and conditions as prescribed by and
526 between the Mississippi Development Bank and the Mississippi State
527 Port Authority at Gulfport pursuant to Section 31-25-1 et seq.,
528 without regard to any other provision of this act. The
529 Mississippi State Port Authority at Gulfport may not borrow money
530 from the Mississippi Development Bank after July 1, 2004, to
531 provide funds to acquire the rail line and may not borrow money
532 from the Mississippi Development Bank after July 1, 2008, to
533 provide funds to perform repairs and upgrades necessary to provide
534 intermodal access to and from the State Port at Gulfport.

535 Section 36. (1) Notwithstanding any other provision of this
536 act to the contrary, before the Mississippi State Port Authority
537 at Gulfport may take any action under this act regarding the
538 acquisition, repair or upgrade of the rail line and before any
539 bonds may be issued or other debt may be incurred under this act,
540 it shall undertake, conduct and complete the following:

541 (a) A cost benefit analysis regarding the purchase of
542 the rail line;

543 (b) A study regarding the condition of the rail line
544 and any needed repairs or upgrades; and

545 (c) A study regarding the cost of purchasing the rail
546 line.

547 (2) The Mississippi State Port Authority at Gulfport is
548 authorized to employ or contract with all necessary and competent
549 professionals, including, but not limited to, attorneys,
550 engineers, appraisers, consultants, certified public accountants
551 and other related professionals to assist the Mississippi State
552 Port Authority at Gulfport in carrying out its duties and
553 responsibilities under this section.

554 (3) The Mississippi State Port Authority at Gulfport may use
555 any available funds in order to pay any costs incurred under this
556 section.



557 (4) If the Mississippi State Port Authority at Gulfport
558 acquires the rail line and enters into any agreement with a
559 railroad or other entity for the operation of the rail line, the
560 Mississippi State Port Authority at Gulfport shall encourage such
561 railroad or other entity to retain the current employees of the
562 rail line.

563 (5) The authority granted to the Mississippi State Port
564 Authority at Gulfport under this section is plenary and intended
565 to assist the Mississippi State Port Authority at Gulfport in
566 gauging and evaluating the feasibility and profitability of the
567 state acquiring and operating the rail line.

568 Section 37. This act shall be deemed to be full and complete
569 authority for the exercise of the powers herein granted, but this
570 act shall not be deemed to repeal or to be in derogation of any
571 existing law of this state.

572 Section 38. The powers and authority granted under this act
573 shall be additional and supplemental to any other powers and
574 authority granted by law and shall not amend, repeal or supersede
575 any other powers and authority granted by law.

576 Section 39. This act shall take effect and be in force from
577 and after its passage.

578 **SECTION 2.** This act shall take effect and be in force from
579 and after its passage.

