

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

To: Ways and Means

## HOUSE BILL NO. 1701

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



47 AMOUNT OF A LOAN TO ANY SINGLE SMALL BUSINESS UNDER THE PROGRAM  
48 SHALL NOT EXCEED 50% OF THE TOTAL COST OF THE PROJECT FOR WHICH  
49 FINANCING IS SOUGHT OR \$100,000.00, WHICHEVER IS LESS; TO CREATE  
50 THE MISSISSIPPI SMALL BUSINESS PARTICIPATING LOAN PROGRAM  
51 REVOLVING FUND IN THE STATE TREASURY FROM WHICH MONEY TO MAKE THE  
52 LOANS UNDER THE PROGRAM SHALL BE DRAWN; TO AUTHORIZE THE ISSUANCE  
53 OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$50,000,000.00 TO  
54 PROVIDE FUNDS FOR THE PROGRAM; TO AMEND SECTION 57-10-505,  
55 MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM  
56 "SMALL BUSINESS" UNDER THE MISSISSIPPI SMALL BUSINESS ASSISTANCE  
57 ACT; TO AMEND SECTION 57-10-511, MISSISSIPPI CODE OF 1972, TO  
58 REVISE THE AMOUNT THAT PLANNING AND DEVELOPMENT DISTRICTS AND  
59 QUALIFIED ENTITIES MAY RETAIN TO AID IN THE ADMINISTRATION AND  
60 MANAGEMENT OF THE MISSISSIPPI SMALL BUSINESS ASSISTANCE PROGRAM;  
61 TO PROVIDE THAT CERTAIN BUSINESS ENTERPRISES THAT LOCATE OR EXPAND  
62 IN THIS STATE THAT OWN OR OPERATE A FACILITY FOR THE MANUFACTURE  
63 OR ASSEMBLY OF SYSTEMS OR COMPONENTS USED IN THE GENERATION OF  
64 CLEAN ENERGY, OR OWN OR OPERATE A FACILITY THAT MANUFACTURES OR  
65 ASSEMBLES PRODUCTS FOR THE AEROSPACE INDUSTRY OR PROVIDES RESEARCH  
66 AND DEVELOPMENT OR TRAINING SERVICES IN THE AEROSPACE INDUSTRY,  
67 SHALL BE EXEMPT FOR A PERIOD OF TEN YEARS FROM ANY SALES AND USE  
68 TAX RELATED TO THE PURCHASE OF COMPONENT BUILDING MATERIALS AND  
69 EQUIPMENT FOR INITIAL CONSTRUCTION OF FACILITIES OR EXPANSION OF  
70 FACILITIES, ALL INCOME TAX IMPOSED ON INCOME EARNED BY THE  
71 BUSINESS ENTERPRISE, FRANCHISE TAX IMPOSED ON THE BUSINESS  
72 ENTERPRISE AND ANY SALES AND USE TAX IMPOSED ON THE LEASE OF  
73 MACHINERY AND EQUIPMENT ACQUIRED IN THE INITIAL CONSTRUCTION TO  
74 ESTABLISH THE FACILITY OR FOR AN EXPANSION OF A FACILITY; TO  
75 PROVIDE THAT CERTAIN BUSINESS ENTERPRISES THAT OPERATE DATA  
76 CENTERS IN THIS STATE SHALL BE EXEMPT FROM ANY SALES AND USE TAX  
77 IMPOSED ON THE BUSINESS ENTERPRISE FOR THE PURCHASE OF COMPONENT  
78 BUILDING MATERIALS AND EQUIPMENT FOR INITIAL CONSTRUCTION OF  
79 FACILITIES OR EXPANSION OF FACILITIES, AND ANY SALES AND USE TAX  
80 IMPOSED ON THE PURCHASE OF REPLACEMENT HARDWARE, SOFTWARE OR OTHER  
81 NECESSARY TECHNOLOGY TO OPERATE A DATA CENTER; TO PROVIDE THAT  
82 APPLICATIONS FOR THE TAX EXEMPTIONS SHALL BE MADE TO THE  
83 MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE FOR THE MINIMUM  
84 CONTENTS OF THE APPLICATION; TO PROVIDE CERTAIN CONDITIONS THAT  
85 APPLY TO THE EXEMPTIONS; TO AMEND SECTIONS 27-7-21, 27-13-5,  
86 27-13-7 AND 27-65-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
87 THERETO; TO CREATE THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING  
88 REVOLVING FUND TO PROVIDE LOANS OR GRANTS TO LOCAL GOVERNMENTS AND  
89 CERTAIN BUSINESS ENTERPRISES TO CONSTRUCT OR OTHERWISE PROVIDE  
90 CERTAIN FACILITIES; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED  
91 BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE THAT LOCAL  
92 GOVERNMENTS AND BUSINESS ENTERPRISES DESIRING A LOAN OR A GRANT  
93 MUST SUBMIT AN APPLICATION TO THE MISSISSIPPI DEVELOPMENT  
94 AUTHORITY; TO PROVIDE FOR THE MINIMUM CONTENT OF SUCH  
95 APPLICATIONS; TO PROVIDE THAT CONTRACTS BY LOCAL GOVERNMENTS FOR  
96 THE ACQUISITION, PURCHASE, CONSTRUCTION OR INSTALLATION OF A  
97 PROJECT SHALL BE EXEMPT FROM THE PROVISIONS OF SECTION 31-7-13,  
98 MISSISSIPPI CODE OF 1972, IF CERTAIN CONDITIONS ARE MET; TO  
99 AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT  
100 OF \$50,000,000.00 TO PROVIDE FUNDS FOR THE MISSISSIPPI INDUSTRY  
101 INCENTIVE FINANCING REVOLVING FUND; TO AMEND SECTION 31-7-13,  
102 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION  
103 57-61-25, MISSISSIPPI CODE OF 1972, TO INCREASE FROM  
104 \$316,000,000.00 TO \$321,000,000.00 THE AMOUNT OF GENERAL



105 OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI BUSINESS  
106 INVESTMENT ACT; TO AMEND SECTION 57-61-27, MISSISSIPPI CODE OF  
107 1972, TO REVISE CERTAIN LANGUAGE PROVIDING FOR THE ISSUANCE OF  
108 BONDS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND  
109 SECTION 57-61-36, MISSISSIPPI CODE OF 1972, TO INCREASE FROM  
110 \$27,500,000.00 TO \$32,500,000.00 THE AMOUNT OF BOND PROCEEDS THAT  
111 THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY UTILIZE UNDER THE  
112 MISSISSIPPI BUSINESS INVESTMENT ACT TO MAKE LOANS OR GRANTS TO  
113 COUNTIES AND MUNICIPALITIES THROUGH AN EQUIPMENT AND PUBLIC  
114 FACILITIES GRANT AND LOAN FUND TO AID IN INFRASTRUCTURE-RELATED  
115 IMPROVEMENTS, THE PURCHASE OF EQUIPMENT AND IN THE PURCHASE,  
116 CONSTRUCTION OR REPAIR AND RENOVATION OF PUBLIC FACILITIES; TO  
117 AUTHORIZE THE ISSUANCE OF \$2,000,000.00 IN STATE GENERAL  
118 OBLIGATION BONDS TO PROVIDE FUNDS FOR THE MISSISSIPPI RURAL IMPACT  
119 FUND; TO AMEND SECTIONS 57-62-3, 57-62-5, 57-62-9, 57-62-11,  
120 57-62-13 AND 57-62-15, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN  
121 LEGISLATIVE INTENT PROVISIONS REGARDING THE MISSISSIPPI ADVANTAGE  
122 JOBS ACT; TO REVISE CERTAIN DEFINITIONS AND PROVISIONS REGARDING  
123 INCENTIVE PAYMENTS MADE TO QUALIFIED BUSINESSES UNDER THE  
124 MISSISSIPPI ADVANTAGE JOBS ACT; TO CHANGE INTERNAL REFERENCES  
125 REGARDING THE STATE TAX COMMISSION AND DEPARTMENT OF REVENUE; TO  
126 AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, TO REVISE THE  
127 MINIMUM NEW JOBS REQUIREMENT FOR PURPOSES OF THE ADDITIONAL INCOME  
128 TAX CREDIT AUTHORIZED FOR A COMPANY ESTABLISHING OR TRANSFERRING  
129 ITS NATIONAL OR REGIONAL HEADQUARTERS FROM WITHIN OR OUTSIDE THE  
130 STATE OF MISSISSIPPI; TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT  
131 AUTHORITY, INSTEAD OF THE STATE TAX COMMISSION, SHALL ESTABLISH  
132 CRITERIA AND PRESCRIBE PROCEDURES TO DETERMINE IF A COMPANY  
133 QUALIFIES AS A NATIONAL OR REGIONAL HEADQUARTERS FOR PURPOSES OF  
134 RECEIVING THE TAX CREDIT; TO AMEND SECTION 57-80-5, MISSISSIPPI  
135 CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "ELIGIBLE  
136 SUPERVISORS DISTRICT" UNDER THE GROWTH AND PROSPERITY ACT TO  
137 INCLUDE THOSE SUPERVISORS DISTRICTS IN WHICH 30% OR MORE OF SUCH  
138 DISTRICT'S POPULATION IS AT OR BELOW THE FEDERAL POVERTY LEVEL  
139 ACCORDING TO THE LATEST OFFICIAL DATA COMPILED BY THE UNITED  
140 STATES CENSUS BUREAU; TO AUTHORIZE THE ISSUANCE OF \$5,000,000.00  
141 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE SMALL  
142 MUNICIPALITIES AND LIMITED POPULATION COUNTIES FUND; TO AMEND  
143 SECTION 57-1-18, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A  
144 PORTION OF THE PROCEEDS OF CERTAIN BONDS MAY BE USED BY THE  
145 MISSISSIPPI DEVELOPMENT AUTHORITY TO REIMBURSE CERTAIN COSTS  
146 RELATED TO THE ADMINISTRATION OF THE FUND; TO AUTHORIZE THE  
147 ISSUANCE OF \$20,000,000.00 IN STATE GENERAL OBLIGATION BONDS TO  
148 PROVIDE FUNDS FOR THE LOCAL SYSTEM BRIDGE REPLACEMENT AND  
149 REHABILITATION FUND; TO AMEND SECTION 65-37-13, MISSISSIPPI CODE  
150 OF 1972, IN CONFORMITY THERETO; TO AUTHORIZE THE ISSUANCE OF  
151 \$400,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR  
152 IMPROVEMENTS TO THE JACKSON ZOO; TO AUTHORIZE THE ISSUANCE OF  
153 \$4,500,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS  
154 FOR THE PURPOSE OF CONSTRUCTING A NEW LAKE MARY SPILLWAY AND DAM  
155 IN WILKINSON COUNTY, MISSISSIPPI; TO AUTHORIZE THE ISSUANCE OF  
156 \$35,000,000.00 STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR  
157 THE PURPOSE OF MAKING ADDITIONS, UPGRADES AND IMPROVEMENTS TO THE  
158 STATE TAX COMMISSION'S INFORMATION TECHNOLOGY SYSTEMS; TO  
159 AUTHORIZE THE ISSUANCE OF \$200,000.00 IN STATE GENERAL OBLIGATION  
160 BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO ASSIST THE CITY OF  
161 HATTIESBURG, MISSISSIPPI, IN PAYING THE COSTS ASSOCIATED WITH  
162 CONSTRUCTING AND MAKING IMPROVEMENTS TO THE LONG LEAF TRACE IN



163 HATTIESBURG, MISSISSIPPI; TO ESTABLISH THE "MISSISSIPPI SCHOOL  
164 DISTRICT EMERGENCY BRIDGE LOAN ACT" FOR THE PURPOSE OF ASSISTING  
165 SCHOOL DISTRICTS THAT SUFFER REVENUE LOSSES AS A RESULT OF AN  
166 ECONOMIC DOWNTURN THAT SUBSTANTIALLY IMPACTS THE STATE AND LOCAL  
167 REVENUES AVAILABLE TO SCHOOL DISTRICTS; TO PROVIDE THAT THE  
168 PROGRAM SHALL BE ADMINISTERED BY THE STATE DEPARTMENT OF  
169 EDUCATION; TO CREATE THE MISSISSIPPI SCHOOL DISTRICT EMERGENCY  
170 BRIDGE LOAN FUND; TO ESTABLISH THE MAXIMUM AMOUNT OF ANY LOAN FROM  
171 THE FUND; TO PROVIDE THAT A SCHOOL DISTRICT THAT RECEIVES A LOAN  
172 FROM THE FUND SHALL PLEDGE FOR REPAYMENT OF THE LOAN ANY PART OF  
173 THE HOMESTEAD EXEMPTION ANNUAL TAX LOSS REIMBURSEMENT TO WHICH IT  
174 MAY BE ENTITLED; TO GRANT TO THE STATE DEPARTMENT OF EDUCATION  
175 CERTAIN POWERS AND DUTIES WITH REGARD TO THIS ACT; TO AUTHORIZE  
176 THE STATE BOND COMMISSION TO DECLARE THE NECESSITY FOR GENERAL  
177 FUNDS TO FUND THE LOANS UNDER THIS PROGRAM; TO AUTHORIZE THE  
178 DEPARTMENT OF FINANCE AND ADMINISTRATION TO MAKE TRANSFERS FROM  
179 THE GENERAL FUND TO THE LOAN FUND FOR THE PURPOSE OF FUNDING THE  
180 LOANS UNDER THIS PROGRAM; TO AUTHORIZE THE DEPARTMENT OF FINANCE  
181 AND ADMINISTRATION TO ISSUE WARRANTS TO MAKE LOANS UNDER THIS  
182 PROGRAM; TO PROVIDE FOR THE DISPOSITION OF ANY UNNEEDED STATE  
183 FUNDS IN THE LOAN FUND; TO AUTHORIZE THE ISSUANCE OF \$25,000,00.00  
184 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS FOR THE  
185 MISSISSIPPI SCHOOL DISTRICT EMERGENCY BRIDGE LOAN FUND; TO AMEND  
186 CHAPTER 465, LAWS OF 1999, TO INCREASE FROM \$6,000,000.00 TO  
187 \$9,000,000.00 THE AMOUNT OF STATE GENERAL OBLIGATION BONDS THAT  
188 MAY BE ISSUED TO PROVIDE FUNDS TO THE MISSISSIPPI DEVELOPMENT  
189 AUTHORITY FOR THE PURPOSE OF MAKING LOANS OR GRANTS AVAILABLE TO  
190 THE APPROPRIATE PLANNING AND DEVELOPMENT DISTRICT TO MAKE LOW  
191 INTEREST LOANS AVAILABLE TO PERSONS OR ENTITIES WHO DEVELOP  
192 CERTAIN PROPERTY IN THE FARISH STREET HISTORIC DISTRICT; TO  
193 CLARIFY THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH LOANS MAY BE  
194 USED; TO REMOVE THE PROVISION THAT LIMITS THE MAXIMUM AMOUNT OF A  
195 LOAN THAT MAY BE MADE TO ANY ONE PERSON OR ENTITY; TO AUTHORIZE  
196 THE STATE BOND COMMISSION TO NEGOTIATE THE SALE OF SUCH BONDS AND  
197 TO DELETE THE REQUIREMENT THAT THE NOTICE OF THE SALE OF THE BONDS  
198 BE PUBLISHED IN A NEWSPAPER OR FINANCIAL JOURNAL WITH A LARGE  
199 NATIONAL CIRCULATION; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT  
200 AUTHORITY TO PROVIDE INTEREST-FREE LOANS TO THE JACKSON  
201 REDEVELOPMENT AUTHORITY; TO PROVIDE THAT THE JACKSON REDEVELOPMENT  
202 AUTHORITY MUST USE THE PROCEEDS OF SUCH LOANS TO PROVIDE FUNDS TO  
203 ASSIST THE CITY OF JACKSON IN PAYING THE COSTS ASSOCIATED WITH  
204 MAKING REPAIRS, UPGRADES AND IMPROVEMENTS TO PORTIONS OF THE  
205 CITY'S WATER AND SEWER SYSTEMS INFRASTRUCTURE LOCATED IN THE AREAS  
206 WITHIN AND IN CLOSE PROXIMITY TO CERTAIN STATE GROUNDS AND LANDS  
207 IN THE CITY; TO PROVIDE THAT THE AGGREGATE AMOUNT OF ALL LOANS  
208 SHALL NOT EXCEED \$6,000,000.00; TO AUTHORIZE THE ISSUANCE OF  
209 \$6,000,000.00 IN STATE GENERAL OBLIGATION BONDS TO PROVIDE FUNDS  
210 FOR SUCH LOANS; AND FOR RELATED PURPOSES.

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

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

215 (a) "Accreted value" of any bond means, as of any date  
216 of computation, an amount equal to the sum of (i) the stated



217 initial value of such bond, plus (ii) the interest accrued thereon  
218 from the issue date to the date of computation at the rate,  
219 compounded semiannually, that is necessary to produce the  
220 approximate yield to maturity shown for bonds of the same  
221 maturity.

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

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

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

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

		AMOUNT
NAME	PROJECT	ALLOCATED
Alcorn State University.....		\$10,000,000.00
Repair and renovation of campus		
buildings and facilities, repair,		
renovation, replacement and		
improvement of campus		
infrastructure and		
continuation/completion		
of previously authorized		



250 projects.....\$10,000,000.00  
 251 Delta State University.....\$13,200,000.00  
 252 Repair and renovation of campus  
 253 buildings and facilities, repair,  
 254 renovation, replacement and  
 255 improvement of campus  
 256 infrastructure and  
 257 continuation/completion of  
 258 previously authorized  
 259 projects.....\$13,200,000.00  
 260 Jackson State University.....\$14,400,000.00  
 261 Repair and renovation of campus  
 262 buildings and facilities, repair,  
 263 renovation, replacement and  
 264 improvement of campus  
 265 infrastructure and  
 266 continuation/completion of  
 267 previously authorized  
 268 projects.....\$14,400,000.00  
 269 Mississippi University for Women.....\$ 6,000,000.00  
 270 Repair and renovation of campus  
 271 buildings and facilities, repair,  
 272 renovation, replacement and  
 273 improvement of campus  
 274 infrastructure including fire  
 275 suppression systems and  
 276 continuation/completion  
 277 of previously authorized  
 278 projects.....\$6,000,000.00  
 279 Mississippi State University.....\$18,800,000.00  
 280 Repair and renovation of campus  
 281 buildings and facilities, repair,  
 282 renovation, replacement and



283 improvement of campus  
 284 infrastructure and  
 285 continuation/completion of  
 286 previously authorized  
 287 projects.....\$18,800,000.00  
 288 Mississippi State University/Division of  
 289 Agriculture, Forestry and Veterinary Medicine.....\$14,000,000.00  
 290 Repair and renovation of campus  
 291 buildings and facilities, repair,  
 292 renovation, replacement and  
 293 improvement of campus  
 294 infrastructure and  
 295 continuation/completion  
 296 of previously authorized  
 297 projects.....\$14,000,000.00  
 298 Mississippi Valley State University.....\$10,000,000.00  
 299 Repair and renovation of campus  
 300 buildings and facilities, repair,  
 301 renovation, replacement and  
 302 improvement of campus  
 303 infrastructure and  
 304 continuation/completion of  
 305 previously authorized  
 306 projects.....\$10,000,000.00  
 307 University of Mississippi.....\$18,800,000.00  
 308 Repair and renovation of campus  
 309 buildings and facilities, repair,  
 310 renovation, replacement and  
 311 improvement of campus  
 312 infrastructure and  
 313 continuation/completion of  
 314 previously authorized  
 315 projects.....\$18,800,000.00



316 University of Mississippi Medical Center.....\$10,000,000.00  
 317     Repair and renovation of campus  
 318         buildings and facilities, repair,  
 319         renovation, replacement and  
 320         improvement of campus  
 321         infrastructure and  
 322         continuation/completion of  
 323         previously authorized  
 324         projects.....\$10,000,000.00  
 325 University of Southern Mississippi.....\$18,800,000.00  
 326     Repair and renovation of campus  
 327         buildings and facilities, repair,  
 328         renovation, replacement and  
 329         improvement of campus  
 330         infrastructure and  
 331         continuation/completion  
 332         of previously authorized  
 333         projects.....\$18,800,000.00  
 334 University of Southern Mississippi/  
 335     Gulf Coast Campuses.....\$ 4,000,000.00  
 336     Construction and development  
 337         of utilities and  
 338         infrastructure and construction  
 339         of new buildings at the Cross  
 340         Creek Campus in Long Beach,  
 341         Mississippi.....\$4,000,000.00  
 342 IHL Education and Research Center.....\$ 2,000,000.00  
 343     Repair and renovation of campus  
 344         buildings and facilities, repair,  
 345         renovation, replacement and  
 346         improvement of campus  
 347         infrastructure and  
 348         continuation/completion





349 of previously authorized  
350 projects.....\$ 2,000,000.00  
351 **TOTAL.....\$140,000,000.00**

352 (b) (i) Amounts deposited into such special fund shall  
353 be disbursed to pay the costs of projects described in paragraph  
354 (a) of this subsection. If any monies in such special fund are  
355 not used within four (4) years after the date the proceeds of the  
356 bonds authorized under this section are deposited into the special  
357 fund, then the institution of higher learning for which any unused  
358 monies are allocated under paragraph (a) of this subsection shall  
359 provide an accounting of such unused monies to the commission.  
360 Promptly after the commission has certified, by resolution duly  
361 adopted, that the projects described in paragraph (a) of this  
362 subsection shall have been completed, abandoned, or cannot be  
363 completed in a timely fashion, any amounts remaining in such  
364 special fund shall be applied to pay debt service on the bonds  
365 issued under this section, in accordance with the proceedings  
366 authorizing the issuance of such bonds and as directed by the  
367 commission.

368 (ii) Monies in the special fund may be used to  
369 reimburse reasonable actual and necessary costs incurred by the  
370 Department of Finance and Administration, acting through the  
371 Bureau of Building, Grounds and Real Property Management, in  
372 administering or providing assistance directly related to a  
373 project described in paragraph (a) of this subsection. An  
374 accounting of actual costs incurred for which reimbursement is  
375 sought shall be maintained for each project by the Department of  
376 Finance and Administration, Bureau of Building, Grounds and Real  
377 Property Management. Reimbursement of reasonable actual and  
378 necessary costs for a project shall not exceed two percent (2%) of  
379 the proceeds of bonds issued for such project. Monies authorized  
380 for a particular project may not be used to reimburse  
381 administrative costs for unrelated projects.



382           (c) The Department of Finance and Administration,  
383 acting through the Bureau of Building, Grounds and Real Property  
384 Management, is expressly authorized and empowered to receive and  
385 expend any local or other source funds in connection with the  
386 expenditure of funds provided for in this subsection. The  
387 expenditure of monies deposited into the special fund shall be  
388 under the direction of the Department of Finance and  
389 Administration, and such funds shall be paid by the State  
390 Treasurer upon warrants issued by such department, which warrants  
391 shall be issued upon requisitions signed by the Executive Director  
392 of the Department of Finance and Administration, or his designee.

393           (3) (a) (i) A special fund, to be designated as the "2010  
394 Bureau of Building State-Owned Buildings Discretionary Fund" is  
395 created within the State Treasury. The fund shall be maintained  
396 by the State Treasurer as a separate and special fund, separate  
397 and apart from the General Fund of the state. Unexpended amounts  
398 remaining in the fund at the end of a fiscal year shall not lapse  
399 into the State General Fund, and any interest earned or investment  
400 earnings on amounts in the fund shall be deposited into such fund.

401                       (ii) Monies deposited into the fund shall be  
402 disbursed, in the discretion of the Department of Finance and  
403 Administration, to pay the costs of site improvements, general  
404 weatherization, demolition and roofing, environmental, mechanical,  
405 electrical and structural repairs required for state-owned  
406 facilities, repair and renovation of state-owned facilities  
407 necessary for compliance with the Americans with Disabilities Act,  
408 purchase and installation of necessary furniture and equipment,  
409 completion of previously authorized projects, costs associated  
410 with the state's Enterprise Resource Planning System, and payment  
411 of lease-purchase agreements.

412           (b) Amounts deposited into such special fund shall be  
413 disbursed to pay the costs of the projects described in paragraph  
414 (a) of this subsection. Promptly after the commission has



415 certified, by resolution duly adopted, that the projects described  
416 in paragraph (a) of this subsection shall have been completed,  
417 abandoned, or cannot be completed in a timely fashion, any amounts  
418 remaining in such special fund shall be applied to pay debt  
419 service on the bonds issued under this section, in accordance with  
420 the proceedings authorizing the issuance of such bonds and as  
421 directed by the commission.

422 (c) The Department of Finance and Administration,  
423 acting through the Bureau of Building, Grounds and Real Property  
424 Management, is expressly authorized and empowered to receive and  
425 expend any local or other source funds in connection with the  
426 expenditure of funds provided for in this subsection. The  
427 expenditure of monies deposited into the special fund shall be  
428 under the direction of the Department of Finance and  
429 Administration, and such funds shall be paid by the State  
430 Treasurer upon warrants issued by such department, which warrants  
431 shall be issued upon requisitions signed by the Executive Director  
432 of the Department of Finance and Administration, or his designee.

433 (4) (a) (i) A special fund, to be designated as the "2010  
434 Community and Junior Colleges Capital Improvements Fund" is  
435 created within the State Treasury. The fund shall be maintained  
436 by the State Treasurer as a separate and special fund, separate  
437 and apart from the General Fund of the state. Unexpended amounts  
438 remaining in the fund at the end of a fiscal year shall not lapse  
439 into the State General Fund, and any interest earned or investment  
440 earnings on amounts in the fund shall be deposited to the credit  
441 of the fund. Monies in the fund may not be used or expended for  
442 any purpose except as authorized under this act.

443 (ii) Of the monies deposited into the fund, Twelve  
444 Million Two Hundred Fifty Thousand Dollars (\$12,250,000.00) shall  
445 be disbursed, in the discretion of the Department of Finance and  
446 Administration, to pay the costs of acquisition of real property,  
447 construction of new facilities, equipping and furnishing



448 facilities, including furniture and technology equipment and  
449 infrastructure, and addition to or renovation of existing  
450 facilities for community and junior college campuses as  
451 recommended by the State Board for Community and Junior Colleges.  
452 The amount to be expended at each community and junior college is  
453 as follows:

454	Coahoma.....	\$ 568,000.00
455	Copiah-Lincoln.....	689,000.00
456	East Central.....	628,000.00
457	East Mississippi.....	757,000.00
458	Hinds.....	1,290,000.00
459	Holmes.....	857,000.00
460	Itawamba.....	1,043,000.00
461	Jones.....	850,000.00
462	Meridian.....	707,000.00
463	Mississippi Delta.....	677,000.00
464	Mississippi Gulf Coast.....	1,155,000.00
465	Northeast Mississippi.....	693,000.00
466	Northwest Mississippi.....	1,002,000.00
467	Pearl River.....	764,000.00
468	Southwest Mississippi.....	570,000.00
469	<b>GRAND TOTAL.....</b>	<b>\$12,250,000.00</b>

470 (iii) Of the monies deposited into the fund, Three  
471 Million Dollars (\$3,000,000.00) shall be disbursed, in the  
472 discretion of the Department of Finance and Administration, to pay  
473 the costs of preplanning, construction, furnishing and equipping  
474 of a new building and related facilities to house the State Board  
475 for Community and Junior Colleges in Jackson, Mississippi.

476 (b) Amounts deposited into such special fund shall be  
477 disbursed to pay the costs of projects described in paragraph (a)  
478 of this subsection. If any monies in such special fund are not  
479 used within four (4) years after the date the proceeds of the  
480 bonds authorized under this section are deposited into the special



481 fund, then the community college or junior college for which any  
482 such monies are allocated under paragraph (a) of this subsection  
483 shall provide an accounting of such unused monies to the  
484 commission. Promptly after the commission has certified, by  
485 resolution duly adopted, that the projects described in paragraph  
486 (a) of this section shall have been completed, abandoned, or  
487 cannot be completed in a timely fashion, any amounts remaining in  
488 such special fund shall be applied to pay debt service on the  
489 bonds issued under this section, in accordance with the  
490 proceedings authorizing the issuance of such bonds and as directed  
491 by the commission.

492 (c) The Department of Finance and Administration,  
493 acting through the Bureau of Building, Grounds and Real Property  
494 Management, is expressly authorized and empowered to receive and  
495 expend any local or other source funds in connection with the  
496 expenditure of funds provided for in this section. The  
497 expenditure of monies deposited into the special fund shall be  
498 under the direction of the Department of Finance and  
499 Administration, and such funds shall be paid by the State  
500 Treasurer upon warrants issued by such department, which warrants  
501 shall be issued upon requisitions signed by the Executive Director  
502 of the Department of Finance and Administration, or his designee.

503 (5) (a) (i) A special fund, to be designated as the "2010  
504 Bureau of Building Department of Mental Health Discretionary Fund"  
505 is created within the State Treasury. The fund shall be  
506 maintained by the State Treasurer as a separate and special fund,  
507 separate and apart from the General Fund of the state. Unexpended  
508 amounts remaining in the fund at the end of a fiscal year shall  
509 not lapse into the State General Fund, and any interest earned or  
510 investment earnings on amounts in the fund shall be deposited into  
511 such fund.

512 (ii) Monies deposited into the fund shall be  
513 disbursed, in the discretion of the Department of Finance and



514 Administration, to pay the costs of site improvements, general  
515 weatherization, demolition and roofing, environmental, mechanical,  
516 electrical and structural repairs required for facilities of the  
517 Department of Mental Health, repair and renovation of facilities  
518 of the Department of Mental Health necessary for compliance with  
519 the Americans with Disabilities Act, purchase and installation of  
520 necessary furniture and equipment and completion of previously  
521 authorized projects for the Department of Mental Health.

522 (b) Amounts deposited into such special fund shall be  
523 disbursed to pay the costs of the projects described in paragraph  
524 (a) of this subsection. Promptly after the commission has  
525 certified, by resolution duly adopted, that the projects described  
526 in paragraph (a) of this subsection shall have been completed,  
527 abandoned, or cannot be completed in a timely fashion, any amounts  
528 remaining in such special fund shall be applied to pay debt  
529 service on the bonds issued under this section, in accordance with  
530 the proceedings authorizing the issuance of such bonds and as  
531 directed by the commission.

532 (c) The Department of Finance and Administration,  
533 acting through the Bureau of Building, Grounds and Real Property  
534 Management, is expressly authorized and empowered to receive and  
535 expend any local or other source funds in connection with the  
536 expenditure of funds provided for in this subsection. The  
537 expenditure of monies deposited into the special fund shall be  
538 under the direction of the Department of Finance and  
539 Administration, and such funds shall be paid by the State  
540 Treasurer upon warrants issued by such department, which warrants  
541 shall be issued upon requisitions signed by the Executive Director  
542 of the Department of Finance and Administration, or his designee.

543 (6) (a) The commission, at one time, or from time to time,  
544 may declare by resolution the necessity for issuance of general  
545 obligation bonds of the State of Mississippi to provide funds for  
546 all costs incurred or to be incurred for the purposes described in



547 subsections (2), (3), (4) and (5) of this section. Upon the  
548 adoption of a resolution by the Department of Finance and  
549 Administration, declaring the necessity for the issuance of any  
550 part or all of the general obligation bonds authorized by this  
551 section, the Department of Finance and Administration shall  
552 deliver a certified copy of its resolution or resolutions to the  
553 commission. Upon receipt of such resolution, the commission, in  
554 its discretion, may act as issuing agent, prescribe the form of  
555 the bonds, determine the appropriate method for sale of the bonds,  
556 advertise for and accept bids or negotiate the sale of the bonds,  
557 issue and sell the bonds so authorized to be sold and do any and  
558 all other things necessary and advisable in connection with the  
559 issuance and sale of such bonds. The total amount of bonds issued  
560 under this section shall not exceed One Hundred Seventy-five  
561 Million Two Hundred Fifty Thousand Dollars (\$175,250,000.00). No  
562 bonds shall be issued under this section after July 1, 2014.

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

566 (i) The 2010 IHL Capital Improvements Fund created  
567 pursuant to subsection (2) of this section.....\$140,000,000.00.

568 (ii) The 2010 Bureau of Building State-Owned  
569 Buildings Discretionary Fund created pursuant to subsection (3) of  
570 this section.....\$ 15,000,000.00.

571 (iii) The 2010 Community and Junior Colleges  
572 Capital Improvements Fund created pursuant to subsection (4) of  
573 this section.....\$ 15,250,000.00.

574 (iv) The 2010 Bureau of Building Department of  
575 Mental Health Discretionary Fund created pursuant to subsection  
576 (5) of this section.....\$ 5,000,000.00

577 (c) Any investment earnings on amounts deposited into  
578 the special funds created in subsections (2), (3), (4) and (5) of  
579 this section shall be used to pay debt service on bonds issued



580 under this section, in accordance with the proceedings authorizing  
581 issuance of such bonds.

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

595 (8) The bonds authorized by this section shall be signed by  
596 the chairman of the commission, or by his facsimile signature, and  
597 the official seal of the commission shall be affixed thereto,  
598 attested by the secretary of the commission. The interest  
599 coupons, if any, to be attached to such bonds may be executed by  
600 the facsimile signatures of such officers. Whenever any such  
601 bonds shall have been signed by the officials designated to sign  
602 the bonds who were in office at the time of such signing but who  
603 may have ceased to be such officers before the sale and delivery  
604 of such bonds, or who may not have been in office on the date such  
605 bonds may bear, the signatures of such officers upon such bonds  
606 and coupons shall nevertheless be valid and sufficient for all  
607 purposes and have the same effect as if the person so officially  
608 signing such bonds had remained in office until their delivery to  
609 the purchaser, or had been in office on the date such bonds may  
610 bear. However, notwithstanding anything herein to the contrary,  
611 such bonds may be issued as provided in the Registered Bond Act of  
612 the State of Mississippi.





613           (9) All bonds and interest coupons issued under the  
614 provisions of this section have all the qualities and incidents of  
615 negotiable instruments under the provisions of the Uniform  
616 Commercial Code, and in exercising the powers granted by this  
617 section, the commission shall not be required to and need not  
618 comply with the provisions of the Uniform Commercial Code.

619           (10) The commission shall act as issuing agent for the bonds  
620 authorized under this section, prescribe the form of the bonds,  
621 determine the appropriate method for sale of the bonds, advertise  
622 for and accept bids or negotiate the sale of the bonds, issue and  
623 sell the bonds, pay all fees and costs incurred in such issuance  
624 and sale, and do any and all other things necessary and advisable  
625 in connection with the issuance and sale of such bonds. The  
626 commission is authorized and empowered to pay the costs that are  
627 incident to the sale, issuance and delivery of the bonds  
628 authorized under this section from the proceeds derived from the  
629 sale of such bonds. The commission may sell such bonds on sealed  
630 bids at public sale or may negotiate the sale of the bonds for  
631 such price as it may determine to be for the best interest of the  
632 State of Mississippi. All interest accruing on such bonds so  
633 issued shall be payable semiannually or annually.

634           If such bonds are sold by sealed bids at public sale, notice  
635 of the sale shall be published at least one time, not less than  
636 ten (10) days before the date of sale, and shall be so published  
637 in one or more newspapers published or having a general  
638 circulation in the City of Jackson, Mississippi, selected by the  
639 commission.

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



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

655           (12) Upon the issuance and sale of bonds under the  
656 provisions of this section, the commission shall transfer the  
657 proceeds of any such sale or sales to the special funds created in  
658 subsections (2), (3), (4) and (5) of this section in the amounts  
659 provided for in subsection (6)(b) of this section. The proceeds  
660 of such bonds shall be disbursed solely upon the order of the  
661 Department of Finance and Administration under such restrictions,  
662 if any, as may be contained in the resolution providing for the  
663 issuance of the bonds.

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

673           (14) The bonds authorized under the authority of this  
674 section may be validated in the Chancery Court of the First  
675 Judicial District of Hinds County, Mississippi, in the manner and  
676 with the force and effect provided by Chapter 13, Title 31,  
677 Mississippi Code of 1972, for the validation of county, municipal,



678 school district and other bonds. The notice to taxpayers required  
679 by such statutes shall be published in a newspaper published or  
680 having a general circulation in the City of Jackson, Mississippi.

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

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

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

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

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



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

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

718 **SECTION 2.** The Legislature recognizes that the tourism  
719 industry stimulates economic development throughout the State of  
720 Mississippi in the same manner as that resulting from the location  
721 of an industrial, scientific or educational project in the state  
722 and that promoting tourism programs and projects is equally as  
723 important as attracting certain industries to the state. The  
724 Legislature finds that an integral component of the tourism  
725 industry in the state consists of programs and projects promoting  
726 the heritage, history and culture of the state and demonstrating  
727 the state's attractiveness as a tourism destination for those  
728 reasons. Therefore, creating and enhancing opportunities for  
729 visitors to Mississippi to learn about and appreciate the state's  
730 heritage, history and culture, including literature and the arts,  
731 is a priority for the Division of Tourism Development of the  
732 Mississippi Development Authority.

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

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

738 (a) "Accreted value" of any bond means, as of any date  
739 of computation, an amount equal to the sum of (i) the stated  
740 initial value of such bond, plus (ii) the interest accrued thereon  
741 from the issue date to the date of computation at the rate,  
742 compounded semiannually, that is necessary to produce the



743 approximate yield to maturity shown for bonds of the same  
744 maturity.

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

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

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

750 (e) "Authority" means the Mississippi Development  
751 Authority.

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

755 (3) (a) (i) A special fund, to be designated as the  
756 "Infinity Space, Science and Education Center Fund," is created  
757 within the State Treasury. The fund shall be maintained by the  
758 State Treasurer as a separate and special fund, separate and apart  
759 from the General Fund of the state. Unexpended amounts remaining  
760 in the fund at the end of a fiscal year shall not lapse into the  
761 State General Fund, and any interest earned or investment earnings  
762 on amounts in the fund shall be deposited into such fund.

763 (ii) Monies deposited into the fund shall be  
764 disbursed, in the discretion of the authority, to pay the costs  
765 incurred for the construction, furnishing and equipping the  
766 project.

767 (b) Amounts deposited into such special fund shall be  
768 disbursed to pay the costs of the project. If any monies in the  
769 special fund are not used within four (4) years after the date the  
770 proceeds of the bonds authorized under this section are deposited  
771 into such fund, then the authority shall provide an accounting of  
772 such unused monies to the commission. Promptly after the  
773 commission has certified, by resolution duly adopted, that the  
774 project shall have been completed, abandoned, or cannot be  
775 completed in a timely fashion, any amounts remaining in such



776 special fund shall be applied to pay debt service on the bonds  
777 issued under this section, in accordance with the proceedings  
778 authorizing the issuance of such bonds and as directed by the  
779 commission. Before monies in the special fund may be used for the  
780 project, the authority shall require that the developer and  
781 operator of the project enter into binding commitments regarding  
782 at least the following:

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

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

792 (4) (a) The commission, at one time, or from time to time,  
793 may declare by resolution the necessity for issuance of general  
794 obligation bonds of the State of Mississippi to provide funds for  
795 all costs incurred or to be incurred for the purposes described in  
796 subsection (3) of this section. No bonds shall be issued under  
797 this section until the authority is provided proof that the funds  
798 from private, local or federal sources have been irrevocably  
799 dedicated to the project in the amount of not less than Fourteen  
800 Million Dollars (\$14,000,000.00). Upon the adoption of a  
801 resolution by the authority, declaring that funds have been  
802 irrevocably dedicated in the required amount and declaring the  
803 necessity for the issuance of any part or all of the general  
804 obligation bonds authorized by this subsection, the authority  
805 shall deliver a certified copy of its resolution or resolutions to  
806 the commission. Upon receipt of such resolution, the commission,  
807 in its discretion, may act as the issuing agent, prescribe the  
808 form of the bonds, determine the appropriate method for sale of



809 the bonds, advertise for and accept bids or negotiate the sale of  
810 the bonds, issue and sell the bonds so authorized to be sold and  
811 do any and all other things necessary and advisable in connection  
812 with the issuance and sale of such bonds. The total amount of  
813 bonds issued under this section shall not exceed Fourteen Million  
814 Dollars (\$14,000,000.00). No bonds shall be issued under this  
815 section after July 1, 2011.

816 (b) Any investment earnings on amounts deposited into  
817 the special fund created in subsection (3) of this section shall  
818 be used to pay debt service on bonds issued under this section, in  
819 accordance with the proceedings authorizing issuance of such  
820 bonds.

821 (5) The principal of and interest on the bonds authorized  
822 under this section shall be payable in the manner provided in this  
823 subsection. Such bonds shall bear such date or dates, be in such  
824 denomination or denominations, bear interest at such rate or rates  
825 (not to exceed the limits set forth in Section 75-17-101,  
826 Mississippi Code of 1972), be payable at such place or places  
827 within or without the State of Mississippi, shall mature  
828 absolutely at such time or times not to exceed twenty (20) years  
829 from date of issue, be redeemable before maturity at such time or  
830 times and upon such terms, with or without premium, shall bear  
831 such registration privileges, and shall be substantially in such  
832 form, all as shall be determined by resolution of the commission.

833 (6) The bonds authorized by this section shall be signed by  
834 the chairman of the commission, or by his facsimile signature, and  
835 the official seal of the commission shall be affixed thereto,  
836 attested by the secretary of the commission. The interest  
837 coupons, if any, to be attached to such bonds may be executed by  
838 the facsimile signatures of such officers. Whenever any such  
839 bonds shall have been signed by the officials designated to sign  
840 the bonds who were in office at the time of such signing but who  
841 may have ceased to be such officers before the sale and delivery



842 of such bonds, or who may not have been in office on the date such  
843 bonds may bear, the signatures of such officers upon such bonds  
844 and coupons shall nevertheless be valid and sufficient for all  
845 purposes and have the same effect as if the person so officially  
846 signing such bonds had remained in office until their delivery to  
847 the purchaser, or had been in office on the date such bonds may  
848 bear. However, notwithstanding anything herein to the contrary,  
849 such bonds may be issued as provided in the Registered Bond Act of  
850 the State of Mississippi.

851 (7) All bonds and interest coupons issued under the  
852 provisions of this section have all the qualities and incidents of  
853 negotiable instruments under the provisions of the Uniform  
854 Commercial Code, and in exercising the powers granted by this  
855 section, the commission shall not be required to and need not  
856 comply with the provisions of the Uniform Commercial Code.

857 (8) The commission shall act as the issuing agent for the  
858 bonds authorized under this section, prescribe the form of the  
859 bonds, determine the appropriate method for sale of the bonds,  
860 advertise for and accept bids or negotiate the sale of the bonds,  
861 issue and sell the bonds so authorized to be sold, pay all fees  
862 and costs incurred in such issuance and sale, and do any and all  
863 other things necessary and advisable in connection with the  
864 issuance and sale of such bonds. The commission is authorized and  
865 empowered to pay the costs that are incident to the sale, issuance  
866 and delivery of the bonds authorized under this section from the  
867 proceeds derived from the sale of such bonds. The commission may  
868 sell such bonds on sealed bids at public sale or may negotiate the  
869 sale of the bonds for such price as it may determine to be for the  
870 best interest of the State of Mississippi \* \* \*. All interest  
871 accruing on such bonds so issued shall be payable semiannually or  
872 annually \* \* \*.

873 If such bonds are sold by sealed bids at public sale, notice  
874 of the sale of any such bonds shall be published at least one





875 time, not less than ten (10) days before the date of sale, and  
876 shall be so published in one or more newspapers published or  
877 having a general circulation in the City of Jackson,  
878 Mississippi, \* \* \* selected by the commission.

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

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

894 (10) Upon the issuance and sale of bonds under the  
895 provisions of this section, the commission shall transfer the  
896 proceeds of any such sale or sales to the special fund created in  
897 subsection (3) of this section. The proceeds of such bonds shall  
898 be disbursed solely upon the order of the authority under such  
899 restrictions, if any, as may be contained in the resolution  
900 providing for the issuance of the bonds.

901 (11) The bonds authorized under this section may be issued  
902 without any other proceedings or the happening of any other  
903 conditions or things other than those proceedings, conditions and  
904 things which are specified or required by this section. Any  
905 resolution providing for the issuance of bonds under the  
906 provisions of this section shall become effective immediately upon  
907 its adoption by the commission, and any such resolution may be



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

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

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

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

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

937 (16) The proceeds of the bonds issued under this section  
938 shall be used solely for the purposes provided in this section,  
939 including the costs incident to the issuance and sale of such  
940 bonds.



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

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

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

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

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

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

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

970 (2) (a) (i) A special fund, to be designated as the "2007  
971 Mississippi Children's Museum Fund," is created within the State  
972 Treasury. The fund shall be maintained by the State Treasurer as  
973 a separate and special fund, separate and apart from the General



974 Fund of the state. Unexpended amounts remaining in the fund at  
975 the end of a fiscal year shall not lapse into the State General  
976 Fund, and any interest earned or investment earnings on amounts in  
977 the fund shall be deposited into such fund.

978 (ii) Monies deposited into the fund shall be  
979 disbursed, in the discretion of the Department of Finance and  
980 Administration, to pay the costs described in subsection (3) (a) of  
981 this section.

982 (b) Amounts deposited into such special fund shall be  
983 disbursed to pay the costs of the projects described in paragraph  
984 (a) of this subsection. Promptly after the commission has  
985 certified, by resolution duly adopted, that the projects described  
986 in paragraph (a) of this subsection shall have been completed,  
987 abandoned, or cannot be completed in a timely fashion, any amounts  
988 remaining in such special fund shall be applied to pay debt  
989 service on the bonds issued under this section, in accordance with  
990 the proceedings authorizing the issuance of such bonds and as  
991 directed by the commission.

992 (3) (a) Upon the receipt of matching funds or verification  
993 that the matching funds described in this paragraph are  
994 forthcoming, the Department of Finance and Administration, at one  
995 time, or from time to time, may declare by resolution the  
996 necessity for issuance of general obligation bonds to provide  
997 funds for the: (i) repair, renovation, remodeling, equipping,  
998 furnishing, adding to or improving the old National Guard Armory  
999 on the State Fairgrounds in Jackson, Mississippi, or another  
1000 structure if approved by the Department of Finance and  
1001 Administration as provided in Section 39-23-3(a), for use as a  
1002 children's museum; (ii) repair, renovation, furnishing and  
1003 equipping of the facility at the location described in Section  
1004 39-23-3(c); (iii) construction, furnishing and equipping of a  
1005 facility at the location described in Section 39-23-3(d); or (iv)  
1006 construction, furnishing and equipping of a facility at a location



1007 selected as provided in Section 39-23-3(e). The issuance of the  
1008 bonds described in this paragraph and the allocation of such funds  
1009 are conditioned upon the private sector or local or federal  
1010 government providing Six Million Dollars (\$6,000,000.00) to match  
1011 the funds provided under this section. The matching funds  
1012 required pursuant to this subsection may be provided in the form  
1013 of cash or in-kind contributions or any combination of cash or  
1014 in-kind contributions. In-kind contributions shall include, but  
1015 not be limited to, the value of exhibits that are contributed to  
1016 the children's museum.

1017 (b) Upon the adoption of a resolution by the Department  
1018 of Finance and Administration, declaring the necessity for the  
1019 issuance of any part or all of the general obligation bonds  
1020 authorized by this section, the department shall deliver a  
1021 certified copy of its resolution or resolutions to the commission.  
1022 Upon receipt of such resolution, the commission, in its  
1023 discretion, may act as the issuing agent, prescribe the form of  
1024 the bonds, determine the appropriate method for sale of the bonds,  
1025 advertise for and accept bids or negotiate the sale of the bonds,  
1026 issue and sell the bonds so authorized to be sold, and do any and  
1027 all other things necessary and advisable in connection with the  
1028 issuance and sale of such bonds. The amount of bonds issued under  
1029 this section shall not exceed Six Million Dollars (\$6,000,000.00).

1030 (c) Any investment earnings on amounts deposited into  
1031 the special fund created in subsection (2) of this section shall  
1032 be used to pay debt service on bonds issued under this section, in  
1033 accordance with the proceedings authorizing issuance of such  
1034 bonds.

1035 (4) The principal of and interest on the bonds authorized  
1036 under this section shall be payable in the manner provided in this  
1037 subsection. Such bonds shall bear such date or dates, be in such  
1038 denomination or denominations, bear interest at such rate or rates  
1039 (not to exceed the limits set forth in Section 75-17-101,



1040 Mississippi Code of 1972), be payable at such place or places  
1041 within or without the State of Mississippi, shall mature  
1042 absolutely at such time or times not to exceed twenty-five (25)  
1043 years from date of issue, be redeemable before maturity at such  
1044 time or times and upon such terms, with or without premium, shall  
1045 bear such registration privileges, and shall be substantially in  
1046 such form, all as shall be determined by resolution of the  
1047 commission.

1048 (5) The bonds authorized by this section shall be signed by  
1049 the chairman of the commission, or by his facsimile signature, and  
1050 the official seal of the commission shall be affixed thereto,  
1051 attested by the secretary of the commission. The interest  
1052 coupons, if any, to be attached to such bonds may be executed by  
1053 the facsimile signatures of such officers. Whenever any such  
1054 bonds shall have been signed by the officials designated to sign  
1055 the bonds who were in office at the time of such signing but who  
1056 may have ceased to be such officers before the sale and delivery  
1057 of such bonds, or who may not have been in office on the date such  
1058 bonds may bear, the signatures of such officers upon such bonds  
1059 and coupons shall nevertheless be valid and sufficient for all  
1060 purposes and have the same effect as if the person so officially  
1061 signing such bonds had remained in office until their delivery to  
1062 the purchaser, or had been in office on the date such bonds may  
1063 bear. However, notwithstanding anything herein to the contrary,  
1064 such bonds may be issued as provided in the Registered Bond Act of  
1065 the State of Mississippi.

1066 (6) All bonds and interest coupons issued under the  
1067 provisions of this section have all the qualities and incidents of  
1068 negotiable instruments under the provisions of the Uniform  
1069 Commercial Code, and in exercising the powers granted by this  
1070 section, the commission shall not be required to and need not  
1071 comply with the provisions of the Uniform Commercial Code.



1072           (7) The commission shall act as the issuing agent for the  
1073 bonds authorized under this section, prescribe the form of the  
1074 bonds, determine the appropriate method for sale of the bonds,  
1075 advertise for and accept bids or negotiate the sale of the bonds,  
1076 issue and sell the bonds so authorized to be sold, pay all fees  
1077 and costs incurred in such issuance and sale, and do any and all  
1078 other things necessary and advisable in connection with the  
1079 issuance and sale of such bonds. The commission is authorized and  
1080 empowered to pay the costs that are incident to the sale, issuance  
1081 and delivery of the bonds authorized under this section from the  
1082 proceeds derived from the sale of such bonds. The commission may  
1083 sell such bonds on sealed bids at public sale or may negotiate the  
1084 sale of the bonds for such price as it may determine to be for the  
1085 best interest of the State of Mississippi \* \* \*. All interest  
1086 accruing on such bonds so issued shall be payable semiannually or  
1087 annually \* \* \*.

1088           If such bonds are sold by sealed bids at public sale, notice  
1089 of the sale of any such bonds shall be published at least one  
1090 time, not less than ten (10) days before the date of sale, and  
1091 shall be so published in one or more newspapers published or  
1092 having a general circulation in the City of Jackson,  
1093 Mississippi, \* \* \* selected by the commission.

1094           The commission, when issuing any bonds under the authority of  
1095 this section, may provide that bonds, at the option of the State  
1096 of Mississippi, may be called in for payment and redemption at the  
1097 call price named therein and accrued interest on such date or  
1098 dates named therein.

1099           (8) The bonds issued under the provisions of this section  
1100 are general obligations of the State of Mississippi, and for the  
1101 payment thereof the full faith and credit of the State of  
1102 Mississippi is irrevocably pledged. If the funds appropriated by  
1103 the Legislature are insufficient to pay the principal of and the  
1104 interest on such bonds as they become due, then the deficiency



1105 shall be paid by the State Treasurer from any funds in the State  
1106 Treasury not otherwise appropriated. All such bonds shall contain  
1107 recitals on their faces substantially covering the provisions of  
1108 this subsection.

1109 (9) Upon the issuance and sale of bonds under the provisions  
1110 of this section, the commission shall transfer the proceeds of any  
1111 such sale or sales to the special fund created in subsection (2)  
1112 of this section. The proceeds of such bonds shall be disbursed  
1113 solely upon the order of the Department of Finance and  
1114 Administration under such restrictions, if any, as may be  
1115 contained in the resolution providing for the issuance of the  
1116 bonds.

1117 (10) The bonds authorized under this section may be issued  
1118 without any other proceedings or the happening of any other  
1119 conditions or things other than those proceedings, conditions and  
1120 things which are specified or required by this section. Any  
1121 resolution providing for the issuance of bonds under the  
1122 provisions of this section shall become effective immediately upon  
1123 its adoption by the commission, and any such resolution may be  
1124 adopted at any regular or special meeting of the commission by a  
1125 majority of its members.

1126 (11) The bonds authorized under the authority of this  
1127 section may be validated in the Chancery Court of the First  
1128 Judicial District of Hinds County, Mississippi, in the manner and  
1129 with the force and effect provided by Chapter 13, Title 31,  
1130 Mississippi Code of 1972, for the validation of county, municipal,  
1131 school district and other bonds. The notice to taxpayers required  
1132 by such statutes shall be published in a newspaper published or  
1133 having a general circulation in the City of Jackson, Mississippi.

1134 (12) Any holder of bonds issued under the provisions of this  
1135 section or of any of the interest coupons pertaining thereto may,  
1136 either at law or in equity, by suit, action, mandamus or other  
1137 proceeding, protect and enforce any and all rights granted under





1138 this section, or under such resolution, and may enforce and compel  
1139 performance of all duties required by this section to be  
1140 performed, in order to provide for the payment of bonds and  
1141 interest thereon.

1142 (13) All bonds issued under the provisions of this section  
1143 shall be legal investments for trustees and other fiduciaries, and  
1144 for savings banks, trust companies and insurance companies  
1145 organized under the laws of the State of Mississippi, and such  
1146 bonds shall be legal securities which may be deposited with and  
1147 shall be received by all public officers and bodies of this state  
1148 and all municipalities and political subdivisions for the purpose  
1149 of securing the deposit of public funds.

1150 (14) Bonds issued under the provisions of this section and  
1151 income therefrom shall be exempt from all taxation in the State of  
1152 Mississippi.

1153 (15) The proceeds of the bonds issued under this section  
1154 shall be used solely for the purposes herein provided, including  
1155 the costs incident to the issuance and sale of such bonds.

1156 (16) The State Treasurer is authorized, without further  
1157 process of law, to certify to the Department of Finance and  
1158 Administration the necessity for warrants, and the Department of  
1159 Finance and Administration is authorized and directed to issue  
1160 such warrants, in such amounts as may be necessary to pay when due  
1161 the principal of, premium, if any, and interest on, or the  
1162 accreted value of, all bonds issued under this section; and the  
1163 State Treasurer shall forward the necessary amount to the  
1164 designated place or places of payment of such bonds in ample time  
1165 to discharge such bonds, or the interest thereon, on the due dates  
1166 thereof.

1167 (17) This section shall be deemed to be full and complete  
1168 authority for the exercise of the powers herein granted, but this  
1169 section shall not be deemed to repeal or to be in derogation of  
1170 any existing law of this state.



1171           **SECTION 5.** Section 2, Chapter 557, Laws of 2009, is amended  
1172 as follows:

1173           Section 2. (1) As used in this section, the following words  
1174 shall have the meanings ascribed herein unless the context clearly  
1175 requires otherwise:

1176                   (a) "Accreted value" of any bond means, as of any date  
1177 of computation, an amount equal to the sum of (i) the stated  
1178 initial value of such bond, plus (ii) the interest accrued thereon  
1179 from the issue date to the date of computation at the rate,  
1180 compounded semiannually, that is necessary to produce the  
1181 approximate yield to maturity shown for bonds of the same  
1182 maturity.

1183                   (b) "State" means the State of Mississippi.

1184                   (c) "Commission" means the State Bond Commission.

1185           (2) (a) (i) A special fund, to be designated as the "2009  
1186 Ohr-O'Keefe Museum of Art Improvements Fund" is created within the  
1187 State Treasury. The fund shall be maintained by the State  
1188 Treasurer as a separate and special fund, separate and apart from  
1189 the General Fund of the state. Unexpended amounts remaining in  
1190 the fund at the end of a fiscal year shall not lapse into the  
1191 State General Fund, and any interest earned or investment earnings  
1192 on amounts in the fund shall be deposited into such fund.

1193                           (ii) Monies deposited into the fund shall be  
1194 disbursed, in the discretion of the Department of Finance and  
1195 Administration, to pay the costs of construction, repair,  
1196 renovation, replacement and improvement of buildings, facilities,  
1197 exhibits and infrastructure at the Ohr-O'Keefe Museum of Art in  
1198 Biloxi, Mississippi.

1199                   (b) Amounts deposited into such special fund shall be  
1200 disbursed to pay the costs of the projects described in paragraph  
1201 (a) of this subsection. Promptly after the commission has  
1202 certified, by resolution duly adopted, that the projects described  
1203 in paragraph (a) of this subsection shall have been completed,



1204 abandoned, or cannot be completed in a timely fashion, any amounts  
1205 remaining in such special fund shall be applied to pay debt  
1206 service on the bonds issued under this section, in accordance with  
1207 the proceedings authorizing the issuance of such bonds and as  
1208 directed by the commission.

1209 (3) (a) The commission, at one time, or from time to time,  
1210 may declare by resolution the necessity for issuance of general  
1211 obligation bonds of the State of Mississippi to provide funds for  
1212 all costs incurred or to be incurred for the purposes described in  
1213 subsection (2) of this section. Upon the adoption of a resolution  
1214 by the Department of Finance and Administration, declaring the  
1215 necessity for the issuance of any part or all of the general  
1216 obligation bonds authorized by this subsection, the department  
1217 shall deliver a certified copy of its resolution or resolutions to  
1218 the commission. Upon receipt of such resolution, the commission,  
1219 in its discretion, may act as issuing agent, prescribe the form of  
1220 the bonds, determine the appropriate method for sale of the bonds,  
1221 advertise for and accept bids or negotiate the sale of the bonds,  
1222 issue and sell the bonds so authorized to be sold and do any and  
1223 all other things necessary and advisable in connection with the  
1224 issuance and sale of such bonds. The total amount of bonds issued  
1225 under this section shall not exceed Six Million Dollars  
1226 (\$6,000,000.00). \* \* \* No bonds shall be issued under this  
1227 section after July 1, 2013.

1228 (b) Any investment earnings on amounts deposited into  
1229 the special fund created in subsection (2) of this section shall  
1230 be used to pay debt service on bonds issued under this section, in  
1231 accordance with the proceedings authorizing issuance of such  
1232 bonds.

1233 (4) The principal of and interest on the bonds authorized  
1234 under this section shall be payable in the manner provided in this  
1235 subsection. Such bonds shall bear such date or dates, be in such  
1236 denomination or denominations, bear interest at such rate or rates



1237 (not to exceed the limits set forth in Section 75-17-101,  
1238 Mississippi Code of 1972), be payable at such place or places  
1239 within or without the State of Mississippi, shall mature  
1240 absolutely at such time or times not to exceed twenty-five (25)  
1241 years from date of issue, be redeemable before maturity at such  
1242 time or times and upon such terms, with or without premium, shall  
1243 bear such registration privileges, and shall be substantially in  
1244 such form, all as shall be determined by resolution of the  
1245 commission.

1246 (5) The bonds authorized by this section shall be signed by  
1247 the chairman of the commission, or by his facsimile signature, and  
1248 the official seal of the commission shall be affixed thereto,  
1249 attested by the secretary of the commission. The interest  
1250 coupons, if any, to be attached to such bonds may be executed by  
1251 the facsimile signatures of such officers. Whenever any such  
1252 bonds shall have been signed by the officials designated to sign  
1253 the bonds who were in office at the time of such signing but who  
1254 may have ceased to be such officers before the sale and delivery  
1255 of such bonds, or who may not have been in office on the date such  
1256 bonds may bear, the signatures of such officers upon such bonds  
1257 and coupons shall nevertheless be valid and sufficient for all  
1258 purposes and have the same effect as if the person so officially  
1259 signing such bonds had remained in office until their delivery to  
1260 the purchaser, or had been in office on the date such bonds may  
1261 bear. However, notwithstanding anything herein to the contrary,  
1262 such bonds may be issued as provided in the Registered Bond Act of  
1263 the State of Mississippi.

1264 (6) All bonds and interest coupons issued under the  
1265 provisions of this section have all the qualities and incidents of  
1266 negotiable instruments under the provisions of the Uniform  
1267 Commercial Code, and in exercising the powers granted by this  
1268 section, the commission shall not be required to and need not  
1269 comply with the provisions of the Uniform Commercial Code.



1270           (7) The commission shall act as issuing agent for the bonds  
1271 authorized under this section, prescribe the form of the bonds,  
1272 determine the appropriate method for sale of the bonds, advertise  
1273 for and accept bids or negotiate sale of the bonds, issue and sell  
1274 the bonds so authorized to be sold, pay all fees and costs  
1275 incurred in such issuance and sale, and do any and all other  
1276 things necessary and advisable in connection with the issuance and  
1277 sale of such bonds. The commission is authorized and empowered to  
1278 pay the costs that are incident to the sale, issuance and delivery  
1279 of the bonds authorized under this section from the proceeds  
1280 derived from the sale of such bonds. The commission may sell such  
1281 bonds on sealed bids at public sale or may negotiate the sale of  
1282 the bonds for such price as it may determine to be for the best  
1283 interest of the State of Mississippi. All interest accruing on  
1284 such bonds so issued shall be payable semiannually or annually.

1285           If such bonds are sold by sealed bids at public sale, notice  
1286 of the sale shall be published at least one time, not less than  
1287 ten (10) days before the date of sale, and shall be so published  
1288 in one or more newspapers published or having a general  
1289 circulation in the City of Jackson, Mississippi, selected by the  
1290 commission.

1291           The commission, when issuing any bonds under the authority of  
1292 this section, may provide that bonds, at the option of the State  
1293 of Mississippi, may be called in for payment and redemption at the  
1294 call price named therein and accrued interest on such date or  
1295 dates named therein.

1296           (8) The bonds issued under the provisions of this section  
1297 are general obligations of the State of Mississippi, and for the  
1298 payment thereof the full faith and credit of the State of  
1299 Mississippi is irrevocably pledged. If the funds appropriated by  
1300 the Legislature are insufficient to pay the principal of and the  
1301 interest on such bonds as they become due, then the deficiency  
1302 shall be paid by the State Treasurer from any funds in the State



1303 Treasury not otherwise appropriated. All such bonds shall contain  
1304 recitals on their faces substantially covering the provisions of  
1305 this subsection.

1306 (9) Upon the issuance and sale of bonds under the provisions  
1307 of this section, the commission shall transfer the proceeds of any  
1308 such sale or sales to the special fund created in subsection (2)  
1309 of this section. The proceeds of such bonds shall be disbursed  
1310 solely upon the order of the Department of Finance and  
1311 Administration under such restrictions, if any, as may be  
1312 contained in the resolution providing for the issuance of the  
1313 bonds.

1314 (10) The bonds authorized under this section may be issued  
1315 without any other proceedings or the happening of any other  
1316 conditions or things other than those proceedings, conditions and  
1317 things which are specified or required by this section. Any  
1318 resolution providing for the issuance of bonds under the  
1319 provisions of this section shall become effective immediately upon  
1320 its adoption by the commission, and any such resolution may be  
1321 adopted at any regular or special meeting of the commission by a  
1322 majority of its members.

1323 (11) The bonds authorized under the authority of this  
1324 section may be validated in the Chancery Court of the First  
1325 Judicial District of Hinds County, Mississippi, in the manner and  
1326 with the force and effect provided by Chapter 13, Title 31,  
1327 Mississippi Code of 1972, for the validation of county, municipal,  
1328 school district and other bonds. The notice to taxpayers required  
1329 by such statutes shall be published in a newspaper published or  
1330 having a general circulation in the City of Jackson, Mississippi.

1331 (12) Any holder of bonds issued under the provisions of this  
1332 section or of any of the interest coupons pertaining thereto may,  
1333 either at law or in equity, by suit, action, mandamus or other  
1334 proceeding, protect and enforce any and all rights granted under  
1335 this section, or under such resolution, and may enforce and compel



1336 performance of all duties required by this section to be  
1337 performed, in order to provide for the payment of bonds and  
1338 interest thereon.

1339 (13) All bonds issued under the provisions of this section  
1340 shall be legal investments for trustees and other fiduciaries, and  
1341 for savings banks, trust companies and insurance companies  
1342 organized under the laws of the State of Mississippi, and such  
1343 bonds shall be legal securities which may be deposited with and  
1344 shall be received by all public officers and bodies of this state  
1345 and all municipalities and political subdivisions for the purpose  
1346 of securing the deposit of public funds.

1347 (14) Bonds issued under the provisions of this section and  
1348 income therefrom shall be exempt from all taxation in the State of  
1349 Mississippi.

1350 (15) The proceeds of the bonds issued under this section  
1351 shall be used solely for the purposes herein provided, including  
1352 the costs incident to the issuance and sale of such bonds.

1353 (16) The State Treasurer is authorized, without further  
1354 process of law, to certify to the Department of Finance and  
1355 Administration the necessity for warrants, and the Department of  
1356 Finance and Administration is authorized and directed to issue  
1357 such warrants, in such amounts as may be necessary to pay when due  
1358 the principal of, premium, if any, and interest on, or the  
1359 accreted value of, all bonds issued under this section; and the  
1360 State Treasurer shall forward the necessary amount to the  
1361 designated place or places of payment of such bonds in ample time  
1362 to discharge such bonds, or the interest thereon, on the due dates  
1363 thereof.

1364 (17) This section shall be deemed to be full and complete  
1365 authority for the exercise of the powers herein granted, but this  
1366 section shall not be deemed to repeal or to be in derogation of  
1367 any existing law of this state.



1368           **SECTION 6.** (1) As used in this section, the following words  
1369 shall have the meanings ascribed herein unless the context clearly  
1370 requires otherwise:

1371           (a) "Accreted value" of any bond means, as of any date  
1372 of computation, an amount equal to the sum of (i) the stated  
1373 initial value of such bond, plus (ii) the interest accrued thereon  
1374 from the issue date to the date of computation at the rate,  
1375 compounded semiannually, that is necessary to produce the  
1376 approximate yield to maturity shown for bonds of the same  
1377 maturity.

1378           (b) "State" means the State of Mississippi.

1379           (c) "Commission" means the State Bond Commission.

1380           (2) (a) (i) A special fund to be designated as the  
1381 "Statewide Tourism Projects Fund" is created within the State  
1382 Treasury. The fund shall be maintained by the State Treasurer as  
1383 a separate and special fund, separate and apart from the General  
1384 Fund of the state. Unexpended amounts remaining in the fund at  
1385 the end of a fiscal year shall not lapse into the State General  
1386 Fund, and any interest earned or investment earnings on amounts in  
1387 the fund shall be deposited to the credit of the fund. Monies in  
1388 the fund may not be used or expended for any purpose except as  
1389 authorized under this section.

1390                       (ii) Monies deposited into the fund shall be  
1391 disbursed by the State of Mississippi, through the department or  
1392 other entity designated in the description of each specific  
1393 project listed in paragraph (c) of this subsection, to pay the  
1394 costs of the specific project. If the funds are not disbursed  
1395 directly to pay the costs of a specific project, the disbursement  
1396 of funds for a specific project may be made to or through a  
1397 specific entity designated in the description of that specific  
1398 project.

1399           (b) Amounts deposited into the special fund shall be  
1400 disbursed by the Department of Finance and Administration to pay





1401 the costs of a specific project described in paragraph (c) of this  
1402 subsection. Promptly after the commission has certified, by  
1403 resolution duly adopted, that a project described in paragraph (c)  
1404 of this subsection shall have been completed, abandoned, or cannot  
1405 be completed in a timely fashion, any amounts remaining in such  
1406 special fund shall be applied to pay debt service on the bonds  
1407 issued under this section, in accordance with the proceedings  
1408 authorizing the issuance of such bonds and as directed by the  
1409 commission. No monies in the special fund may be used for a  
1410 project described in paragraph (c) of this subsection until the  
1411 Mississippi Development Authority Division of Tourism Development:

1412 (i) Determines that the project for which funds  
1413 are authorized will have a significant impact on promoting tourism  
1414 and tourism related activities in the area of the state in which  
1415 the project is or is to be located;

1416 (ii) Causes a cost benefit analysis of the project  
1417 to be performed;

1418 (iii) Receives proof that the project has been  
1419 sufficiently planned and designed to a stage where work may begin  
1420 for the purposes for which monies in the special fund are  
1421 authorized; and

1422 (iv) Receives proof that funds from private, local  
1423 government, and/or federal sources have been irrevocably dedicated  
1424 to the project in an amount that is not less than twenty percent  
1425 (20%) of the amount of the monies in the special fund that are to  
1426 be used for the project. The matching funds may be provided in  
1427 the form of cash contributions, in-kind contributions and/or any  
1428 combination of cash or in-kind contributions.

1429 (c) Following are descriptions of the specific projects  
1430 which shall be funded by the Statewide Tourism Projects Fund:

1431 (i) Tunica Gateway to the Blues Museum. Monies in  
1432 the special fund, up to a total amount of Two Million Dollars  
1433 (\$2,000,000.00), shall be disbursed by the Department of Finance



1434 and Administration to assist in paying costs incurred for  
1435 construction, furnishing and equipping of the Tunica Gateway to  
1436 the Blues Museum and related facilities in Tunica County,  
1437 Mississippi.

1438 (ii) Elvis Presley Birthplace, Museum and Chapel.  
1439 Monies in the special fund, up to a total amount of Four Million  
1440 Dollars (\$4,000,000.00), shall be disbursed by the Department of  
1441 Finance and Administration to assist the Elvis Presley Memorial  
1442 Foundation in Tupelo, Mississippi, in paying costs incurred for  
1443 repair, renovation and expansion of and improvements and additions  
1444 to the Elvis Presley Birthplace, Museum and Chapel and related  
1445 facilities in Tupelo, Mississippi.

1446 (iii) Jimmie Rodgers Museum. Monies in the  
1447 special fund, up to a total of Two Million Dollars  
1448 (\$2,000,000.00), shall be disbursed by the Department of Finance  
1449 and Administration to assist in paying costs incurred for repair,  
1450 renovation and expansion of and improvements and additions to the  
1451 Jimmie Rodgers Museum and related facilities in Meridian,  
1452 Mississippi.

1453 (iv) Curlee House. Monies in the special fund, up  
1454 to a total of Two Million Dollars (\$2,000,000.00), shall be  
1455 disbursed by the Department of Finance and Administration to the  
1456 City of Corinth, Mississippi, to assist in paying costs incurred  
1457 for repair, renovation and expansion of and improvements and  
1458 additions to the Curlee House and related facilities in Corinth,  
1459 Mississippi.

1460 (v) Cottonlandia Museum. Monies in the special  
1461 fund, up to a total of One Million Dollars (\$1,000,000.00), shall  
1462 be disbursed by the Department of Finance and Administration to  
1463 assist in paying costs incurred for repair, renovation and  
1464 expansion of, improvements and additions to and/or relocation of  
1465 the Cottonlandia Museum and related facilities in Greenwood,  
1466 Mississippi.



1467                   (vi) Gulf Coast Winter Classics Project. Monies  
1468 in the special fund, up to a total amount of One Million Dollars  
1469 (\$1,000,000.00), shall be disbursed by the Department of Finance  
1470 and Administration to assist in paying costs incurred for  
1471 construction, furnishing and equipping of buildings and related  
1472 facilities and making infrastructure and infrastructure related  
1473 improvements at the Harrison County Fairgrounds property necessary  
1474 for hosting the Gulf Coast Winter Classics and related events in  
1475 Harrison County, Mississippi.

1476                   (vii) Mississippi Civil Rights Historical Sites.  
1477 Monies in the special fund, up to a total amount of Three Million  
1478 Dollars (\$3,000,000.00), shall be disbursed by the Department of  
1479 Finance and Administration, based upon the recommendations of the  
1480 Board of Trustees of the Department of Archives and History, to  
1481 assist in paying costs incurred for repair, renovation and  
1482 expansion of and improvements and additions to projects determined  
1483 by the Board of Trustees of the Department of Archives and History  
1484 to be civil rights historical sites in the state. The maximum  
1485 amount of monies in the special fund that may be allocated to a  
1486 project shall not exceed Three Hundred Thousand Dollars  
1487 (\$300,000.00).

1488                   (viii) Rail Line Tourism Project. Monies in the  
1489 special fund, up to a total amount of One Million Dollars  
1490 (\$1,000,000.00), shall be disbursed by the Department of Finance  
1491 and Administration to assist in paying costs incurred for  
1492 acquisition, furnishing and equipping of railcars and related  
1493 equipment and operation of such cars and equipment on a portion of  
1494 rail line extending from Natchez, Mississippi, to Brookhaven,  
1495 Mississippi.

1496           (3) (a) A special fund to be designated as the "Mississippi  
1497 Heritage, History and Culture Tourism Fund" is created within the  
1498 State Treasury. The fund shall be maintained by the State  
1499 Treasurer as a separate and special fund, separate and apart from



1500 the General Fund of the state. Unexpended amounts remaining in  
1501 the fund at the end of a fiscal year shall not lapse into the  
1502 State General Fund, and any interest earned or investment earnings  
1503 on amounts in the fund shall be deposited to the credit of the  
1504 fund. Monies in the fund may not be used or expended for any  
1505 purpose except as authorized under this act.

1506 (b) Monies deposited into the fund shall be expended by  
1507 the Division of Tourism Development of the Mississippi Development  
1508 Authority for the specific purpose of promoting programs and  
1509 projects addressing Mississippi's heritage, history, culture,  
1510 literature and arts, including the positive recovery of the state  
1511 after damages caused by natural disasters, as may be authorized by  
1512 general law of this state, and may be used to match federal and/or  
1513 other funds that may be accessed by the division for the purpose  
1514 of promoting tourism in the state. The Division of Tourism  
1515 Development may accept grants and private donations from any  
1516 source, including federal, state, public and private entities, to  
1517 assist it in promoting such programs and projects.

1518 (4) (a) The commission, at one time, or from time to time,  
1519 may declare by resolution the necessity for issuance of general  
1520 obligation bonds of the State of Mississippi to provide funds for  
1521 all costs incurred or to be incurred for the purposes described in  
1522 subsections (2) and (3) of this section. Upon the adoption of a  
1523 resolution by the Department of Finance and Administration,  
1524 declaring the necessity for the issuance of any part or all of the  
1525 general obligation bonds authorized by this section, the  
1526 Department of Finance and Administration shall deliver a certified  
1527 copy of its resolution or resolutions to the commission. Upon  
1528 receipt of such resolution, the commission, in its discretion, may  
1529 act as issuing agent, prescribe the form of the bonds, determine  
1530 the appropriate method for sale of the bonds, advertise for and  
1531 accept bids or negotiate the sale of the bonds, issue and sell the  
1532 bonds so authorized to be sold and do any and all other things



1533 necessary and advisable in connection with the issuance and sale  
1534 of such bonds. The total amount of bonds issued under this  
1535 section shall not exceed Seventeen Million Dollars  
1536 (\$17,000,000.00). No bonds shall be issued under this section  
1537 after July 1, 2011.

1538 (b) The proceeds of the bonds issued pursuant to this  
1539 section shall be deposited into the following special funds in not  
1540 more than the following amounts:

1541 (i) The Statewide Tourism Projects Fund created  
1542 pursuant to subsection (2) of this section.....\$16,000,000.00.

1543 (ii) The Mississippi Heritage, History and Culture  
1544 Tourism Fund created pursuant to subsection (3) of this  
1545 section.....\$ 1,000,000.00.

1546 (c) Any investment earnings on amounts deposited into  
1547 the special funds created in subsections (2) and (3) of this  
1548 section shall be used to pay debt service on bonds issued under  
1549 this section, in accordance with the proceedings authorizing  
1550 issuance of such bonds.

1551 (5) The principal of and interest on the bonds authorized  
1552 under this section shall be payable in the manner provided in this  
1553 subsection. Such bonds shall bear such date or dates, be in such  
1554 denomination or denominations, bear interest at such rate or rates  
1555 (not to exceed the limits set forth in Section 75-17-101,  
1556 Mississippi Code of 1972), be payable at such place or places  
1557 within or without the State of Mississippi, shall mature  
1558 absolutely at such time or times not to exceed twenty-five (25)  
1559 years from date of issue, be redeemable before maturity at such  
1560 time or times and upon such terms, with or without premium, shall  
1561 bear such registration privileges, and shall be substantially in  
1562 such form, all as shall be determined by resolution of the  
1563 commission.

1564 (6) The bonds authorized by this section shall be signed by  
1565 the chairman of the commission, or by his facsimile signature, and



1566 the official seal of the commission shall be affixed thereto,  
1567 attested by the secretary of the commission. The interest  
1568 coupons, if any, to be attached to such bonds may be executed by  
1569 the facsimile signatures of such officers. Whenever any such  
1570 bonds shall have been signed by the officials designated to sign  
1571 the bonds who were in office at the time of such signing but who  
1572 may have ceased to be such officers before the sale and delivery  
1573 of such bonds, or who may not have been in office on the date such  
1574 bonds may bear, the signatures of such officers upon such bonds  
1575 and coupons shall nevertheless be valid and sufficient for all  
1576 purposes and have the same effect as if the person so officially  
1577 signing such bonds had remained in office until their delivery to  
1578 the purchaser, or had been in office on the date such bonds may  
1579 bear. However, notwithstanding anything herein to the contrary,  
1580 such bonds may be issued as provided in the Registered Bond Act of  
1581 the State of Mississippi.

1582 (7) All bonds and interest coupons issued under the  
1583 provisions of this section have all the qualities and incidents of  
1584 negotiable instruments under the provisions of the Uniform  
1585 Commercial Code, and in exercising the powers granted by this  
1586 section, the commission shall not be required to and need not  
1587 comply with the provisions of the Uniform Commercial Code.

1588 (8) The commission shall act as issuing agent for the bonds  
1589 authorized under this section, prescribe the form of the bonds,  
1590 determine the appropriate method for sale of the bonds, advertise  
1591 for and accept bids or negotiate the sale of the bonds, issue and  
1592 sell the bonds, pay all fees and costs incurred in such issuance  
1593 and sale, and do any and all other things necessary and advisable  
1594 in connection with the issuance and sale of such bonds. The  
1595 commission is authorized and empowered to pay the costs that are  
1596 incident to the sale, issuance and delivery of the bonds  
1597 authorized under this section from the proceeds derived from the  
1598 sale of such bonds. The commission may sell such bonds on sealed



1599 bids at public sale or may negotiate the sale of the bonds for  
1600 such price as it may determine to be for the best interest of the  
1601 State of Mississippi. All interest accruing on such bonds so  
1602 issued shall be payable semiannually or annually.

1603 If such bonds are sold by sealed bids at public sale, notice  
1604 of the sale shall be published at least one time, not less than  
1605 ten (10) days before the date of sale, and shall be so published  
1606 in one or more newspapers published or having a general  
1607 circulation in the City of Jackson, Mississippi, selected by the  
1608 commission.

1609 The commission, when issuing any bonds under the authority of  
1610 this section, may provide that bonds, at the option of the State  
1611 of Mississippi, may be called in for payment and redemption at the  
1612 call price named therein and accrued interest on such date or  
1613 dates named therein.

1614 (9) The bonds issued under the provisions of this section  
1615 are general obligations of the State of Mississippi, and for the  
1616 payment thereof the full faith and credit of the State of  
1617 Mississippi is irrevocably pledged. If the funds appropriated by  
1618 the Legislature are insufficient to pay the principal of and the  
1619 interest on such bonds as they become due, then the deficiency  
1620 shall be paid by the State Treasurer from any funds in the State  
1621 Treasury not otherwise appropriated. All such bonds shall contain  
1622 recitals on their faces substantially covering the provisions of  
1623 this subsection.

1624 (10) Upon the issuance and sale of bonds under the  
1625 provisions of this section, the commission shall transfer the  
1626 proceeds of any such sale or sales to the special funds created in  
1627 subsections (2) and (3) of this section in the amounts provided  
1628 for in subsection (4)(b) of this section. The proceeds of such  
1629 bonds shall be disbursed solely upon the order of the Department  
1630 of Finance and Administration under such restrictions, if any, as



1631 may be contained in the resolution providing for the issuance of  
1632 the bonds.

1633 (11) The bonds authorized under this section may be issued  
1634 without any other proceedings or the happening of any other  
1635 conditions or things other than those proceedings, conditions and  
1636 things which are specified or required by this section. Any  
1637 resolution providing for the issuance of bonds under the  
1638 provisions of this section shall become effective immediately upon  
1639 its adoption by the commission, and any such resolution may be  
1640 adopted at any regular or special meeting of the commission by a  
1641 majority of its members.

1642 (12) The bonds authorized under the authority of this  
1643 section may be validated in the Chancery Court of the First  
1644 Judicial District of Hinds County, Mississippi, in the manner and  
1645 with the force and effect provided by Chapter 13, Title 31,  
1646 Mississippi Code of 1972, for the validation of county, municipal,  
1647 school district and other bonds. The notice to taxpayers required  
1648 by such statutes shall be published in a newspaper published or  
1649 having a general circulation in the City of Jackson, Mississippi.

1650 (13) Any holder of bonds issued under the provisions of this  
1651 section or of any of the interest coupons pertaining thereto may,  
1652 either at law or in equity, by suit, action, mandamus or other  
1653 proceeding, protect and enforce any and all rights granted under  
1654 this section, or under such resolution, and may enforce and compel  
1655 performance of all duties required by this section to be  
1656 performed, in order to provide for the payment of bonds and  
1657 interest thereon.

1658 (14) All bonds issued under the provisions of this section  
1659 shall be legal investments for trustees and other fiduciaries, and  
1660 for savings banks, trust companies and insurance companies  
1661 organized under the laws of the State of Mississippi, and such  
1662 bonds shall be legal securities which may be deposited with and  
1663 shall be received by all public officers and bodies of this state





1664 and all municipalities and political subdivisions for the purpose  
1665 of securing the deposit of public funds.

1666 (15) Bonds issued under the provisions of this section and  
1667 income therefrom shall be exempt from all taxation in the State of  
1668 Mississippi.

1669 (16) The proceeds of the bonds issued under this section  
1670 shall be used solely for the purposes herein provided, including  
1671 the costs incident to the issuance and sale of such bonds.

1672 (17) The State Treasurer is authorized, without further  
1673 process of law, to certify to the Department of Finance and  
1674 Administration the necessity for warrants, and the Department of  
1675 Finance and Administration is authorized and directed to issue  
1676 such warrants, in such amounts as may be necessary to pay when due  
1677 the principal of, premium, if any, and interest on, or the  
1678 accreted value of, all bonds issued under this section; and the  
1679 State Treasurer shall forward the necessary amount to the  
1680 designated place or places of payment of such bonds in ample time  
1681 to discharge such bonds, or the interest thereon, on the due dates  
1682 thereof.

1683 (18) This section shall be deemed to be full and complete  
1684 authority for the exercise of the powers herein granted, but this  
1685 section shall not be deemed to repeal or to be in derogation of  
1686 any existing law of this state.

1687 **SECTION 7.** Section 57-1-59, Mississippi Code of 1972, is  
1688 amended as follows:

1689 57-1-59. The Mississippi Development Authority shall have  
1690 the following general powers and duties with respect to tourism:

1691 (a) To promote and advertise the image of Mississippi  
1692 both within and without the boundaries of this state;

1693 (b) To promote and advertise fairs and similar  
1694 activities of interest to tourists and the traveling public;

1695 (c) To promote and advertise the use of wildlife and  
1696 natural areas by tourists and the traveling public;



1697 (d) To promote and advertise the use of state  
1698 recreational and park facilities by tourists and the traveling  
1699 public;

1700 (e) To promote and advertise all resources of the State  
1701 of Mississippi as attractions to tourists and the traveling  
1702 public;

1703 (f) To develop for all agencies of state government the  
1704 necessary promotional and advertising materials needed to promote  
1705 all facilities and programs which may be of interest to travelers  
1706 and tourists;

1707 (g) To maintain an educational awareness program for  
1708 the citizens of the state to constantly encourage increased  
1709 development of activities of interest to tourists and the  
1710 traveling public;

1711 (h) To develop and maintain an information services  
1712 system to adequately guide tourists and the traveling public  
1713 within the boundaries of the state;

1714 (i) To develop and maintain an extensive media program  
1715 to adequately inform the national and international consumer about  
1716 Mississippi; \* \* \*

1717 (j) To enter into contracts and other agreements with  
1718 local tourism commissions or similar entities for the purpose of  
1719 developing regional strategies for tourism promotion. The  
1720 Mississippi Development Authority, in conjunction with the  
1721 formulation of regional strategies for tourism promotion, may  
1722 require that local tourism commissions or similar entities enter  
1723 into agreements with the authority as a condition for receiving  
1724 any state grants to promote tourism; and

1725 (k) To develop programs and projects promoting the  
1726 state's heritage, history, culture, literature and arts, including  
1727 the positive recovery of the state after damages caused by natural  
1728 disasters, and demonstrating the state's attractiveness as a  
1729 tourism destination for those and other reasons.



1730           **SECTION 8.** (1) As used in this section:

1731                   (a) "MDA" means the Mississippi Development Authority.

1732                   (b) "Program" means the Mississippi Small Business  
1733 Participating Loan Program established in this section.

1734                   (c) "Small business" means any commercial enterprise  
1735 with less than one hundred (100) full-time employees, less than  
1736 Seven Million Dollars (\$7,000,000.00) in gross revenues or less  
1737 than Seven Hundred Fifty Thousand Dollars (\$750,000.00) in net  
1738 annual profit after taxes.

1739           (2) The MDA shall establish a program of loans to be made to  
1740 small businesses for the purpose of encouraging the extension of  
1741 conventional financing and the issuance of letters of credit to  
1742 small businesses by private institutions. Money to make the loans  
1743 under the program shall be drawn by the MDA from the Small  
1744 Business Participating Loan Program Revolving Fund. The amount of  
1745 a loan to any single small business under the program shall not  
1746 exceed fifty percent (50%) of the total cost of the project for  
1747 which financing is sought or One Hundred Thousand Dollars  
1748 (\$100,000.00), whichever is less. Interest shall be charged on  
1749 the loans at a rate equal to one percent (1%) above the current  
1750 published prime rate. The term of any loan made under this  
1751 section shall not exceed five (5) years. Repayments of loans made  
1752 by the MDA under the program shall be deposited to the credit of  
1753 the Small Business Participating Loan Program Revolving Fund.  
1754 Small businesses may utilize loan proceeds for buildings,  
1755 equipment and working capital.

1756           (3) There is created a special fund in the State Treasury to  
1757 be known as the Small Business Participating Loan Program  
1758 Revolving Fund which shall consist of money from any source  
1759 designated for deposit into the fund. Unexpended amounts  
1760 remaining in the fund at the end of a fiscal year shall not lapse  
1761 into the State General Fund, and any investment earnings or  
1762 interest earned on amounts in the fund shall be deposited to the



1763 credit of the fund. Money in the fund shall be disbursed by the  
1764 Mississippi Development Authority for the purposes authorized in  
1765 subsection (2) of this section.

1766 (4) Money in the fund that is derived from the proceeds of  
1767 general obligation bonds may be used to reimburse reasonable  
1768 actual and necessary costs incurred by the MDA in providing loans  
1769 under this section through the use of general obligation bonds.  
1770 An accounting of actual costs incurred for which reimbursement is  
1771 sought shall be maintained for each grant by the MDA.  
1772 Reimbursement of reasonable actual and necessary costs for a loan  
1773 shall not exceed three percent (3%) of the proceeds of bonds  
1774 issued for such loan. Reimbursements made under this subsection  
1775 shall satisfy any applicable federal tax law requirements.

1776 **SECTION 9.** (1) As used in this section, the following words  
1777 shall have the meanings ascribed herein unless the context clearly  
1778 requires otherwise:

1779 (a) "Accreted value" of any bonds means, as of any date  
1780 of computation, an amount equal to the sum of (i) the stated  
1781 initial value of such bond, plus (ii) the interest accrued thereon  
1782 from the issue date to the date of computation at the rate,  
1783 compounded semiannually, that is necessary to produce the  
1784 approximate yield to maturity shown for bonds of the same  
1785 maturity.

1786 (b) "State" means the State of Mississippi.

1787 (c) "Commission" means the State Bond Commission.

1788 (2) (a) The Mississippi Development Authority, at one time,  
1789 or from time to time, may declare by resolution the necessity for  
1790 issuance of general obligation bonds of the State of Mississippi  
1791 to provide funds for the program authorized in Section 8 of this  
1792 act. Upon the adoption of a resolution by the Mississippi  
1793 Development Authority, declaring the necessity for the issuance of  
1794 any part or all of the general obligation bonds authorized by this  
1795 subsection, the Mississippi Development Authority shall deliver a



1796 certified copy of its resolution or resolutions to the commission.  
1797 Upon receipt of such resolution, the commission, in its  
1798 discretion, may act as the issuing agent, prescribe the form of  
1799 the bonds, determine the appropriate method for sale of the bonds,  
1800 advertise for and accept bids or negotiate the sale of the bonds,  
1801 issue and sell the bonds so authorized to be sold and do any and  
1802 all other things necessary and advisable in connection with the  
1803 issuance and sale of such bonds. The total amount of bonds issued  
1804 under this section shall not exceed Fifty Million Dollars  
1805 (\$50,000,000.00). No bonds authorized under this section shall be  
1806 issued after July 1, 2014.

1807 (b) The proceeds of bonds issued pursuant to this  
1808 section shall be deposited into the Small Business Participating  
1809 Loan Program Revolving Fund created pursuant to Section 8 of this  
1810 act. Any investment earnings on bonds issued pursuant to this  
1811 section shall be used to pay debt service on bonds issued under  
1812 this section, in accordance with the proceedings authorizing  
1813 issuance of such bonds.

1814 (3) The principal of and interest on the bonds authorized  
1815 under this section shall be payable in the manner provided in this  
1816 subsection. Such bonds shall bear such date or dates, be in such  
1817 denomination or denominations, bear interest at such rate or rates  
1818 (not to exceed the limits set forth in Section 75-17-101,  
1819 Mississippi Code of 1972), be payable at such place or places  
1820 within or without the State of Mississippi, shall mature  
1821 absolutely at such time or times not to exceed twenty-five (25)  
1822 years from date of issue, be redeemable before maturity at such  
1823 time or times and upon such terms, with or without premium, shall  
1824 bear such registration privileges, and shall be substantially in  
1825 such form, all as shall be determined by resolution of the  
1826 commission.

1827 (4) The bonds authorized by this section shall be signed by  
1828 the chairman of the commission, or by his facsimile signature, and



1829 the official seal of the commission shall be affixed thereto,  
1830 attested by the secretary of the commission. The interest  
1831 coupons, if any, to be attached to such bonds may be executed by  
1832 the facsimile signatures of such officers. Whenever any such  
1833 bonds shall have been signed by the officials designated to sign  
1834 the bonds who were in office at the time of such signing but who  
1835 may have ceased to be such officers before the sale and delivery  
1836 of such bonds, or who may not have been in office on the date such  
1837 bonds may bear, the signatures of such officers upon such bonds  
1838 and coupons shall nevertheless be valid and sufficient for all  
1839 purposes and have the same effect as if the person so officially  
1840 signing such bonds had remained in office until their delivery to  
1841 the purchaser, or had been in office on the date such bonds may  
1842 bear. However, notwithstanding anything herein to the contrary,  
1843 such bonds may be issued as provided in the Registered Bond Act of  
1844 the State of Mississippi.

1845 (5) All bonds and interest coupons issued under the  
1846 provisions of this section have all the qualities and incidents of  
1847 negotiable instruments under the provisions of the Uniform  
1848 Commercial Code, and in exercising the powers granted by this  
1849 section, the commission shall not be required to and need not  
1850 comply with the provisions of the Uniform Commercial Code.

1851 (6) The commission shall act as issuing agent for the bonds  
1852 authorized under this section, prescribe the form of the bonds,  
1853 determine the appropriate method for sale of the bonds, advertise  
1854 for and accept bids or negotiate the sale of the bonds, issue and  
1855 sell the bonds so authorized to be sold, pay all fees and costs  
1856 incurred in such issuance and sale, and do any and all other  
1857 things necessary and advisable in connection with the issuance and  
1858 sale of such bonds. The commission is authorized and empowered to  
1859 pay the costs that are incident to the sale, issuance and delivery  
1860 of the bonds authorized under this section from the proceeds  
1861 derived from the sale of such bonds. The commission may sell such



1862 bonds on sealed bids at public sale or may negotiate the sale of  
1863 the bonds for such price as it may determine to be for the best  
1864 interest of the State of Mississippi. All interest accruing on  
1865 such bonds so issued shall be payable semiannually or annually.

1866 If such bonds are sold by sealed bids at public sale, notice  
1867 of the sale shall be published at least one time, not less than  
1868 ten (10) days before the date of sale, and shall be so published  
1869 in one or more newspapers published or having a general  
1870 circulation in the City of Jackson, Mississippi, selected by the  
1871 commission.

1872 The commission, when issuing any bonds under the authority of  
1873 this section, may provide that bonds, at the option of the State  
1874 of Mississippi, may be called in for payment and redemption at the  
1875 call price named therein and accrued interest on such date or  
1876 dates named therein.

1877 (7) The bonds issued under the provisions of this section  
1878 are general obligations of the State of Mississippi, and for the  
1879 payment thereof the full faith and credit of the State of  
1880 Mississippi is irrevocably pledged. If the funds appropriated by  
1881 the Legislature are insufficient to pay the principal of and the  
1882 interest on such bonds as they become due, then the deficiency  
1883 shall be paid by the State Treasurer from any funds in the State  
1884 Treasury not otherwise appropriated. All such bonds shall contain  
1885 recitals on their faces substantially covering the provisions of  
1886 this subsection.

1887 (8) Upon the issuance and sale of bonds under the provisions  
1888 of this section, the commission shall transfer the proceeds of any  
1889 such sale or sales to the Small Business Participating Loan  
1890 Program Revolving Fund created in Section 8 of this act. The  
1891 proceeds of such bonds shall be disbursed solely upon the order of  
1892 the Mississippi Development Authority under such restrictions, if  
1893 any, as may be contained in the resolution providing for the  
1894 issuance of the bonds.



1895           (9) The bonds authorized under this section may be issued  
1896 without any other proceedings or the happening of any other  
1897 conditions or things other than those proceedings, conditions and  
1898 things which are specified or required by this section. Any  
1899 resolution providing for the issuance of bonds under the  
1900 provisions of this section shall become effective immediately upon  
1901 its adoption by the commission, and any such resolution may be  
1902 adopted at any regular or special meeting of the commission by a  
1903 majority of its members.

1904           (10) The bonds authorized under the authority of this  
1905 section may be validated in the Chancery Court of the First  
1906 Judicial District of Hinds County, Mississippi, in the manner and  
1907 with the force and effect provided by Chapter 13, Title 31,  
1908 Mississippi Code of 1972, for the validation of county, municipal,  
1909 school district and other bonds. The notice to taxpayers required  
1910 by such statutes shall be published in a newspaper published or  
1911 having a general circulation in the City of Jackson, Mississippi.

1912           (11) Any holder of bonds issued under the provisions of this  
1913 section or of any of the interest coupons pertaining thereto may,  
1914 either at law or in equity, by suit, action, mandamus or other  
1915 proceeding, protect and enforce any and all rights granted under  
1916 this section, or under such resolution, and may enforce and compel  
1917 performance of all duties required by this section to be  
1918 performed, in order to provide for the payment of bonds and  
1919 interest thereon.

1920           (12) All bonds issued under the provisions of this section  
1921 shall be legal investments for trustees and other fiduciaries, and  
1922 for savings banks, trust companies and insurance companies  
1923 organized under the laws of the State of Mississippi, and such  
1924 bonds shall be legal securities which may be deposited with and  
1925 shall be received by all public officers and bodies of this state  
1926 and all municipalities and political subdivisions for the purpose  
1927 of securing the deposit of public funds.





1928           (13) Bonds issued under the provisions of this section and  
1929 income therefrom shall be exempt from all taxation in the State of  
1930 Mississippi.

1931           (14) The proceeds of the bonds issued under this section  
1932 shall be used solely for the purposes therein provided, including  
1933 the costs incident to the issuance and sale of such bonds.

1934           (15) The State Treasurer is authorized, without further  
1935 process of law, to certify to the Department of Finance and  
1936 Administration the necessity for warrants, and the Department of  
1937 Finance and Administration is authorized and directed to issue  
1938 such warrants, in such amounts as may be necessary to pay when due  
1939 the principal of, premium, if any, and interest on, or the  
1940 accreted value of, all bonds issued under this section; and the  
1941 State Treasurer shall forward the necessary amount to the  
1942 designated place or places of payment of such bonds in ample time  
1943 to discharge such bonds, or the interest thereon, on the due dates  
1944 thereof.

1945           (16) This section shall be deemed to be full and complete  
1946 authority for the exercise of the powers therein granted, but this  
1947 section shall not be deemed to repeal or to be in derogation of  
1948 any existing law of this state.

1949           **SECTION 10.** Section 57-10-505, Mississippi Code of 1972, is  
1950 amended as follows:

1951           57-10-505. The following words and phrases when used in this  
1952 article shall have the meaning given to them in this section  
1953 unless the context clearly indicates otherwise:

1954           (a) "Assistance" means a loan to a small business or an  
1955 equity investment in a small business by a planning and  
1956 development district in accordance with this article.

1957           (b) "DECD" means the Mississippi Development Authority.

1958           (c) "Equity investment" means an investment in the  
1959 ownership of a small business incorporated in Mississippi by a  
1960 planning and development district in accordance with this article.



1961 (d) "General Fund" means the General Fund of the State  
1962 of Mississippi.

1963 (e) "Loan" means a loan by a planning and development  
1964 district to a small business in accordance with this article.

1965 (f) "MDA" means the Mississippi Development Authority.

1966 (g) "Planning and development districts" means an  
1967 organized planning and development district in Mississippi.

1968 (h) "Program" means the Mississippi Small Business  
1969 Assistance Program established in this article.

1970 (i) "Qualified entities" means small business  
1971 investment corporations, community development corporations and  
1972 other similar entities approved by the Mississippi Business  
1973 Finance Corporation to participate in the program.

1974 (j) "Seller" means the State Bond Commission.

1975 (k) "Small business" means any commercial enterprise  
1976 with less than one hundred (100) full-time employees, less than  
1977 Seven Million Dollars (\$7,000,000.00) in net worth or less than  
1978 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in net annual  
1979 profit after taxes.

1980 **SECTION 11.** Section 57-10-511, Mississippi Code of 1972, is  
1981 amended as follows:

1982 57-10-511. MDA shall grant funds under this article to a  
1983 planning and development district or qualified entity in  
1984 accordance with the following terms and conditions:

1985 (a) Grant funds received by a planning and development  
1986 district or qualified entity in accordance with this article shall  
1987 be used by the planning and development district or qualified  
1988 entity to establish a revolving assistance fund for the purpose of  
1989 providing assistance to small businesses in accordance with this  
1990 article. Except as otherwise allowed in this article, all  
1991 principal and interest payments by small businesses in repayment  
1992 of such assistance shall be eligible for and used by the planning



1993 and development district or qualified entity for additional  
1994 assistance to small businesses in accordance with this article.

1995 (b) Each planning and development district meeting the  
1996 criteria set forth in this article shall receive an initial grant  
1997 of not to exceed One Million Dollars (\$1,000,000.00) for the  
1998 purpose of establishing the program within its area in accordance  
1999 with this article. Each qualified entity meeting the criteria set  
2000 forth in this article shall be eligible to receive an initial  
2001 grant of Five Hundred Thousand Dollars (\$500,000.00) for the  
2002 purpose of establishing the program within the area it serves in  
2003 accordance with this article. The total amount of initial grants  
2004 to planning and development districts shall not exceed Ten Million  
2005 Dollars (\$10,000,000.00) and the total amount of initial grants  
2006 for qualified entities shall not exceed Two Million Dollars  
2007 (\$2,000,000.00). Each planning and development district or  
2008 qualified entity receiving an initial grant shall have twelve (12)  
2009 months in which to make binding commitments to provide assistance  
2010 to small businesses in the principal amount of the initial grant  
2011 in accordance with this article. Grant funds not committed to  
2012 provide assistance to small businesses at the end of twelve (12)  
2013 months after receipt thereof by the planning and development  
2014 district or qualified entity shall be returned to MDA for  
2015 placement in a pool to be redistributed by MDA to planning and  
2016 development districts or qualified entities which have binding  
2017 commitments to distribute as assistance all their initial grant  
2018 funds and have pending applications for additional assistance in  
2019 accordance with this article. Any planning and development  
2020 district or qualified entity returning any such grant funds to MDA  
2021 shall be required at the time such initial grant funds are  
2022 returned to deliver to the State Treasury, for deposit in the  
2023 General Fund, interest on the amount of such returned funds at the  
2024 same rate as any bonds or notes of the State of Mississippi issued  
2025 pursuant to this article to provide such grant funds.



2026 (c) After all of the initial grant funds have been  
2027 provided as assistance to small businesses in accordance with this  
2028 article, MDA shall distribute additional grant funds to each  
2029 planning and development district or qualified entity qualified  
2030 under this article to receive and requesting such funds in  
2031 whatever amounts MDA deems appropriate and when needed by such  
2032 planning and development districts or qualified entities to  
2033 provide additional assistance to small businesses in accordance  
2034 with this article. The schedule for distributing such funds shall  
2035 be determined by MDA. Funds distributed to planning and  
2036 development districts and qualified entities pursuant to this  
2037 paragraph shall be in addition to funds distributed to planning  
2038 and development districts and qualified entities pursuant to  
2039 paragraph (b) of this section. The total amount of grants issued  
2040 pursuant to this paragraph shall not exceed Twenty Million Dollars  
2041 (\$20,000,000.00) for planning and development districts or  
2042 qualified entities. Grant funds not committed to provide  
2043 assistance to small businesses at the end of twelve (12) months  
2044 after receipt thereof by the planning and development district or  
2045 qualified entity shall be returned to MDA for placement in a pool  
2046 to be redistributed by MDA to planning and development districts  
2047 or qualified entities which have binding commitments to distribute  
2048 as assistance all their initial grant funds and have pending  
2049 applications for additional assistance in accordance with this  
2050 article. Any planning and development district or qualified  
2051 entity returning any such grant funds to MDA shall be required at  
2052 the time such grant funds are returned to deliver to the State  
2053 Treasury, for deposit in the General Fund, interest on the amount  
2054 of such returned funds at the same rate as any bonds or notes of  
2055 the State of Mississippi issued pursuant to this article to  
2056 provide such grant funds.

2057 (d) A planning and development district or qualified  
2058 entity participating in the program may utilize an amount equal to



2059 not more than fifty percent (50%) of interest earned on assistance  
2060 provided to small businesses in accordance with this article or  
2061 three percent (3%) of the current annual loans disbursed,  
2062 whichever is the lesser amount, for administration and management  
2063 of the program, unless specifically authorized to utilize more by  
2064 MDA; \* \* \* however, any interest earned on grant funds held by a  
2065 planning and development district or qualified entity prior to the  
2066 utilization of such grant funds to provide assistance to small  
2067 businesses shall be placed in the revolving assistance fund of the  
2068 planning and development district or qualified entity and shall  
2069 not be expended for administration or management costs. Planning  
2070 and development districts and qualified entities may retain an  
2071 amount equal to fifty percent (50%) of the interest earned on  
2072 repayment funds that are being held on deposit in anticipation of  
2073 relending, or three percent (3%) of the current annual loans  
2074 disbursed, whichever is the lesser amount, to aid in the  
2075 administration and management of the program. Each planning and  
2076 development district and qualified entity shall file annually with  
2077 the Secretary of the Senate and the Clerk of the House of  
2078 Representatives not later than the first day of each regular  
2079 legislative session a report which details any interest retained  
2080 or utilized by the planning and development district or qualified  
2081 entity pursuant to this paragraph (d).

2082 (e) If a planning and development district or qualified  
2083 entity participating in the program experiences losses from  
2084 assistance provided pursuant to the program in excess of sixty  
2085 percent (60%) of the amount of grant funds received by the  
2086 planning and development district or qualified entity, the  
2087 planning and development district or qualified entity shall repay  
2088 the State of Mississippi the amount of such losses in excess of  
2089 sixty percent (60%) by delivering that amount to the State  
2090 Treasury for deposit in the General Fund.



2091 (f) MDA shall assist each planning and development  
2092 district or qualified entity participating in the program in  
2093 connection with such planning and development district's or  
2094 qualified entity's compliance with this article.

2095 (g) Each planning and development district or qualified  
2096 entity participating in the program shall submit the following  
2097 reports to the MDA:

2098 (i) An annual audit of grant funds received in  
2099 connection with the program; and

2100 (ii) A semiannual report on July 30 and January 30  
2101 of each year, describing all assistance provided to small  
2102 businesses pursuant to the program, such reports to include  
2103 without limitation the following: a description of each small  
2104 business receiving assistance; the project to be assisted and  
2105 purpose of assistance; a description of each loan and equity  
2106 investment, including the terms and conditions thereof and use of  
2107 the \* \* \* assistance funds by the small business; history of the  
2108 assistance pool, including principal amount loaned, interest  
2109 earned, interest expended for administration and management,  
2110 principal amount of equity investments, assistance funds  
2111 available, and losses; and a statement of jobs created or retained  
2112 as a result of the assistance program.

2113 (h) If MDA determines that a district or entity has  
2114 provided assistance to small businesses in a manner inconsistent  
2115 with the provisions of this article, then the amount of such  
2116 assistance so provided shall be withheld by MDA from any  
2117 additional grant funds to which the district or entity becomes  
2118 entitled under this article. If MDA determines, after notifying  
2119 such district or entity twice in writing and providing such  
2120 district or entity a reasonable opportunity to comply, that a  
2121 planning and development district or qualified entity has  
2122 consistently failed to comply with this article in connection with  
2123 the program, MDA may declare such planning and development



2124 district or qualified entity in default under the program and,  
2125 upon receipt of notice thereof from MDA, such planning and  
2126 development district or qualified entity shall immediately cease  
2127 providing assistance under the program, shall refund to MDA for  
2128 distribution to other planning and development districts or  
2129 qualified entities all funds held in its revolving assistance fund  
2130 and, if required by MDA, shall convey to MDA all administrative  
2131 and management control of assistance provided by it under the  
2132 program.

2133           (i) If MDA determines, after notifying a planning and  
2134 development district or qualified entity twice in writing and  
2135 providing copies of such notification to each member of the  
2136 Legislature in whose district or in a part of whose district such  
2137 planning and development district or qualified entity is located  
2138 and providing such district or entity a reasonable opportunity to  
2139 take corrective action, that a planning and development district  
2140 or a qualified entity administering a revolving assistance fund  
2141 under the provisions of this article is not actively engaged in  
2142 lending as defined by the rules and regulations of MDA, MDA may  
2143 declare such planning and development district or qualified entity  
2144 in default under the program and, upon receipt of notice thereof  
2145 from MDA, such planning and development district or qualified  
2146 entity shall immediately cease providing assistance under the  
2147 program, shall refund to MDA for distribution to other planning  
2148 and development districts or qualified entities all funds held in  
2149 its revolving assistance fund and, if required by MDA, shall  
2150 convey to MDA all administrative and management control of  
2151 assistance provided by it under the program.

2152           (j) Notwithstanding any other provision of this article  
2153 to the contrary, if federal funds are not available for  
2154 commitments made by a planning and development district to provide  
2155 assistance under any federal loan program administered by the  
2156 planning and development district in coordination with the



2157 Appalachian Regional Commission or Economic Development  
2158 Administration, or both, a planning and development district may  
2159 use funds in its revolving assistance fund, which have not been  
2160 committed otherwise to provide assistance, for the purpose of  
2161 providing temporary funding for such commitments. If a planning  
2162 and development district uses uncommitted funds in its revolving  
2163 assistance fund to provide such temporary funding, the district  
2164 shall use funds repaid to the district under the temporarily  
2165 funded federal loan program to replenish the funds used to provide  
2166 the temporary funding. Funds used by a planning and development  
2167 district to provide temporary funding under this paragraph (j)  
2168 must be repaid to the district's revolving assistance fund no  
2169 later than twelve (12) months after the date the district provides  
2170 the temporary funding. A planning and development district may  
2171 not use uncommitted funds in its revolving assistance fund to  
2172 provide temporary funding under this paragraph (j) on more than  
2173 two (2) occasions during a calendar year. A planning and  
2174 development district may provide temporary funding for multiple  
2175 commitments on each such occasion. The maximum aggregate amount  
2176 of uncommitted funds in a revolving assistance fund that may be  
2177 used for such purposes during a calendar year shall not exceed  
2178 seventy percent (70%) of the uncommitted funds in the revolving  
2179 assistance fund on the date the district first provides temporary  
2180 funding during the calendar year.

2181 **SECTION 12.** As used in Sections 12 through 15 of this act:

2182 (a) "Business enterprise" means:

2183 (i) Any enterprise owning or operating a facility  
2184 for the manufacture or assembly of systems or components used in  
2185 the generation of clean energy that locates or expands in this  
2186 state which will have a minimum capital investment in this state  
2187 of Fifty Million Dollars (\$50,000,000.00) and will create a  
2188 minimum of two hundred fifty (250) new, full-time jobs.





2189                   (ii) Any enterprise owning or operating a facility  
2190 that manufactures or assembles products for the aerospace industry  
2191 or provides research and development or training services in the  
2192 aerospace industry that locates or expands in this state, which  
2193 will have a minimum capital investment in this state of Thirty  
2194 Million Dollars (\$30,000,000.00) and will create a minimum of one  
2195 hundred (100) new, full-time jobs.

2196                   (b) "Aerospace industry" means the industry that  
2197 researches, designs, manufactures, operates and/or maintains  
2198 vehicles moving through the air and space.

2199                   (c) "Clean energy" means energy that is generated from  
2200 either:

2201                   (i) A renewable energy source such as wind, water,  
2202 biomass or solar; or

2203                   (ii) An alternative energy source such as nuclear.

2204                   (d) "MDA" means the Mississippi Development Authority.

2205                   (e) "State tax" means:

2206                   (i) Any sales or use tax imposed on the business  
2207 enterprise pursuant to law related to the purchase of component  
2208 building materials and equipment for initial construction of  
2209 facilities or expansion of facilities that are certified by the  
2210 Mississippi Development Authority;

2211                   (ii) All income tax imposed pursuant to law on  
2212 income earned by the business enterprise certified by the  
2213 Mississippi Development Authority;

2214                   (iii) Franchise tax imposed pursuant to law on the  
2215 value of capital used, invested or employed by the business  
2216 enterprise certified by the Mississippi Development Authority; and

2217                   (iv) Any sales or use tax imposed on the lease of  
2218 machinery and equipment acquired in the initial construction to  
2219 establish the facility or for an expansion certified by the  
2220 Mississippi Development Authority.



2221           **SECTION 13.** Business enterprises wishing to apply for the  
2222 tax exemptions authorized by Sections 12 through 15 of this act  
2223 shall make application to the Mississippi Development Authority  
2224 prior to construction or acquisition of the buildings for the  
2225 location or expansion of the business enterprise in this state.  
2226 The application shall, at a minimum, contain:

2227                   (a) An overview of the project that includes the  
2228 selected site, the number of jobs proposed, the length of time  
2229 necessary for the company to meet its investment and employment  
2230 requirements;

2231                   (b) A two-year business plan, which shall include pro  
2232 forma financial statements for the project;

2233                   (c) Data supporting the expertise of the project's  
2234 principals;

2235                   (d) An acknowledgment that the business entity will be  
2236 required to provide annual documentation to demonstrate that the  
2237 minimum job requirement is being maintained; and

2238                   (e) Such information as may be requested by the MDA.

2239           **SECTION 14.** (1) Upon approval of the application, the MDA  
2240 shall issue certification designating the business enterprise as  
2241 eligible for the tax exemptions authorized by Sections 12 through  
2242 15 of this act. This certification shall document the date by  
2243 which all commitments must be met.

2244           (2) Upon the issuance of the certification, the business  
2245 enterprise shall be exempt from state taxes for a period of ten  
2246 (10) years subject to the performance requirements set out in the  
2247 agreement required by subsection (3)(c) of this section. If the  
2248 business enterprise is located in an area that has been declared  
2249 by the Governor to be a disaster area and as a direct result of  
2250 the disaster the business enterprise is unable to utilize the  
2251 exemption from state taxes, the MDA may extend the period of time  
2252 by which the minimum requirements must be met and duration of the  
2253 exemption from state taxes for not more than two (2) years. Any



2254 business enterprise that has property or equipment purchased  
2255 utilizing the state tax exemption that is damaged or destroyed as  
2256 a result of the disaster may purchase replacement equipment and  
2257 component building materials exempt from sales and use tax.

2258 (3) The following conditions, along with any other  
2259 conditions the MDA shall promulgate from time to time by rule or  
2260 regulation, shall apply to such exemptions:

2261 (a) Any exemption provided under Sections 12 through 15  
2262 of this act is nontransferable and cannot be applied, used or  
2263 assigned to any other person or business or tax account without  
2264 prior approval by the MDA;

2265 (b) No approved business enterprise may claim or use  
2266 the exemption granted under Sections 12 through 15 of this act  
2267 unless that enterprise is in full compliance with all state and  
2268 local tax laws, and related ordinances and resolutions; and

2269 (c) The business enterprise must enter into an  
2270 agreement with the MDA which sets out, at a minimum, the  
2271 performance requirements of the approved business enterprise  
2272 during the term of the exemption and provisions for the recapture  
2273 of all or a portion of the taxes exempted if the performance  
2274 requirements of the business enterprise are not met.

2275 (4) Upon certifying a business enterprise as eligible for  
2276 the exemptions under Sections 12 through 15 of this act, the MDA  
2277 shall forward the certification along with any other necessary  
2278 information to the Department of Revenue so that the exemptions  
2279 can be implemented. The Department of Revenue shall promulgate  
2280 rules and regulations, in accordance with the Mississippi  
2281 Administrative Procedures Law, for the implementation of the state  
2282 tax exemptions granted under Sections 12 through 15 of this act.

2283 **SECTION 15.** The MDA shall promulgate rules and regulations,  
2284 in accordance with the Mississippi Administrative Procedures Law,  
2285 for the implementation and administration of Sections 12 through  
2286 15 of this act.



2287           **SECTION 16.**     As used in Sections 16 through 19 of this act:

2288                   (a)   "Business enterprise" means any business enterprise  
2289   owning or operating a data center with a minimum capital  
2290   investment in this state of Fifty Million Dollars (\$50,000,000.00)  
2291   which will create a minimum of fifty (50) new, full-time jobs with  
2292   a minimum average annual salary of not less than one hundred fifty  
2293   percent (150%) of the average annual state wage.

2294                   (b)   "Data center" means a business enterprise that  
2295   utilizes hardware, software, technology, infrastructure and/or  
2296   workforce, to store, manage or manipulate digital data.

2297                   (c)   "MDA" means the Mississippi Development Authority.

2298                   (d)   "State tax" means:

2299                           (i)   Any sales and use tax imposed on the business  
2300   enterprise pursuant to law related to the purchase of component  
2301   building materials and equipment for initial construction of  
2302   facilities or expansion of facilities that are certified by the  
2303   Mississippi Development Authority; and

2304                           (ii)   Any sales and use tax imposed by law on the  
2305   business enterprise pursuant to law related to the purchase of  
2306   replacement hardware, software or other necessary technology to  
2307   operate a data center.

2308           **SECTION 17.**   Business enterprises wishing to apply for the  
2309   tax exemptions authorized by Sections 16 through 19 of this act  
2310   shall make application to the Mississippi Development Authority  
2311   prior to construction or acquisition of the buildings for the  
2312   location or expansion of the business enterprise in this state.  
2313   The application, at a minimum, shall contain:

2314                   (a)   An overview of the project that includes the  
2315   selected site, the number of jobs proposed, the length of time  
2316   necessary for the company to meet its investment and employment  
2317   requirements;



2318 (b) A two-year business plan, which shall include pro  
2319 forma financial statements for the project and any service  
2320 contracts to be performed at the Mississippi facility;

2321 (c) Data supporting the expertise of the project's  
2322 principals;

2323 (d) An acknowledgment that the business entity will be  
2324 required to provide annual documentation to demonstrate that the  
2325 minimum job requirement is being maintained; and

2326 (e) Such information as may be requested by the MDA.

2327 **SECTION 18.** (1) Upon approval of the application, the MDA  
2328 shall issue a certification designating the business enterprise as  
2329 eligible for the tax exemptions authorized by Sections 16 through  
2330 19 of this act. This certification shall document the date by  
2331 which all commitments must be met.

2332 (2) Upon the issuance of the certification, the business  
2333 enterprise shall be exempt from state taxes subject to the  
2334 performance requirements set out in the agreement required by  
2335 subsection (3)(c) of this section.

2336 (3) The following conditions, along with any other  
2337 conditions the MDA shall promulgate from time to time by rule or  
2338 regulation, shall apply to such exemptions:

2339 (a) Any exemption provided under Sections 16 through 19  
2340 of this act is nontransferable and cannot be applied, used or  
2341 assigned to any other person or business or tax account without  
2342 prior approval by the MDA;

2343 (b) No approved business enterprise may claim or use  
2344 the exemption granted under Sections 16 through 19 of this act  
2345 unless that enterprise is in full compliance with all state and  
2346 local tax laws, and related ordinances and resolutions; and

2347 (c) The business enterprise must enter into an  
2348 agreement with the MDA which sets out, at a minimum, the  
2349 performance requirements of the approved business enterprise  
2350 during the term of the exemption and provisions for the recapture



2351 of all or a portion of the taxes exempted if the performance  
2352 requirements of the business enterprise are not met.

2353 (4) Upon certifying a business enterprise as eligible for  
2354 the exemptions under Sections 16 through 19 of this act, the MDA  
2355 shall forward the certification along with any other necessary  
2356 information to the Department of Revenue so that the exemptions  
2357 can be implemented. The Department of Revenue shall promulgate  
2358 rules and regulations, in accordance with the Mississippi  
2359 Administrative Procedures Law, for the implementation of the state  
2360 tax exemptions granted under Sections 16 through 19 of this act.

2361 **SECTION 19.** The MDA shall promulgate rules and regulations,  
2362 in accordance with the Mississippi Administrative Procedures Law,  
2363 for the implementation and administration of Sections 16 through  
2364 19 of this act.

2365 **SECTION 20.** Section 27-7-21, Mississippi Code of 1972, is  
2366 amended as follows:

2367 27-7-21. (a) **Allowance of deductions.** In the case of a  
2368 resident individual, the exemptions provided by this section, as  
2369 applicable to individuals, shall be allowed as deductions in  
2370 computing taxable income.

2371 (b) **Single individuals.** In the case of a single individual,  
2372 a personal exemption of Five Thousand Two Hundred Fifty Dollars  
2373 (\$5,250.00) for the 1979 and 1980 calendar years and Six Thousand  
2374 Dollars (\$6,000.00) for each calendar year thereafter.

2375 (c) **Married individuals.** In the case of married individuals  
2376 living together, a joint personal exemption of Eight Thousand  
2377 Dollars (\$8,000.00) for the 1979 and 1980 calendar years and Nine  
2378 Thousand Five Hundred Dollars (\$9,500.00) for the 1981 through  
2379 1997 calendar years, Ten Thousand Dollars (\$10,000.00) for the  
2380 calendar year 1998, Eleven Thousand Dollars (\$11,000.00) for the  
2381 calendar year 1999, and Twelve Thousand Dollars (\$12,000.00) for  
2382 each calendar year thereafter. A husband and wife living together  
2383 shall receive but one (1) personal exemption in the amounts



2384 provided for in this subsection for each calendar year against  
2385 their aggregate income.

2386         (d) **Head of family individuals.** In the case of a head of  
2387 family individual, a personal exemption of Eight Thousand Dollars  
2388 (\$8,000.00) for the 1979 and 1980 calendar years and Nine Thousand  
2389 Five Hundred Dollars (\$9,500.00) for each calendar year  
2390 thereafter. The term "head of family" means an individual who is  
2391 single, or married but not living with his spouse for the entire  
2392 taxable year, who maintains a household which constitutes the  
2393 principal place of abode of himself and one or more individuals  
2394 who are dependents under the provisions of Section 152(a) of the  
2395 Internal Revenue Code of 1954, as amended. The head of family  
2396 individual shall be entitled to the additional dependent exemption  
2397 as provided in subsection (e) of this section only to the extent  
2398 of dependents in excess of the one (1) dependent needed to qualify  
2399 as head of family.

2400         (e) **Additional exemption for dependents.** In the case of any  
2401 individual having a dependent, other than husband or wife, an  
2402 additional personal exemption of One Thousand Five Hundred Dollars  
2403 (\$1,500.00) for each such dependent, except as otherwise provided  
2404 in subsection (d) of this section. The term "dependent" as used  
2405 in this subsection shall mean any person or individual who  
2406 qualifies as a dependent under the provisions of Section 152,  
2407 Internal Revenue Code of 1954, as amended.

2408         (f) **Additional exemption for taxpayer or spouse aged**  
2409 **sixty-five (65) or more.** In the case of any taxpayer or the  
2410 spouse of the taxpayer who has attained the age of sixty-five (65)  
2411 before the close of his taxable year, an additional exemption of  
2412 One Thousand Five Hundred Dollars (\$1,500.00).

2413         (g) **Additional exemption for blindness of taxpayer or**  
2414 **spouse.** In the case of any taxpayer or the spouse of the taxpayer  
2415 who is blind at the close of the taxable year, an additional  
2416 exemption of One Thousand Five Hundred Dollars (\$1,500.00). For



2417 the purpose of this subsection, an individual is blind only if his  
2418 central visual acuity does not exceed 20/200 in the better eye  
2419 with correcting lenses, or if his visual acuity is greater than  
2420 20/200 but is accompanied by a limitation in the fields of vision  
2421 such that the widest diameter of the visual field subtends an  
2422 angle no greater than twenty (20) degrees.

2423 (h) **Husband and wife--claiming exemptions.** In the case of  
2424 husband and wife living together and filing combined returns, the  
2425 personal and additional exemptions authorized and allowed by this  
2426 section may be taken by either, or divided between them in any  
2427 manner they may choose. If the husband and wife fail to choose,  
2428 the commissioner shall divide the exemptions between husband and  
2429 wife in an equitable manner. In the case of a husband and wife  
2430 filing separate returns, the personal and additional exemptions  
2431 authorized and allowed by this section shall be divided equally  
2432 between the spouses.

2433 (i) **Nonresidents.** A nonresident individual shall be allowed  
2434 the same personal and additional exemptions as are authorized for  
2435 resident individuals in subsection (a) of this section; however,  
2436 the nonresident individual is entitled only to that proportion of  
2437 the personal and additional exemptions as his net income from  
2438 sources within the State of Mississippi bears to his total or  
2439 entire net income from all sources.

2440 A nonresident individual who is married and whose spouse has  
2441 income from independent sources must declare the joint income of  
2442 himself and his spouse from sources within and without Mississippi  
2443 and claim as a personal exemption that proportion of the  
2444 authorized personal and additional exemptions which the total net  
2445 income from Mississippi sources bears to the total net income of  
2446 both spouses from all sources. If both spouses have income from  
2447 sources within Mississippi and wish to file separate returns,  
2448 their combined personal and additional exemptions shall be that  
2449 proration of the exemption which their combined net income from





2450 Mississippi sources is of their total combined net income from all  
2451 sources. The amount of the personal and additional exemptions so  
2452 computed may be divided between them in any manner they choose.

2453 In the case of married individuals where one (1) spouse is a  
2454 resident and the other is a nonresident, the personal exemption of  
2455 the resident individual shall be prorated on the same basis as if  
2456 both were nonresidents having net income from within and without  
2457 the State of Mississippi.

2458 For the purpose of this subsection, the term "net income"  
2459 means gross income less business expenses incurred in the  
2460 taxpayer's regular trade or business and computed in accordance  
2461 with the provisions of the Mississippi Income Tax Law.

2462 (j) **Part-year residents.** An individual who is a resident of  
2463 Mississippi for only a part of his taxable year by reason of  
2464 either moving into the state or moving from the state shall be  
2465 allowed the same personal and additional exemptions as authorized  
2466 for resident individuals in subsection (a) of this section; the  
2467 part-year resident shall prorate his exemption on the same basis  
2468 as nonresidents having net income from within and without the  
2469 state.

2470 (k) **Estates.** In the case of an estate, a specific exemption  
2471 of Six Hundred Dollars (\$600.00).

2472 (l) **Trusts.** In the case of a trust which, under its  
2473 governing instrument, is required to distribute all of its income  
2474 currently, a specific exemption of Three Hundred Dollars  
2475 (\$300.00). In the case of all other trusts, a specific exemption  
2476 of One Hundred Dollars (\$100.00).

2477 (m) **Corporations, foundations, joint ventures, associations.**  
2478 In the case of a corporation, foundation, joint venture or  
2479 association taxable herein, there shall be allowed no specific  
2480 exemption, except as provided under the Growth and Prosperity Act,  
2481 and Sections 12 through 15 of this act.



2482 (n) **Status.** The status on the last day of the taxable year,  
2483 except in the case of the head of family as provided in subsection  
2484 (d) of this section, shall determine the right to the exemptions  
2485 provided in this section; provided, that a taxpayer shall be  
2486 entitled to such exemptions, otherwise allowable, if the husband  
2487 or wife or dependent has died during the taxable year.

2488 (o) **Fiscal-year taxpayers.** Individual taxpayers reporting  
2489 on a fiscal year basis shall prorate their exemptions in a manner  
2490 established by regulations promulgated by the commissioner.

2491 **SECTION 21.** Section 27-13-5, Mississippi Code of 1972, is  
2492 amended as follows:

2493 27-13-5. (1) **Franchise tax levy.** Except as otherwise  
2494 provided in subsections (3), (4), (5) and (7) of this section,  
2495 there is hereby imposed, to be paid and collected as hereinafter  
2496 provided, a franchise or excise tax upon every corporation,  
2497 association or joint-stock company or partnership treated as a  
2498 corporation under the income tax laws or regulations, organized or  
2499 created for pecuniary gain, having privileges not possessed by  
2500 individuals, and having authorized capital stock now existing in  
2501 this state, or hereafter organized, created or established, under  
2502 and by virtue of the laws of the State of Mississippi, equal to  
2503 Two Dollars and Fifty Cents (\$2.50) for each One Thousand Dollars  
2504 (\$1,000.00), or fraction thereof, of the value of the capital  
2505 used, invested or employed in the exercise of any power, privilege  
2506 or right enjoyed by such organization within this state, except as  
2507 hereinafter provided. In no case shall the franchise tax due for  
2508 the accounting period be less than Twenty-five Dollars (\$25.00).  
2509 It is the purpose of this section to require the payment to the  
2510 State of Mississippi of this tax for the right granted by the laws  
2511 of this state to exist as such organization, and to enjoy, under  
2512 the protection of the laws of this state, the powers, rights,  
2513 privileges and immunities derived from the state by the form of  
2514 such existence.



2515           (2) **Annual report of domestic corporations.** Each domestic  
2516 corporation shall file, within the time prescribed by Section  
2517 79-3-251, an annual report as required by the provisions of  
2518 Section 79-3-249.

2519           (3) A corporation that has negotiated a fee-in-lieu as  
2520 defined in Section 57-75-5 shall not be subject to the tax levied  
2521 by this section on such project; provided, however, that the  
2522 fee-in-lieu payment shall be otherwise treated in the same manner  
2523 as the payment of franchise taxes.

2524           (4) An approved business enterprise as defined in the Growth  
2525 and Prosperity Act shall not be subject to the tax levied by this  
2526 section on the value of capital used, invested or employed by the  
2527 approved business enterprise in a growth and prosperity county or  
2528 supervisors district as provided in the Growth and Prosperity Act.

2529           (5) A business enterprise operating a project as defined in  
2530 Section 57-64-33, in a county that is a member of a regional  
2531 economic development alliance created under the Regional Economic  
2532 Development Act shall not be subject to the tax levied by this  
2533 section on the value of capital used, invested or employed by the  
2534 business enterprise in such a county as provided in Section  
2535 57-64-33.

2536           (6) The tax levied by this chapter and paid by a business  
2537 enterprise located in a redevelopment project area under Sections  
2538 57-91-1 through 57-91-11 shall be deposited into the Redevelopment  
2539 Project Incentive Fund created in Section 57-91-9.

2540           (7) A business enterprise as defined in Section 12 of this  
2541 act that is exempt from certain state taxes under Section 14 of  
2542 this act shall not be subject to the tax levied by this section on  
2543 the value of capital used, invested or employed by the business  
2544 enterprise.

2545           **SECTION 22.** Section 27-13-7, Mississippi Code of 1972, is  
2546 amended as follows:



2547           27-13-7. (1) **Franchise tax levy.** Except as otherwise  
2548 provided in subsections (3), (4), (5) and (7) of this section,  
2549 there is hereby imposed, levied and assessed upon every  
2550 corporation, association or joint-stock company, or partnership  
2551 treated as a corporation under the Income Tax Laws or regulations  
2552 as hereinbefore defined, organized and existing under and by  
2553 virtue of the laws of some other state, territory or country, or  
2554 organized and existing without any specific statutory authority,  
2555 now or hereafter doing business or exercising any power, privilege  
2556 or right within this state, as hereinbefore defined, a franchise  
2557 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each  
2558 One Thousand Dollars (\$1,000.00), or fraction thereof, of the  
2559 value of capital used, invested or employed within this state,  
2560 except as hereinafter provided. In no case shall the franchise  
2561 tax due for the accounting period be less than Twenty-five Dollars  
2562 (\$25.00). It is the purpose of this section to require the  
2563 payment of a tax by all organizations not organized under the laws  
2564 of this state, measured by the amount of capital or its  
2565 equivalent, for which such organization receives the benefit and  
2566 protection of the government and laws of the state.

2567           (2) **Annual report of foreign corporations.** Each foreign  
2568 corporation authorized to transact business in this state shall  
2569 file, within the time prescribed by Section 79-3-251, an annual  
2570 report as required by the provisions of Section 79-3-249.

2571           (3) A corporation that has negotiated a fee-in-lieu as  
2572 defined in Section 57-75-5 shall not be subject to the tax levied  
2573 by this section on such project; provided, however, that the  
2574 fee-in-lieu payment shall be otherwise treated in the same manner  
2575 as the payment of franchise taxes.

2576           (4) An approved business enterprise as defined in the Growth  
2577 and Prosperity Act shall not be subject to the tax levied by this  
2578 section on the value of capital used, invested or employed by the



2579 approved business enterprise in a growth and prosperity county or  
2580 supervisors district as provided in the Growth and Prosperity Act.

2581 (5) A business enterprise operating a project as defined in  
2582 Section 57-64-33, in a county that is a member of a regional  
2583 economic development alliance created under the Regional Economic  
2584 Development Act shall not be subject to the tax levied by this  
2585 section on the value of capital used, invested or employed by the  
2586 business enterprise in such a county as provided in Section  
2587 57-64-33.

2588 (6) The tax levied by this chapter and paid by a business  
2589 enterprise located in a redevelopment project area under Sections  
2590 57-91-1 through 57-91-11 shall be deposited into the Redevelopment  
2591 Project Incentive Fund created in Section 57-91-9.

2592 (7) A business enterprise as defined in Section 12 of this  
2593 act that is exempt from certain state taxes under Section 14 of  
2594 this act shall not be subject to the tax levied by this section on  
2595 the value of capital used, invested or employed by the business  
2596 enterprise.

2597 **SECTION 23.** Section 27-65-101, Mississippi Code of 1972, is  
2598 amended as follows:

2599 27-65-101. (1) The exemptions from the provisions of this  
2600 chapter which are of an industrial nature or which are more  
2601 properly classified as industrial exemptions than any other  
2602 exemption classification of this chapter shall be confined to  
2603 those persons or property exempted by this section or by the  
2604 provisions of the Constitution of the United States or the State  
2605 of Mississippi. No industrial exemption as now provided by any  
2606 other section except Section 57-3-33 shall be valid as against the  
2607 tax herein levied. Any subsequent industrial exemption from the  
2608 tax levied hereunder shall be provided by amendment to this  
2609 section. No exemption provided in this section shall apply to  
2610 taxes levied by Section 27-65-15 or 27-65-21.



2611           The tax levied by this chapter shall not apply to the  
2612 following:

2613           (a) Sales of boxes, crates, cartons, cans, bottles and  
2614 other packaging materials to manufacturers and wholesalers for use  
2615 as containers or shipping materials to accompany goods sold by  
2616 said manufacturers or wholesalers where possession thereof will  
2617 pass to the customer at the time of sale of the goods contained  
2618 therein and sales to anyone of containers or shipping materials  
2619 for use in ships engaged in international commerce.

2620           (b) Sales of raw materials, catalysts, processing  
2621 chemicals, welding gases or other industrial processing gases  
2622 (except natural gas) to a manufacturer for use directly in  
2623 manufacturing or processing a product for sale or rental or  
2624 repairing or reconditioning vessels or barges of fifty (50) tons  
2625 load displacement and over. For the purposes of this exemption,  
2626 electricity used directly in the electrolysis process in the  
2627 production of sodium chlorate shall be considered a raw material.  
2628 This exemption shall not apply to any property used as fuel except  
2629 to the extent that such fuel comprises by-products which have no  
2630 market value.

2631           (c) The gross proceeds of sales of dry docks, offshore  
2632 drilling equipment for use in oil exploitation or production,  
2633 vessels or barges of fifty (50) tons load displacement and over,  
2634 when sold by the manufacturer or builder thereof.

2635           (d) Sales to commercial fishermen of commercial fishing  
2636 boats of over five (5) tons load displacement and not more than  
2637 fifty (50) tons load displacement as registered with the United  
2638 States Coast Guard and licensed by the Mississippi Commission on  
2639 Marine Resources.

2640           (e) The gross income from repairs to vessels and barges  
2641 engaged in foreign trade or interstate transportation.



2642 (f) Sales of petroleum products to vessels or barges  
2643 for consumption in marine international commerce or interstate  
2644 transportation businesses.

2645 (g) Sales and rentals of rail rolling stock (and  
2646 component parts thereof) for ultimate use in interstate commerce  
2647 and gross income from services with respect to manufacturing,  
2648 repairing, cleaning, altering, reconditioning or improving such  
2649 rail rolling stock (and component parts thereof).

2650 (h) Sales of raw materials, catalysts, processing  
2651 chemicals, welding gases or other industrial processing gases  
2652 (except natural gas) used or consumed directly in manufacturing,  
2653 repairing, cleaning, altering, reconditioning or improving such  
2654 rail rolling stock (and component parts thereof). This exemption  
2655 shall not apply to any property used as fuel.

2656 (i) Sales of machinery or tools or repair parts  
2657 therefor or replacements thereof, fuel or supplies used directly  
2658 in manufacturing, converting or repairing ships, vessels or barges  
2659 of three thousand (3,000) tons load displacement and over, but not  
2660 to include office and plant supplies or other equipment not  
2661 directly used on the ship, vessel or barge being built, converted  
2662 or repaired. For purposes of this exemption, "ships, vessels or  
2663 barges" shall not include floating structures described in Section  
2664 27-65-18.

2665 (j) Sales of tangible personal property to persons  
2666 operating ships in international commerce for use or consumption  
2667 on board such ships. This exemption shall be limited to cases in  
2668 which procedures satisfactory to the commissioner, ensuring  
2669 against use in this state other than on such ships, are  
2670 established.

2671 (k) Sales of materials used in the construction of a  
2672 building, or any addition or improvement thereon, and sales of any  
2673 machinery and equipment not later than three (3) months after the  
2674 completion of construction of the building, or any addition



2675 thereon, to be used therein, to qualified businesses, as defined  
2676 in Section 57-51-5, which are located in a county or portion  
2677 thereof designated as an enterprise zone pursuant to Sections  
2678 57-51-1 through 57-51-15.

2679 (l) Sales of materials used in the construction of a  
2680 building, or any addition or improvement thereon, and sales of any  
2681 machinery and equipment not later than three (3) months after the  
2682 completion of construction of the building, or any addition  
2683 thereon, to be used therein, to qualified businesses, as defined  
2684 in Section 57-54-5.

2685 (m) Income from storage and handling of perishable  
2686 goods by a public storage warehouse.

2687 (n) The value of natural gas lawfully injected into the  
2688 earth for cycling, repressuring or lifting of oil, or lawfully  
2689 vented or flared in connection with the production of oil;  
2690 however, if any gas so injected into the earth is sold for such  
2691 purposes, then the gas so sold shall not be exempt.

2692 (o) The gross collections from self-service commercial  
2693 laundering, drying, cleaning and pressing equipment.

2694 (p) Sales of materials used in the construction of a  
2695 building, or any addition or improvement thereon, and sales of any  
2696 machinery and equipment not later than three (3) months after the  
2697 completion of construction of the building, or any addition  
2698 thereon, to be used therein, to qualified companies, certified as  
2699 such by the Mississippi Development Authority under Section  
2700 57-53-1.

2701 (q) Sales of component materials used in the  
2702 construction of a building, or any addition or improvement  
2703 thereon, sales of machinery and equipment to be used therein, and  
2704 sales of manufacturing or processing machinery and equipment which  
2705 is permanently attached to the ground or to a permanent foundation  
2706 and which is not by its nature intended to be housed within a  
2707 building structure, not later than three (3) months after the





2708 initial start-up date, to permanent business enterprises engaging  
2709 in manufacturing or processing in Tier Three areas (as such term  
2710 is defined in Section 57-73-21), which businesses are certified by  
2711 the Department of Revenue as being eligible for the exemption  
2712 granted in this paragraph (q).

2713 (r) Sales of component materials used in the  
2714 construction of a building, or any addition or improvement  
2715 thereon, and sales of any machinery and equipment not later than  
2716 three (3) months after the completion of the building, addition or  
2717 improvement thereon, to be used therein, for any company  
2718 establishing or transferring its national or regional headquarters  
2719 from within or outside the State of Mississippi and creating a  
2720 minimum of thirty-five (35) jobs at the new headquarters in this  
2721 state. The Department of Revenue shall establish criteria and  
2722 prescribe procedures to determine if a company qualifies as a  
2723 national or regional headquarters for the purpose of receiving the  
2724 exemption provided in this paragraph.

2725 (s) The gross proceeds from the sale of semitrailers,  
2726 trailers, boats, travel trailers, motorcycles and all-terrain  
2727 cycles if exported from this state within forty-eight (48) hours  
2728 and registered and first used in another state.

2729 (t) Gross income from the storage and handling of  
2730 natural gas in underground salt domes and in other underground  
2731 reservoirs, caverns, structures and formations suitable for such  
2732 storage.

2733 (u) Sales of machinery and equipment to nonprofit  
2734 organizations if the organization:

2735 (i) Is tax exempt pursuant to Section 501(c)(4) of  
2736 the Internal Revenue Code of 1986, as amended;

2737 (ii) Assists in the implementation of the national  
2738 contingency plan or area contingency plan, and which is created in  
2739 response to the requirements of Title IV, Subtitle B of the Oil  
2740 Pollution Act of 1990, Public Law 101-380; and



2741 (iii) Engages primarily in programs to contain,  
2742 cleanup and otherwise mitigate spills of oil or other substances  
2743 occurring in the United States coastal and tidal waters.

2744 For purposes of this exemption, "machinery and equipment"  
2745 means any ocean-going vessels, barges, booms, skimmers and other  
2746 capital equipment used primarily in the operations of nonprofit  
2747 organizations referred to herein.

2748 (v) Sales or leases of materials and equipment to  
2749 approved business enterprises as provided under the Growth and  
2750 Prosperity Act.

2751 (w) From and after July 1, 2001, sales of pollution  
2752 control equipment to manufacturers or custom processors for  
2753 industrial use. For the purposes of this exemption, "pollution  
2754 control equipment" means equipment, devices, machinery or systems  
2755 used or acquired to prevent, control, monitor or reduce air, water  
2756 or groundwater pollution, or solid or hazardous waste as required  
2757 by federal or state law or regulation.

2758 (x) Sales or leases to a manufacturer of motor vehicles  
2759 or powertrain components operating a project that has been  
2760 certified by the Mississippi Major Economic Impact Authority as a  
2761 project as defined in Section 57-75-5(f)(iv)1, Section  
2762 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and  
2763 equipment; special tooling such as dies, molds, jigs and similar  
2764 items treated as special tooling for federal income tax purposes;  
2765 or repair parts therefor or replacements thereof; repair services  
2766 thereon; fuel, supplies, electricity, coal and natural gas used  
2767 directly in the manufacture of motor vehicles or motor vehicle  
2768 parts or used to provide climate control for manufacturing areas.

2769 (y) Sales or leases of component materials, machinery  
2770 and equipment used in the construction of a building, or any  
2771 addition or improvement thereon to an enterprise operating a  
2772 project that has been certified by the Mississippi Major Economic  
2773 Impact Authority as a project as defined in Section



2774 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section  
2775 57-75-5(f)(xxii) and any other sales or leases required to  
2776 establish or operate such project.

2777 (z) Sales of component materials and equipment to a  
2778 business enterprise as provided under Section 57-64-33.

2779 (aa) The gross income from the stripping and painting  
2780 of commercial aircraft engaged in foreign or interstate  
2781 transportation business.

2782 (bb) Sales of production items used in the production  
2783 of motion pictures such as film; videotape; component building  
2784 materials used in the construction of a set; makeup; fabric used  
2785 as or in the making of costumes; clothing, including, shoes,  
2786 accessories and jewelry used as wardrobes; materials used as set  
2787 dressing; materials used as props on a set or by an actor;  
2788 materials used in the creation of special effects; and expendable  
2789 items purchased for limited use by grip, electric and camera  
2790 departments such as tape, fasteners and compressed air. For the  
2791 purposes of this paragraph (bb), the term "motion picture" means a  
2792 nationally distributed feature-length film, video, television  
2793 series or commercial made in Mississippi, in whole or in part, for  
2794 theatrical or television viewing or as a television pilot. The  
2795 term "motion picture" shall not include the production of  
2796 television coverage of news and athletic events, or a film, video,  
2797 television series or commercial that contains any material or  
2798 performance defined in Section 97-29-103.

2799 (cc) Sales or leases to an enterprise owning or  
2800 operating a project that has been designated by the Mississippi  
2801 Major Economic Impact Authority as a project as defined in Section  
2802 57-75-5(f)(xviii) of machinery and equipment; special tooling such  
2803 as dies, molds, jigs and similar items treated as special tooling  
2804 for federal income tax purposes; or repair parts therefor or  
2805 replacements thereof; repair services thereon; fuel, supplies,  
2806 electricity, coal and natural gas used directly in the



2807 manufacturing/production operations of the project or used to  
2808 provide climate control for manufacturing/production areas.

2809 (dd) Sales or leases of component materials, machinery  
2810 and equipment used in the construction of a building, or any  
2811 addition or improvement thereon to an enterprise owning or  
2812 operating a project that has been designated by the Mississippi  
2813 Major Economic Impact Authority as a project as defined in Section  
2814 57-75-5(f) (xviii) and any other sales or leases required to  
2815 establish or operate such project.

2816 (ee) Sales of parts used in the repair and servicing of  
2817 aircraft not registered in Mississippi engaged exclusively in the  
2818 business of foreign or interstate transportation to businesses  
2819 engaged in aircraft repair and maintenance.

2820 (ff) Sales of component materials used in the  
2821 construction of a facility, or any addition or improvement  
2822 thereon, and sales or leases of machinery and equipment not later  
2823 than three (3) months after the completion of construction of the  
2824 facility, or any addition or improvement thereto, to be used in  
2825 the building or any addition or improvement thereto, to a  
2826 permanent business enterprise operating a data/information  
2827 enterprise in Tier Three areas (as such areas are designated in  
2828 accordance with Section 57-73-21), meeting minimum criteria  
2829 established by the Mississippi Development Authority.

2830 (gg) Sales of component materials used in the  
2831 construction of a facility, or any addition or improvement  
2832 thereto, and sales of machinery and equipment not later than three  
2833 (3) months after the completion of construction of the facility,  
2834 or any addition or improvement thereto, to be used in the facility  
2835 or any addition or improvement thereto, to technology intensive  
2836 enterprises for industrial purposes in Tier Three areas (as such  
2837 areas are designated in accordance with Section 57-73-21), as  
2838 certified by the Department of Revenue. For purposes of this  
2839 paragraph, an enterprise must meet the criteria provided for in



2840 Section 27-65-17(1) (f) in order to be considered a technology  
2841 intensive enterprise.

2842 (hh) Sales of component materials used in the  
2843 replacement, reconstruction or repair of a building or facility  
2844 that has been destroyed or sustained extensive damage as a result  
2845 of a disaster declared by the Governor, sales of machinery and  
2846 equipment to be used therein to replace machinery or equipment  
2847 damaged or destroyed as a result of such disaster, including, but  
2848 not limited to, manufacturing or processing machinery and  
2849 equipment which is permanently attached to the ground or to a  
2850 permanent foundation and which is not by its nature intended to be  
2851 housed within a building structure, to enterprises or companies  
2852 that were eligible for the exemptions authorized in paragraph (q),  
2853 (r), (ff) or (gg) of this subsection during initial construction  
2854 of the building that was destroyed or damaged, which enterprises  
2855 or companies are certified by the Department of Revenue as being  
2856 eligible for the exemption granted in this paragraph.

2857 (ii) Sales of software or software services transmitted  
2858 by the Internet to a destination outside the State of Mississippi  
2859 where the first use of such software or software services by the  
2860 purchaser occurs outside the State of Mississippi.

2861 (jj) Gross income of public storage warehouses derived  
2862 from the temporary storage of raw materials that are to be used in  
2863 an eligible facility as defined in Section 27-7-22.35.

2864 (kk) Sales of component building materials and  
2865 equipment for initial construction of facilities or expansion of  
2866 facilities as authorized under Sections 12 through 15 of this act  
2867 and Sections 16 through 19 of this act.

2868 (ll) Sales and leases of machinery and equipment  
2869 acquired in the initial construction to establish facilities as  
2870 authorized in Sections 12 through 15 of this act.



2871            (mm) Sales and leases of replacement hardware, software  
2872 or other necessary technology to operate a data center as  
2873 authorized under Sections 16 through 19 of this act.

2874            (2) Sales of component materials used in the construction of  
2875 a building, or any addition or improvement thereon, sales of  
2876 machinery and equipment to be used therein, and sales of  
2877 manufacturing or processing machinery and equipment which is  
2878 permanently attached to the ground or to a permanent foundation  
2879 and which is not by its nature intended to be housed within a  
2880 building structure, not later than three (3) months after the  
2881 initial start-up date, to permanent business enterprises engaging  
2882 in manufacturing or processing in Tier Two areas and Tier One  
2883 areas (as such areas are designated in accordance with Section  
2884 57-73-21), which businesses are certified by the Department of  
2885 Revenue as being eligible for the exemption granted in this  
2886 subsection, shall be exempt from one-half (1/2) of the taxes  
2887 imposed on such transactions under this chapter.

2888            (3) Sales of component materials used in the construction of  
2889 a facility, or any addition or improvement thereon, and sales or  
2890 leases of machinery and equipment not later than three (3) months  
2891 after the completion of construction of the facility, or any  
2892 addition or improvement thereto, to be used in the building or any  
2893 addition or improvement thereto, to a permanent business  
2894 enterprise operating a data/information enterprise in Tier Two  
2895 areas and Tier One areas (as such areas are designated in  
2896 accordance with Section 57-73-21), which businesses meet minimum  
2897 criteria established by the Mississippi Development Authority,  
2898 shall be exempt from one-half (1/2) of the taxes imposed on such  
2899 transaction under this chapter.

2900            (4) Sales of component materials used in the construction of  
2901 a facility, or any addition or improvement thereto, and sales of  
2902 machinery and equipment not later than three (3) months after the  
2903 completion of construction of the facility, or any addition or



2904 improvement thereto, to be used in the building or any addition or  
2905 improvement thereto, to technology intensive enterprises for  
2906 industrial purposes in Tier Two areas and Tier One areas (as such  
2907 areas are designated in accordance with Section 57-73-21), which  
2908 businesses are certified by the Department of Revenue as being  
2909 eligible for the exemption granted in this subsection, shall be  
2910 exempt from one-half (1/2) of the taxes imposed on such  
2911 transactions under this chapter. For purposes of this subsection,  
2912 an enterprise must meet the criteria provided for in Section  
2913 27-65-17(1)(f) in order to be considered a technology intensive  
2914 enterprise.

2915 (5) (a) For purposes of this subsection:

2916 (i) "Telecommunications enterprises" shall have  
2917 the meaning ascribed to such term in Section 57-73-21;

2918 (ii) "Tier One areas" mean counties designated as  
2919 Tier One areas pursuant to Section 57-73-21;

2920 (iii) "Tier Two areas" mean counties designated as  
2921 Tier Two areas pursuant to Section 57-73-21;

2922 (iv) "Tier Three areas" mean counties designated  
2923 as Tier Three areas pursuant to Section 57-73-21; and

2924 (v) "Equipment used in the deployment of broadband  
2925 technologies" means any equipment capable of being used for or in  
2926 connection with the transmission of information at a rate, prior  
2927 to taking into account the effects of any signal degradation, that  
2928 is not less than three hundred eighty-four (384) kilobits per  
2929 second in at least one (1) direction, including, but not limited  
2930 to, asynchronous transfer mode switches, digital subscriber line  
2931 access multiplexers, routers, servers, multiplexers, fiber optics  
2932 and related equipment.

2933 (b) Sales of equipment to telecommunications  
2934 enterprises after June 30, 2003, and before July 1, 2013, that is  
2935 installed in Tier One areas and used in the deployment of



2936 broadband technologies shall be exempt from one-half (1/2) of the  
2937 taxes imposed on such transactions under this chapter.

2938 (c) Sales of equipment to telecommunications  
2939 enterprises after June 30, 2003, and before July 1, 2013, that is  
2940 installed in Tier Two and Tier Three areas and used in the  
2941 deployment of broadband technologies shall be exempt from the  
2942 taxes imposed on such transactions under this chapter.

2943 (6) Sales of component materials used in the replacement,  
2944 reconstruction or repair of a building that has been destroyed or  
2945 sustained extensive damage as a result of a disaster declared by  
2946 the Governor, sales of machinery and equipment to be used therein  
2947 to replace machinery or equipment damaged or destroyed as a result  
2948 of such disaster, including, but not limited to, manufacturing or  
2949 processing machinery and equipment which is permanently attached  
2950 to the ground or to a permanent foundation and which is not by its  
2951 nature intended to be housed within a building structure, to  
2952 enterprises that were eligible for the partial exemptions provided  
2953 for in subsections (2), (3) and (4) of this section during initial  
2954 construction of the building that was destroyed or damaged, which  
2955 enterprises are certified by the Department of Revenue as being  
2956 eligible for the partial exemption granted in this subsection,  
2957 shall be exempt from one-half (1/2) of the taxes imposed on such  
2958 transactions under this chapter.

2959 **SECTION 24.** (1) As used in this section:

2960 (a) "Approved business enterprise" means any project  
2961 that:

2962 (i) Locates or expands in this state and creates a  
2963 minimum of two hundred fifty (250) new, full-time jobs with a  
2964 total capital investment in the state of a minimum of Thirty  
2965 Million Dollars (\$30,000,000.00) in Tier 1 or Tier 2 counties;

2966 (ii) Locates or expands in this state and creates  
2967 a minimum of two hundred fifty (250) new, full-time jobs with a





2968 total capital investment in the state of a minimum of Fifteen  
2969 Million Dollars (\$15,000,000.00) in Tier 3 counties; or  
2970 (iii) Locates or expands in this state and creates  
2971 a minimum of one thousand (1,000) new, full-time jobs.

2972 (b) "MDA" means the Mississippi Development Authority.

2973 (c) "Facility related to the project" means and  
2974 includes any of the following, as they may pertain to the project:

2975 (i) Facilities to provide potable and industrial  
2976 water supply systems, sewage and waste disposal systems and water,  
2977 natural gas and electric transmission systems to the site of the  
2978 project;

2979 (ii) Building facilities and equipment necessary  
2980 to operate the facility;

2981 (iii) Rail lines;

2982 (iv) Airports, airfields, air terminals and port  
2983 facilities;

2984 (v) Highways, streets and other roadways; and

2985 (vi) Fire protection facilities, equipment and  
2986 elevated water tanks.

2987 (d) "Project" means any industrial, commercial,  
2988 research and development, warehousing, distribution,  
2989 transportation, processing, mining, United States government or  
2990 tourism enterprise together with all real property required for  
2991 construction, maintenance and operation of the enterprise that is  
2992 approved by the MDA.

2993 (2) (a) There is created a special fund in the State  
2994 Treasury to be known as the Mississippi Industry Incentive  
2995 Financing Revolving Fund which shall consist of money from any  
2996 source designated for deposit into the fund. Unexpended amounts  
2997 remaining in the fund at the end of a fiscal year shall not lapse  
2998 into the State General Fund, and any interest earned on amounts in  
2999 the fund shall be deposited to the credit of the fund. Money in  
3000 the fund shall be disbursed by the Mississippi Development



3001 Authority for the purposes authorized in subsection (3) of this  
3002 section.

3003           (b) Money in the fund that is derived from the proceeds  
3004 of general obligation bonds may be used to reimburse reasonable  
3005 actual and necessary costs incurred by the MDA in providing grants  
3006 or loans under this section through the use of general obligation  
3007 bonds. An accounting of actual costs incurred for which  
3008 reimbursement is sought shall be maintained for each grant or loan  
3009 by the MDA. Reimbursement of reasonable actual and necessary  
3010 costs for assistance shall not exceed three percent (3%) of the  
3011 proceeds of bonds issued for such assistance. Reimbursements made  
3012 under this subsection shall satisfy any applicable federal tax law  
3013 requirements.

3014           (3) The MDA shall establish a program to make grants or  
3015 loans from the Mississippi Industry Incentive Financing Revolving  
3016 Fund to local governments and approved business enterprises to  
3017 construct or otherwise provide facilities related to the project.

3018           (4) (a) Any business enterprise or local government  
3019 desiring a grant or loan under this section shall submit an  
3020 application to the MDA which shall include, at a minimum:

3021                   (i) Evidence that the business or industry meets  
3022 the definition of an approved business enterprise;

3023                   (ii) A description, including the cost, of the  
3024 requested assistance;

3025                   (iii) A description of the purpose for which the  
3026 assistance is requested; and

3027                   (iv) Any other information required by the MDA.

3028           (b) The MDA shall require that binding commitments be  
3029 entered into requiring that:

3030                   (i) The minimum requirements of this section and  
3031 such other requirements as the MDA considers proper shall be met;

3032 and



3033                   (ii) If such requirements are not met, all or a  
3034 portion of the funds provided by this section as determined by the  
3035 MDA shall be repaid.

3036                   (c) Upon receipt of the application from a business  
3037 enterprise or local government for a grant or loan under this  
3038 section, the MDA shall determine whether the enterprise meets the  
3039 definition of an approved business enterprise and determine  
3040 whether to provide the assistance requested in the form of a grant  
3041 or a loan.

3042                   (d) The MDA shall have sole discretion in providing  
3043 grants or loans under this section. The terms of a grant or loan  
3044 provided under this section and the manner of repayment of any  
3045 loan shall be within the discretion of the MDA. Repayments of  
3046 loans made under this section shall be deposited to the credit of  
3047 the Mississippi Industry Incentive Financing Revolving Fund.

3048                   (5) (a) Contracts, by local governments, including, but not  
3049 limited to, design and construction contracts, for the  
3050 acquisition, purchase, construction or installation of a project  
3051 shall be exempt from the provisions of Section 31-7-13 if:

3052                               (i) The MDA finds and records such finding on its  
3053 minutes, that because of availability or the particular nature of  
3054 a project, it would not be in the public interest or would less  
3055 effectively achieve the purposes of this section to enter into  
3056 such contracts on the basis of Section 31-7-13; and

3057                               (ii) The approved business enterprise that is  
3058 involved in the project concurs in such finding.

3059                   (b) When the requirements of paragraph (a) of this  
3060 subsection are met:

3061                               (i) The requirements of Section 31-7-13 shall not  
3062 apply to such contracts; and

3063                               (ii) The contracts may be entered into on the  
3064 basis of negotiation.



3065 (6) The MDA shall promulgate rules and regulations, in  
3066 accordance with the Mississippi Administrative Procedures Law, for  
3067 the implementation of this section.

3068 **SECTION 25.** (1) As used in this section, the following  
3069 words shall have the meanings ascribed herein unless the context  
3070 clearly requires otherwise:

3071 (a) "Accreted value" of any bonds means, as of any date  
3072 of computation, an amount equal to the sum of (i) the stated  
3073 initial value of such bond, plus (ii) the interest accrued thereon  
3074 from the issue date to the date of computation at the rate,  
3075 compounded semiannually, that is necessary to produce the  
3076 approximate yield to maturity shown for bonds of the same  
3077 maturity.

3078 (b) "State" means the State of Mississippi.

3079 (c) "Commission" means the State Bond Commission.

3080 (2) (a) The Mississippi Development Authority, at one time,  
3081 or from time to time, may declare by resolution the necessity for  
3082 issuance of general obligation bonds of the State of Mississippi  
3083 to provide funds for the program authorized in Section 24 of this  
3084 act. Upon the adoption of a resolution by the Mississippi  
3085 Development Authority, declaring the necessity for the issuance of  
3086 any part or all of the general obligation bonds authorized by this  
3087 subsection, the Mississippi Development Authority shall deliver a  
3088 certified copy of its resolution or resolutions to the commission.  
3089 Upon receipt of such resolution, the commission, in its  
3090 discretion, may act as the issuing agent, prescribe the form of  
3091 the bonds, determine the appropriate method for sale of the bonds,  
3092 advertise for and accept bids or negotiate the sale of the bonds,  
3093 issue and sell the bonds so authorized to be sold and do any and  
3094 all other things necessary and advisable in connection with the  
3095 issuance and sale of such bonds. The total amount of bonds issued  
3096 under this section shall not exceed Fifty Million Dollars



3097 (\$50,000,000.00). No bonds authorized under this section shall be  
3098 issued after July 1, 2012.

3099 (b) The proceeds of bonds issued pursuant to this  
3100 section shall be deposited into the Mississippi Industry Incentive  
3101 Financing Revolving Fund created pursuant to Section 24 of this  
3102 act. Any investment earnings on bonds issued pursuant to this  
3103 section shall be used to pay debt service on bonds issued under  
3104 this section, in accordance with the proceedings authorizing  
3105 issuance of such bonds.

3106 (3) The principal of and interest on the bonds authorized  
3107 under this section shall be payable in the manner provided in this  
3108 subsection. Such bonds shall bear such date or dates, be in such  
3109 denomination or denominations, bear interest at such rate or rates  
3110 (not to exceed the limits set forth in Section 75-17-101,  
3111 Mississippi Code of 1972), be payable at such place or places  
3112 within or without the State of Mississippi, shall mature  
3113 absolutely at such time or times not to exceed twenty-five (25)  
3114 years from date of issue, be redeemable before maturity at such  
3115 time or times and upon such terms, with or without premium, shall  
3116 bear such registration privileges, and shall be substantially in  
3117 such form, all as shall be determined by resolution of the  
3118 commission.

3119 (4) The bonds authorized by this section shall be signed by  
3120 the chairman of the commission, or by his facsimile signature, and  
3121 the official seal of the commission shall be affixed thereto,  
3122 attested by the secretary of the commission. The interest  
3123 coupons, if any, to be attached to such bonds may be executed by  
3124 the facsimile signatures of such officers. Whenever any such  
3125 bonds shall have been signed by the officials designated to sign  
3126 the bonds who were in office at the time of such signing but who  
3127 may have ceased to be such officers before the sale and delivery  
3128 of such bonds, or who may not have been in office on the date such  
3129 bonds may bear, the signatures of such officers upon such bonds



3130 and coupons shall nevertheless be valid and sufficient for all  
3131 purposes and have the same effect as if the person so officially  
3132 signing such bonds had remained in office until their delivery to  
3133 the purchaser, or had been in office on the date such bonds may  
3134 bear. However, notwithstanding anything herein to the contrary,  
3135 such bonds may be issued as provided in the Registered Bond Act of  
3136 the State of Mississippi.

3137 (5) All bonds and interest coupons issued under the  
3138 provisions of this section have all the qualities and incidents of  
3139 negotiable instruments under the provisions of the Uniform  
3140 Commercial Code, and in exercising the powers granted by this  
3141 section, the commission shall not be required to and need not  
3142 comply with the provisions of the Uniform Commercial Code.

3143 (6) The commission shall act as issuing agent for the bonds  
3144 authorized under this section, prescribe the form of the bonds,  
3145 determine the appropriate method for sale of the bonds, advertise  
3146 for and accept bids or negotiate the sale of the bonds, issue and  
3147 sell the bonds so authorized to be sold, pay all fees and costs  
3148 incurred in such issuance and sale, and do any and all other  
3149 things necessary and advisable in connection with the issuance and  
3150 sale of such bonds. The commission is authorized and empowered to  
3151 pay the costs that are incident to the sale, issuance and delivery  
3152 of the bonds authorized under this section from the proceeds  
3153 derived from the sale of such bonds. The commission may sell such  
3154 bonds on sealed bids at public sale or may negotiate the sale of  
3155 the bonds for such price as it may determine to be for the best  
3156 interest of the State of Mississippi. All interest accruing on  
3157 such bonds so issued shall be payable semiannually or annually.

3158 If such bonds are sold by sealed bids at public sale, notice  
3159 of the sale shall be published at least one time, not less than  
3160 ten (10) days before the date of sale, and shall be so published  
3161 in one or more newspapers published or having a general



3162 circulation in the City of Jackson, Mississippi, selected by the  
3163 commission.

3164         The commission, when issuing any bonds under the authority of  
3165 this section, may provide that bonds, at the option of the State  
3166 of Mississippi, may be called in for payment and redemption at the  
3167 call price named therein and accrued interest on such date or  
3168 dates named therein.

3169         (7) The bonds issued under the provisions of this section  
3170 are general obligations of the State of Mississippi, and for the  
3171 payment thereof the full faith and credit of the State of  
3172 Mississippi is irrevocably pledged. If the funds appropriated by  
3173 the Legislature are insufficient to pay the principal of and the  
3174 interest on such bonds as they become due, then the deficiency  
3175 shall be paid by the State Treasurer from any funds in the State  
3176 Treasury not otherwise appropriated. All such bonds shall contain  
3177 recitals on their faces substantially covering the provisions of  
3178 this subsection.

3179         (8) Upon the issuance and sale of bonds under the provisions  
3180 of this section, the commission shall transfer the proceeds of any  
3181 such sale or sales to the Mississippi Industry Incentive Financing  
3182 Revolving Fund created in Section 24 of this act. The proceeds of  
3183 such bonds shall be disbursed solely upon the order of the  
3184 Mississippi Development Authority under such restrictions, if any,  
3185 as may be contained in the resolution providing for the issuance  
3186 of the bonds.

3187         (9) The bonds authorized under this section may be issued  
3188 without any other proceedings or the happening of any other  
3189 conditions or things other than those proceedings, conditions and  
3190 things which are specified or required by this section. Any  
3191 resolution providing for the issuance of bonds under the  
3192 provisions of this section shall become effective immediately upon  
3193 its adoption by the commission, and any such resolution may be



3194 adopted at any regular or special meeting of the commission by a  
3195 majority of its members.

3196 (10) The bonds authorized under the authority of this  
3197 section may be validated in the Chancery Court of the First  
3198 Judicial District of Hinds County, Mississippi, in the manner and  
3199 with the force and effect provided by Chapter 13, Title 31,  
3200 Mississippi Code of 1972, for the validation of county, municipal,  
3201 school district and other bonds. The notice to taxpayers required  
3202 by such statutes shall be published in a newspaper published or  
3203 having a general circulation in the City of Jackson, Mississippi.

3204 (11) Any holder of bonds issued under the provisions of this  
3205 section or of any of the interest coupons pertaining thereto may,  
3206 either at law or in equity, by suit, action, mandamus or other  
3207 proceeding, protect and enforce any and all rights granted under  
3208 this section, or under such resolution, and may enforce and compel  
3209 performance of all duties required by this section to be  
3210 performed, in order to provide for the payment of bonds and  
3211 interest thereon.

3212 (12) All bonds issued under the provisions of this section  
3213 shall be legal investments for trustees and other fiduciaries, and  
3214 for savings banks, trust companies and insurance companies  
3215 organized under the laws of the State of Mississippi, and such  
3216 bonds shall be legal securities which may be deposited with and  
3217 shall be received by all public officers and bodies of this state  
3218 and all municipalities and political subdivisions for the purpose  
3219 of securing the deposit of public funds.

3220 (13) Bonds issued under the provisions of this section and  
3221 income therefrom shall be exempt from all taxation in the State of  
3222 Mississippi.

3223 (14) The proceeds of the bonds issued under this section  
3224 shall be used solely for the purposes therein provided, including  
3225 the costs incident to the issuance and sale of such bonds.





3226 (15) The State Treasurer is authorized, without further  
3227 process of law, to certify to the Department of Finance and  
3228 Administration the necessity for warrants, and the Department of  
3229 Finance and Administration is authorized and directed to issue  
3230 such warrants, in such amounts as may be necessary to pay when due  
3231 the principal of, premium, if any, and interest on, or the  
3232 accreted value of, all bonds issued under this section; and the  
3233 State Treasurer shall forward the necessary amount to the  
3234 designated place or places of payment of such bonds in ample time  
3235 to discharge such bonds, or the interest thereon, on the due dates  
3236 thereof.

3237 (16) This section shall be deemed to be full and complete  
3238 authority for the exercise of the powers therein granted, but this  
3239 section shall not be deemed to repeal or to be in derogation of  
3240 any existing law of this state.

3241 **SECTION 26.** Section 31-7-13, Mississippi Code of 1972, as  
3242 amended by House Bill No. 338, 2010 Regular Session, is amended as  
3243 follows:

3244 31-7-13. All agencies and governing authorities shall  
3245 purchase their commodities and printing; contract for garbage  
3246 collection or disposal; contract for solid waste collection or  
3247 disposal; contract for sewage collection or disposal; contract for  
3248 public construction; and contract for rentals as herein provided.

3249 (a) **Bidding procedure for purchases not over \$5,000.00.**  
3250 Purchases which do not involve an expenditure of more than Five  
3251 Thousand Dollars (\$5,000.00), exclusive of freight or shipping  
3252 charges, may be made without advertising or otherwise requesting  
3253 competitive bids. However, nothing contained in this paragraph

3254 (a) shall be construed to prohibit any agency or governing  
3255 authority from establishing procedures which require competitive  
3256 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

3257 (b) **Bidding procedure for purchases over \$5,000.00 but**  
3258 **not over \$50,000.00.** Purchases which involve an expenditure of



3259 more than Five Thousand Dollars (\$5,000.00) but not more than  
3260 Fifty Thousand Dollars (\$50,000.00), exclusive of freight and  
3261 shipping charges may be made from the lowest and best bidder  
3262 without publishing or posting advertisement for bids, provided at  
3263 least two (2) competitive written bids have been obtained. Any  
3264 state agency or community/junior college purchasing commodities or  
3265 procuring construction pursuant to this paragraph (b) may  
3266 authorize its purchasing agent, or his designee, to accept the  
3267 lowest competitive written bid under Fifty Thousand Dollars  
3268 (\$50,000.00). Any governing authority purchasing commodities  
3269 pursuant to this paragraph (b) may authorize its purchasing agent,  
3270 or his designee, with regard to governing authorities other than  
3271 counties, or its purchase clerk, or his designee, with regard to  
3272 counties, to accept the lowest and best competitive written bid.  
3273 Such authorization shall be made in writing by the governing  
3274 authority and shall be maintained on file in the primary office of  
3275 the agency and recorded in the official minutes of the governing  
3276 authority, as appropriate. The purchasing agent or the purchase  
3277 clerk, or their designee, as the case may be, and not the  
3278 governing authority, shall be liable for any penalties and/or  
3279 damages as may be imposed by law for any act or omission of the  
3280 purchasing agent or purchase clerk, or their designee,  
3281 constituting a violation of law in accepting any bid without  
3282 approval by the governing authority. The term "competitive  
3283 written bid" shall mean a bid submitted on a bid form furnished by  
3284 the buying agency or governing authority and signed by authorized  
3285 personnel representing the vendor, or a bid submitted on a  
3286 vendor's letterhead or identifiable bid form and signed by  
3287 authorized personnel representing the vendor. "Competitive" shall  
3288 mean that the bids are developed based upon comparable  
3289 identification of the needs and are developed independently and  
3290 without knowledge of other bids or prospective bids. Any bid item  
3291 for construction in excess of Five Thousand Dollars (\$5,000.00)



3292 shall be broken down by components to provide detail of component  
3293 description and pricing. These details shall be submitted with  
3294 the written bids and become part of the bid evaluation criteria.  
3295 Bids may be submitted by facsimile, electronic mail or other  
3296 generally accepted method of information distribution. Bids  
3297 submitted by electronic transmission shall not require the  
3298 signature of the vendor's representative unless required by  
3299 agencies or governing authorities.

3300 (c) **Bidding procedure for purchases over \$50,000.00.**

3301 (i) **Publication requirement.**

3302 1. Purchases which involve an expenditure of  
3303 more than Fifty Thousand Dollars (\$50,000.00), exclusive of  
3304 freight and shipping charges, may be made from the lowest and best  
3305 bidder after advertising for competitive bids once each week for  
3306 two (2) consecutive weeks in a regular newspaper published in the  
3307 county or municipality in which such agency or governing authority  
3308 is located. However, all American Recovery and Reinvestment Act  
3309 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
3310 shall be bid.

3311 2. The purchasing entity may designate the  
3312 method by which the bids will be received, including, but not  
3313 limited to, bids sealed in an envelope, bids received  
3314 electronically in a secure system, bids received via a reverse  
3315 auction, or bids received by any other method that promotes open  
3316 competition and has been approved by the Office of Purchasing and  
3317 Travel. The provisions of this item 2 of subparagraph (i) shall  
3318 be repealed on July 1, 2011.

3319 3. The date as published for the bid opening  
3320 shall not be less than seven (7) working days after the last  
3321 published notice; however, if the purchase involves a construction  
3322 project in which the estimated cost is in excess of Fifty Thousand  
3323 Dollars (\$50,000.00), such bids shall not be opened in less than  
3324 fifteen (15) working days after the last notice is published and



3325 the notice for the purchase of such construction shall be  
3326 published once each week for two (2) consecutive weeks. However,  
3327 all American Recovery and Reinvestment Act projects in excess of  
3328 Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any  
3329 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)  
3330 under the American Recovery and Reinvestment Act, publication  
3331 shall be made one (1) time and the bid opening for construction  
3332 projects shall not be less than ten (10) working days after the  
3333 date of the published notice. The notice of intention to let  
3334 contracts or purchase equipment shall state the time and place at  
3335 which bids shall be received, list the contracts to be made or  
3336 types of equipment or supplies to be purchased, and, if all plans  
3337 and/or specifications are not published, refer to the plans and/or  
3338 specifications on file. If there is no newspaper published in the  
3339 county or municipality, then such notice shall be given by posting  
3340 same at the courthouse, or for municipalities at the city hall,  
3341 and at two (2) other public places in the county or municipality,  
3342 and also by publication once each week for two (2) consecutive  
3343 weeks in some newspaper having a general circulation in the county  
3344 or municipality in the above provided manner. On the same date  
3345 that the notice is submitted to the newspaper for publication, the  
3346 agency or governing authority involved shall mail written notice  
3347 to, or provide electronic notification to the main office of the  
3348 Mississippi Procurement Technical Assistance Program under the  
3349 Mississippi Development Authority that contains the same  
3350 information as that in the published notice. Submissions received  
3351 by the Mississippi Procurement Technical Assistance Program for  
3352 projects funded by the American Recovery and Reinvestment Act  
3353 shall be displayed on a separate and unique Internet Web page  
3354 accessible to the public and maintained by the Mississippi  
3355 Development Authority for the Mississippi Procurement Technical  
3356 Assistance Program. Those American Recovery and Reinvestment Act  
3357 related submissions shall be publicly posted within twenty-four



3358 (24) hours of receipt by the Mississippi Development Authority and  
3359 the bid opening shall not occur until the submission has been  
3360 posted for ten (10) consecutive days. The Department of Finance  
3361 and Administration shall maintain information regarding contracts  
3362 and other expenditures from the American Recovery and Reinvestment  
3363 Act, on a unique Internet Web page accessible to the public. The  
3364 Department of Finance and Administration shall promulgate rules  
3365 regarding format, content and deadlines, unless otherwise  
3366 specified by law, of the posting of award notices, contract  
3367 execution and subsequent amendments, links to the contract  
3368 documents, expenditures against the awarded contracts and general  
3369 expenditures of funds from the American Recovery and Reinvestment  
3370 Act. Within one (1) working day of the contract award, the agency  
3371 or governing authority shall post to the designated Web page  
3372 maintained by the Department of Finance and Administration, notice  
3373 of the award, including the award recipient, the contract amount,  
3374 and a brief summary of the contract in accordance with rules  
3375 promulgated by the department. Within one (1) working day of the  
3376 contract execution, the agency or governing authority shall post  
3377 to the designated Web page maintained by the Department of Finance  
3378 and Administration a summary of the executed contract and make a  
3379 copy of the appropriately redacted contract documents available  
3380 for linking to the designated Web page in accordance with the  
3381 rules promulgated by the department. The information provided by  
3382 the agency or governing authority shall be posted to the Web page  
3383 for the duration of the American Recovery and Reinvestment Act  
3384 funding or until the project is completed, whichever is longer.

3385 (ii) **Bidding process amendment procedure.** If all  
3386 plans and/or specifications are published in the notification,  
3387 then the plans and/or specifications may not be amended. If all  
3388 plans and/or specifications are not published in the notification,  
3389 then amendments to the plans/specifications, bid opening date, bid  
3390 opening time and place may be made, provided that the agency or



3391 governing authority maintains a list of all prospective bidders  
3392 who are known to have received a copy of the bid documents and all  
3393 such prospective bidders are sent copies of all amendments. This  
3394 notification of amendments may be made via mail, facsimile,  
3395 electronic mail or other generally accepted method of information  
3396 distribution. No addendum to bid specifications may be issued  
3397 within two (2) working days of the time established for the  
3398 receipt of bids unless such addendum also amends the bid opening  
3399 to a date not less than five (5) working days after the date of  
3400 the addendum.

3401 (iii) **Filing requirement.** In all cases involving  
3402 governing authorities, before the notice shall be published or  
3403 posted, the plans or specifications for the construction or  
3404 equipment being sought shall be filed with the clerk of the board  
3405 of the governing authority. In addition to these requirements, a  
3406 bid file shall be established which shall indicate those vendors  
3407 to whom such solicitations and specifications were issued, and  
3408 such file shall also contain such information as is pertinent to  
3409 the bid.

3410 (iv) **Specification restrictions.**

3411 1. Specifications pertinent to such bidding  
3412 shall be written so as not to exclude comparable equipment of  
3413 domestic manufacture. However, if valid justification is  
3414 presented, the Department of Finance and Administration or the  
3415 board of a governing authority may approve a request for specific  
3416 equipment necessary to perform a specific job. Further, such  
3417 justification, when placed on the minutes of the board of a  
3418 governing authority, may serve as authority for that governing  
3419 authority to write specifications to require a specific item of  
3420 equipment needed to perform a specific job. In addition to these  
3421 requirements, from and after July 1, 1990, vendors of relocatable  
3422 classrooms and the specifications for the purchase of such  
3423 relocatable classrooms published by local school boards shall meet



3424 all pertinent regulations of the State Board of Education,  
3425 including prior approval of such bid by the State Department of  
3426 Education.

3427                   2. Specifications for construction projects  
3428 may include an allowance for commodities, equipment, furniture,  
3429 construction materials or systems in which prospective bidders are  
3430 instructed to include in their bids specified amounts for such  
3431 items so long as the allowance items are acquired by the vendor in  
3432 a commercially reasonable manner and approved by the  
3433 agency/governing authority. Such acquisitions shall not be made  
3434 to circumvent the public purchasing laws.

3435                   (v) Agencies and governing authorities may  
3436 establish secure procedures by which bids may be submitted via  
3437 electronic means.

3438                   (d) **Lowest and best bid decision procedure.**

3439                   (i) **Decision procedure.** Purchases may be made  
3440 from the lowest and best bidder. In determining the lowest and  
3441 best bid, freight and shipping charges shall be included.  
3442 Life-cycle costing, total cost bids, warranties, guaranteed  
3443 buy-back provisions and other relevant provisions may be included  
3444 in the best bid calculation. All best bid procedures for state  
3445 agencies must be in compliance with regulations established by the  
3446 Department of Finance and Administration. If any governing  
3447 authority accepts a bid other than the lowest bid actually  
3448 submitted, it shall place on its minutes detailed calculations and  
3449 narrative summary showing that the accepted bid was determined to  
3450 be the lowest and best bid, including the dollar amount of the  
3451 accepted bid and the dollar amount of the lowest bid. No agency  
3452 or governing authority shall accept a bid based on items not  
3453 included in the specifications.

3454                   (ii) **Decision procedure for Certified Purchasing**  
3455 **Offices.** In addition to the decision procedure set forth in  
3456 paragraph (d) (i), Certified Purchasing Offices may also use the



3457 following procedure: Purchases may be made from the bidder  
3458 offering the best value. In determining the best value bid,  
3459 freight and shipping charges shall be included. Life-cycle  
3460 costing, total cost bids, warranties, guaranteed buy-back  
3461 provisions, documented previous experience, training costs and  
3462 other relevant provisions may be included in the best value  
3463 calculation. This provision shall authorize Certified Purchasing  
3464 Offices to utilize a Request For Proposals (RFP) process when  
3465 purchasing commodities. All best value procedures for state  
3466 agencies must be in compliance with regulations established by the  
3467 Department of Finance and Administration. No agency or governing  
3468 authority shall accept a bid based on items or criteria not  
3469 included in the specifications.

3470 (iii) **Construction project negotiations authority.**

3471 If the lowest and best bid is not more than ten percent (10%)  
3472 above the amount of funds allocated for a public construction or  
3473 renovation project, then the agency or governing authority shall  
3474 be permitted to negotiate with the lowest bidder in order to enter  
3475 into a contract for an amount not to exceed the funds allocated.

3476 (e) **Lease-purchase authorization.** For the purposes of  
3477 this section, the term "equipment" shall mean equipment, furniture  
3478 and, if applicable, associated software and other applicable  
3479 direct costs associated with the acquisition. Any lease-purchase  
3480 of equipment which an agency is not required to lease-purchase  
3481 under the master lease-purchase program pursuant to Section  
3482 31-7-10 and any lease-purchase of equipment which a governing  
3483 authority elects to lease-purchase may be acquired by a  
3484 lease-purchase agreement under this paragraph (e). Lease-purchase  
3485 financing may also be obtained from the vendor or from a  
3486 third-party source after having solicited and obtained at least  
3487 two (2) written competitive bids, as defined in paragraph (b) of  
3488 this section, for such financing without advertising for such  
3489 bids. Solicitation for the bids for financing may occur before or





3490 after acceptance of bids for the purchase of such equipment or,  
3491 where no such bids for purchase are required, at any time before  
3492 the purchase thereof. No such lease-purchase agreement shall be  
3493 for an annual rate of interest which is greater than the overall  
3494 maximum interest rate to maturity on general obligation  
3495 indebtedness permitted under Section 75-17-101, and the term of  
3496 such lease-purchase agreement shall not exceed the useful life of  
3497 equipment covered thereby as determined according to the upper  
3498 limit of the asset depreciation range (ADR) guidelines for the  
3499 Class Life Asset Depreciation Range System established by the  
3500 Internal Revenue Service pursuant to the United States Internal  
3501 Revenue Code and regulations thereunder as in effect on December  
3502 31, 1980, or comparable depreciation guidelines with respect to  
3503 any equipment not covered by ADR guidelines. Any lease-purchase  
3504 agreement entered into pursuant to this paragraph (e) may contain  
3505 any of the terms and conditions which a master lease-purchase  
3506 agreement may contain under the provisions of Section 31-7-10(5),  
3507 and shall contain an annual allocation dependency clause  
3508 substantially similar to that set forth in Section 31-7-10(8).  
3509 Each agency or governing authority entering into a lease-purchase  
3510 transaction pursuant to this paragraph (e) shall maintain with  
3511 respect to each such lease-purchase transaction the same  
3512 information as required to be maintained by the Department of  
3513 Finance and Administration pursuant to Section 31-7-10(13).  
3514 However, nothing contained in this section shall be construed to  
3515 permit agencies to acquire items of equipment with a total  
3516 acquisition cost in the aggregate of less than Ten Thousand  
3517 Dollars (\$10,000.00) by a single lease-purchase transaction. All  
3518 equipment, and the purchase thereof by any lessor, acquired by  
3519 lease-purchase under this paragraph and all lease-purchase  
3520 payments with respect thereto shall be exempt from all Mississippi  
3521 sales, use and ad valorem taxes. Interest paid on any



3522 lease-purchase agreement under this section shall be exempt from  
3523 State of Mississippi income taxation.

3524 (f) **Alternate bid authorization.** When necessary to  
3525 ensure ready availability of commodities for public works and the  
3526 timely completion of public projects, no more than two (2)  
3527 alternate bids may be accepted by a governing authority for  
3528 commodities. No purchases may be made through use of such  
3529 alternate bids procedure unless the lowest and best bidder cannot  
3530 deliver the commodities contained in his bid. In that event,  
3531 purchases of such commodities may be made from one (1) of the  
3532 bidders whose bid was accepted as an alternate.

3533 (g) **Construction contract change authorization.** In the  
3534 event a determination is made by an agency or governing authority  
3535 after a construction contract is let that changes or modifications  
3536 to the original contract are necessary or would better serve the  
3537 purpose of the agency or the governing authority, such agency or  
3538 governing authority may, in its discretion, order such changes  
3539 pertaining to the construction that are necessary under the  
3540 circumstances without the necessity of further public bids;  
3541 provided that such change shall be made in a commercially  
3542 reasonable manner and shall not be made to circumvent the public  
3543 purchasing statutes. In addition to any other authorized person,  
3544 the architect or engineer hired by an agency or governing  
3545 authority with respect to any public construction contract shall  
3546 have the authority, when granted by an agency or governing  
3547 authority, to authorize changes or modifications to the original  
3548 contract without the necessity of prior approval of the agency or  
3549 governing authority when any such change or modification is less  
3550 than one percent (1%) of the total contract amount. The agency or  
3551 governing authority may limit the number, manner or frequency of  
3552 such emergency changes or modifications.

3553 (h) **Petroleum purchase alternative.** In addition to  
3554 other methods of purchasing authorized in this chapter, when any



3555 agency or governing authority shall have a need for gas, diesel  
3556 fuel, oils and/or other petroleum products in excess of the amount  
3557 set forth in paragraph (a) of this section, such agency or  
3558 governing authority may purchase the commodity after having  
3559 solicited and obtained at least two (2) competitive written bids,  
3560 as defined in paragraph (b) of this section. If two (2)  
3561 competitive written bids are not obtained, the entity shall comply  
3562 with the procedures set forth in paragraph (c) of this section.  
3563 In the event any agency or governing authority shall have  
3564 advertised for bids for the purchase of gas, diesel fuel, oils and  
3565 other petroleum products and coal and no acceptable bids can be  
3566 obtained, such agency or governing authority is authorized and  
3567 directed to enter into any negotiations necessary to secure the  
3568 lowest and best contract available for the purchase of such  
3569 commodities.

3570           (i) **Road construction petroleum products price**  
3571 **adjustment clause authorization.** Any agency or governing  
3572 authority authorized to enter into contracts for the construction,  
3573 maintenance, surfacing or repair of highways, roads or streets,  
3574 may include in its bid proposal and contract documents a price  
3575 adjustment clause with relation to the cost to the contractor,  
3576 including taxes, based upon an industry-wide cost index, of  
3577 petroleum products including asphalt used in the performance or  
3578 execution of the contract or in the production or manufacture of  
3579 materials for use in such performance. Such industry-wide index  
3580 shall be established and published monthly by the Mississippi  
3581 Department of Transportation with a copy thereof to be mailed,  
3582 upon request, to the clerks of the governing authority of each  
3583 municipality and the clerks of each board of supervisors  
3584 throughout the state. The price adjustment clause shall be based  
3585 on the cost of such petroleum products only and shall not include  
3586 any additional profit or overhead as part of the adjustment. The  
3587 bid proposals or document contract shall contain the basis and



3588 methods of adjusting unit prices for the change in the cost of  
3589 such petroleum products.

3590           (j) **State agency emergency purchase procedure.** If the  
3591 governing board or the executive head, or his designee, of any  
3592 agency of the state shall determine that an emergency exists in  
3593 regard to the purchase of any commodities or repair contracts, so  
3594 that the delay incident to giving opportunity for competitive  
3595 bidding would be detrimental to the interests of the state, then  
3596 the provisions herein for competitive bidding shall not apply and  
3597 the head of such agency shall be authorized to make the purchase  
3598 or repair. Total purchases so made shall only be for the purpose  
3599 of meeting needs created by the emergency situation. In the event  
3600 such executive head is responsible to an agency board, at the  
3601 meeting next following the emergency purchase, documentation of  
3602 the purchase, including a description of the commodity purchased,  
3603 the purchase price thereof and the nature of the emergency shall  
3604 be presented to the board and placed on the minutes of the board  
3605 of such agency. The head of such agency, or his designee, shall,  
3606 at the earliest possible date following such emergency purchase,  
3607 file with the Department of Finance and Administration (i) a  
3608 statement explaining the conditions and circumstances of the  
3609 emergency, which shall include a detailed description of the  
3610 events leading up to the situation and the negative impact to the  
3611 entity if the purchase is made following the statutory  
3612 requirements set forth in paragraph (a), (b) or (c) of this  
3613 section, and (ii) a certified copy of the appropriate minutes of  
3614 the board of such agency, if applicable.

3615           (k) **Governing authority emergency purchase procedure.**  
3616 If the governing authority, or the governing authority acting  
3617 through its designee, shall determine that an emergency exists in  
3618 regard to the purchase of any commodities or repair contracts, so  
3619 that the delay incident to giving opportunity for competitive  
3620 bidding would be detrimental to the interest of the governing



3621 authority, then the provisions herein for competitive bidding  
3622 shall not apply and any officer or agent of such governing  
3623 authority having general or special authority therefor in making  
3624 such purchase or repair shall approve the bill presented therefor,  
3625 and he shall certify in writing thereon from whom such purchase  
3626 was made, or with whom such a repair contract was made. At the  
3627 board meeting next following the emergency purchase or repair  
3628 contract, documentation of the purchase or repair contract,  
3629 including a description of the commodity purchased, the price  
3630 thereof and the nature of the emergency shall be presented to the  
3631 board and shall be placed on the minutes of the board of such  
3632 governing authority.

3633           (1) **Hospital purchase, lease-purchase and lease**  
3634 **authorization.**

3635                   (i) The commissioners or board of trustees of any  
3636 public hospital may contract with such lowest and best bidder for  
3637 the purchase or lease-purchase of any commodity under a contract  
3638 of purchase or lease-purchase agreement whose obligatory payment  
3639 terms do not exceed five (5) years.

3640                   (ii) In addition to the authority granted in  
3641 subparagraph (i) of this paragraph (1), the commissioners or board  
3642 of trustees is authorized to enter into contracts for the lease of  
3643 equipment or services, or both, which it considers necessary for  
3644 the proper care of patients if, in its opinion, it is not  
3645 financially feasible to purchase the necessary equipment or  
3646 services. Any such contract for the lease of equipment or  
3647 services executed by the commissioners or board shall not exceed a  
3648 maximum of five (5) years' duration and shall include a  
3649 cancellation clause based on unavailability of funds. If such  
3650 cancellation clause is exercised, there shall be no further  
3651 liability on the part of the lessee. Any such contract for the  
3652 lease of equipment or services executed on behalf of the  
3653 commissioners or board that complies with the provisions of this



3654 subparagraph (ii) shall be excepted from the bid requirements set  
3655 forth in this section.

3656 (m) **Exceptions from bidding requirements.** Excepted  
3657 from bid requirements are:

3658 (i) **Purchasing agreements approved by department.**  
3659 Purchasing agreements, contracts and maximum price regulations  
3660 executed or approved by the Department of Finance and  
3661 Administration.

3662 (ii) **Outside equipment repairs.** Repairs to  
3663 equipment, when such repairs are made by repair facilities in the  
3664 private sector; however, engines, transmissions, rear axles and/or  
3665 other such components shall not be included in this exemption when  
3666 replaced as a complete unit instead of being repaired and the need  
3667 for such total component replacement is known before disassembly  
3668 of the component; however, invoices identifying the equipment,  
3669 specific repairs made, parts identified by number and name,  
3670 supplies used in such repairs, and the number of hours of labor  
3671 and costs therefor shall be required for the payment for such  
3672 repairs.

3673 (iii) **In-house equipment repairs.** Purchases of  
3674 parts for repairs to equipment, when such repairs are made by  
3675 personnel of the agency or governing authority; however, entire  
3676 assemblies, such as engines or transmissions, shall not be  
3677 included in this exemption when the entire assembly is being  
3678 replaced instead of being repaired.

3679 (iv) **Raw gravel or dirt.** Raw unprocessed deposits  
3680 of gravel or fill dirt which are to be removed and transported by  
3681 the purchaser.

3682 (v) **Governmental equipment auctions.** Motor  
3683 vehicles or other equipment purchased from a federal agency or  
3684 authority, another governing authority or state agency of the  
3685 State of Mississippi, or any governing authority or state agency  
3686 of another state at a public auction held for the purpose of



3687 disposing of such vehicles or other equipment. Any purchase by a  
3688 governing authority under the exemption authorized by this  
3689 subparagraph (v) shall require advance authorization spread upon  
3690 the minutes of the governing authority to include the listing of  
3691 the item or items authorized to be purchased and the maximum bid  
3692 authorized to be paid for each item or items.

3693 (vi) **Intergovernmental sales and transfers.**

3694 Purchases, sales, transfers or trades by governing authorities or  
3695 state agencies when such purchases, sales, transfers or trades are  
3696 made by a private treaty agreement or through means of  
3697 negotiation, from any federal agency or authority, another  
3698 governing authority or state agency of the State of Mississippi,  
3699 or any state agency or governing authority of another state.

3700 Nothing in this section shall permit such purchases through public  
3701 auction except as provided for in subparagraph (v) of this  
3702 section. It is the intent of this section to allow governmental  
3703 entities to dispose of and/or purchase commodities from other  
3704 governmental entities at a price that is agreed to by both  
3705 parties. This shall allow for purchases and/or sales at prices  
3706 which may be determined to be below the market value if the  
3707 selling entity determines that the sale at below market value is  
3708 in the best interest of the taxpayers of the state. Governing  
3709 authorities shall place the terms of the agreement and any  
3710 justification on the minutes, and state agencies shall obtain  
3711 approval from the Department of Finance and Administration, prior  
3712 to releasing or taking possession of the commodities.

3713 (vii) **Perishable supplies or food.** Perishable  
3714 supplies or food purchased for use in connection with hospitals,  
3715 the school lunch programs, homemaking programs and for the feeding  
3716 of county or municipal prisoners.

3717 (viii) **Single source items.** Noncompetitive items  
3718 available from one (1) source only. In connection with the  
3719 purchase of noncompetitive items only available from one (1)



3720 source, a certification of the conditions and circumstances  
3721 requiring the purchase shall be filed by the agency with the  
3722 Department of Finance and Administration and by the governing  
3723 authority with the board of the governing authority. Upon receipt  
3724 of that certification the Department of Finance and Administration  
3725 or the board of the governing authority, as the case may be, may,  
3726 in writing, authorize the purchase, which authority shall be noted  
3727 on the minutes of the body at the next regular meeting thereafter.  
3728 In those situations, a governing authority is not required to  
3729 obtain the approval of the Department of Finance and  
3730 Administration.

3731 (ix) **Waste disposal facility construction**  
3732 **contracts.** Construction of incinerators and other facilities for  
3733 disposal of solid wastes in which products either generated  
3734 therein, such as steam, or recovered therefrom, such as materials  
3735 for recycling, are to be sold or otherwise disposed of; however,  
3736 in constructing such facilities, a governing authority or agency  
3737 shall publicly issue requests for proposals, advertised for in the  
3738 same manner as provided herein for seeking bids for public  
3739 construction projects, concerning the design, construction,  
3740 ownership, operation and/or maintenance of such facilities,  
3741 wherein such requests for proposals when issued shall contain  
3742 terms and conditions relating to price, financial responsibility,  
3743 technology, environmental compatibility, legal responsibilities  
3744 and such other matters as are determined by the governing  
3745 authority or agency to be appropriate for inclusion; and after  
3746 responses to the request for proposals have been duly received,  
3747 the governing authority or agency may select the most qualified  
3748 proposal or proposals on the basis of price, technology and other  
3749 relevant factors and from such proposals, but not limited to the  
3750 terms thereof, negotiate and enter contracts with one or more of  
3751 the persons or firms submitting proposals.





3752                   (x)   **Hospital group purchase contracts.**  Supplies,  
3753 commodities and equipment purchased by hospitals through group  
3754 purchase programs pursuant to Section 31-7-38.

3755                   (xi)   **Information technology products.**  Purchases  
3756 of information technology products made by governing authorities  
3757 under the provisions of purchase schedules, or contracts executed  
3758 or approved by the Mississippi Department of Information  
3759 Technology Services and designated for use by governing  
3760 authorities.

3761                   (xii)   **Energy efficiency services and equipment.**  
3762 Energy efficiency services and equipment acquired by school  
3763 districts, community and junior colleges, institutions of higher  
3764 learning and state agencies or other applicable governmental  
3765 entities on a shared-savings, lease or lease-purchase basis  
3766 pursuant to Section 31-7-14.

3767                   (xiii)   **Municipal electrical utility system fuel.**  
3768 Purchases of coal and/or natural gas by municipally owned electric  
3769 power generating systems that have the capacity to use both coal  
3770 and natural gas for the generation of electric power.

3771                   (xiv)   **Library books and other reference materials.**  
3772 Purchases by libraries or for libraries of books and periodicals;  
3773 processed film, video cassette tapes, filmstrips and slides;  
3774 recorded audio tapes, cassettes and diskettes; and any such items  
3775 as would be used for teaching, research or other information  
3776 distribution; however, equipment such as projectors, recorders,  
3777 audio or video equipment, and monitor televisions are not exempt  
3778 under this subparagraph.

3779                   (xv)   **Unmarked vehicles.**  Purchases of unmarked  
3780 vehicles when such purchases are made in accordance with  
3781 purchasing regulations adopted by the Department of Finance and  
3782 Administration pursuant to Section 31-7-9(2).

3783                   (xvi)   **Election ballots.**  Purchases of ballots  
3784 printed pursuant to Section 23-15-351.



3785                   (xvii)   **Multichannel interactive video systems.**  
3786 From and after July 1, 1990, contracts by Mississippi Authority  
3787 for Educational Television with any private educational  
3788 institution or private nonprofit organization whose purposes are  
3789 educational in regard to the construction, purchase, lease or  
3790 lease-purchase of facilities and equipment and the employment of  
3791 personnel for providing multichannel interactive video systems  
3792 (ITSF) in the school districts of this state.

3793                   (xviii)   **Purchases of prison industry products.**  
3794 From and after January 1, 1991, purchases made by state agencies  
3795 or governing authorities involving any item that is manufactured,  
3796 processed, grown or produced from the state's prison industries.

3797                   (xix)   **Undercover operations equipment.** Purchases  
3798 of surveillance equipment or any other high-tech equipment to be  
3799 used by law enforcement agents in undercover operations, provided  
3800 that any such purchase shall be in compliance with regulations  
3801 established by the Department of Finance and Administration.

3802                   (xx)   **Junior college books for rent.** Purchases by  
3803 community or junior colleges of textbooks which are obtained for  
3804 the purpose of renting such books to students as part of a book  
3805 service system.

3806                   (xxi)   **Certain school district purchases.**  
3807 Purchases of commodities made by school districts from vendors  
3808 with which any levying authority of the school district, as  
3809 defined in Section 37-57-1, has contracted through competitive  
3810 bidding procedures for purchases of the same commodities.

3811                   (xxii)   **Garbage, solid waste and sewage contracts.**  
3812 Contracts for garbage collection or disposal, contracts for solid  
3813 waste collection or disposal and contracts for sewage collection  
3814 or disposal.

3815                   (xxiii)   **Municipal water tank maintenance**  
3816 **contracts.** Professional maintenance program contracts for the  
3817 repair or maintenance of municipal water tanks, which provide



3818 professional services needed to maintain municipal water storage  
3819 tanks for a fixed annual fee for a duration of two (2) or more  
3820 years.

3821 (xxiv) **Purchases of Mississippi Industries for the**  
3822 **Blind products.** Purchases made by state agencies or governing  
3823 authorities involving any item that is manufactured, processed or  
3824 produced by the Mississippi Industries for the Blind.

3825 (xxv) **Purchases of state-adopted textbooks.**  
3826 Purchases of state-adopted textbooks by public school districts.

3827 (xxvi) **Certain purchases under the Mississippi**  
3828 **Major Economic Impact Act.** Contracts entered into pursuant to the  
3829 provisions of Section 57-75-9(2), (3) and (4).

3830 (xxvii) **Used heavy or specialized machinery or**  
3831 **equipment for installation of soil and water conservation**  
3832 **practices purchased at auction.** Used heavy or specialized  
3833 machinery or equipment used for the installation and  
3834 implementation of soil and water conservation practices or  
3835 measures purchased subject to the restrictions provided in  
3836 Sections 69-27-331 through 69-27-341. Any purchase by the State  
3837 Soil and Water Conservation Commission under the exemption  
3838 authorized by this subparagraph shall require advance  
3839 authorization spread upon the minutes of the commission to include  
3840 the listing of the item or items authorized to be purchased and  
3841 the maximum bid authorized to be paid for each item or items.

3842 (xxviii) **Hospital lease of equipment or services.**  
3843 Leases by hospitals of equipment or services if the leases are in  
3844 compliance with paragraph (1)(ii).

3845 (xxix) **Purchases made pursuant to qualified**  
3846 **cooperative purchasing agreements.** Purchases made by certified  
3847 purchasing offices of state agencies or governing authorities  
3848 under cooperative purchasing agreements previously approved by the  
3849 Office of Purchasing and Travel and established by or for any  
3850 municipality, county, parish or state government or the federal



3851 government, provided that the notification to potential  
3852 contractors includes a clause that sets forth the availability of  
3853 the cooperative purchasing agreement to other governmental  
3854 entities. Such purchases shall only be made if the use of the  
3855 cooperative purchasing agreements is determined to be in the best  
3856 interest of the governmental entity.

3857 (xxx) **School yearbooks.** Purchases of school  
3858 yearbooks by state agencies or governing authorities; provided,  
3859 however, that state agencies and governing authorities shall use  
3860 for these purchases the RFP process as set forth in the  
3861 Mississippi Procurement Manual adopted by the Office of Purchasing  
3862 and Travel.

3863 (xxxii) **Design-build method and dual-phase**  
3864 **design-build method of contracting.** Contracts entered into under  
3865 the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

3866 (xxxiii) **Toll roads and bridge construction**  
3867 **projects.** Contracts entered into under the provisions of Section  
3868 65-43-1 or 65-43-3.

3869 (xxxiiii) **Certain purchases under Section 24 of**  
3870 **this act.** Contracts entered into pursuant to the provisions of  
3871 Section 24 of this act.

3872 (n) **Term contract authorization.** All contracts for the  
3873 purchase of:

3874 (i) All contracts for the purchase of commodities,  
3875 equipment and public construction (including, but not limited to,  
3876 repair and maintenance), may be let for periods of not more than  
3877 sixty (60) months in advance, subject to applicable statutory  
3878 provisions prohibiting the letting of contracts during specified  
3879 periods near the end of terms of office. Term contracts for a  
3880 period exceeding twenty-four (24) months shall also be subject to  
3881 ratification or cancellation by governing authority boards taking  
3882 office subsequent to the governing authority board entering the  
3883 contract.



3884 (ii) Bid proposals and contracts may include price  
3885 adjustment clauses with relation to the cost to the contractor  
3886 based upon a nationally published industry-wide or nationally  
3887 published and recognized cost index. The cost index used in a  
3888 price adjustment clause shall be determined by the Department of  
3889 Finance and Administration for the state agencies and by the  
3890 governing board for governing authorities. The bid proposal and  
3891 contract documents utilizing a price adjustment clause shall  
3892 contain the basis and method of adjusting unit prices for the  
3893 change in the cost of such commodities, equipment and public  
3894 construction.

3895 (o) **Purchase law violation prohibition and vendor**  
3896 **penalty.** No contract or purchase as herein authorized shall be  
3897 made for the purpose of circumventing the provisions of this  
3898 section requiring competitive bids, nor shall it be lawful for any  
3899 person or concern to submit individual invoices for amounts within  
3900 those authorized for a contract or purchase where the actual value  
3901 of the contract or commodity purchased exceeds the authorized  
3902 amount and the invoices therefor are split so as to appear to be  
3903 authorized as purchases for which competitive bids are not  
3904 required. Submission of such invoices shall constitute a  
3905 misdemeanor punishable by a fine of not less than Five Hundred  
3906 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
3907 or by imprisonment for thirty (30) days in the county jail, or  
3908 both such fine and imprisonment. In addition, the claim or claims  
3909 submitted shall be forfeited.

3910 (p) **Electrical utility petroleum-based equipment**  
3911 **purchase procedure.** When in response to a proper advertisement  
3912 therefor, no bid firm as to price is submitted to an electric  
3913 utility for power transformers, distribution transformers, power  
3914 breakers, reclosers or other articles containing a petroleum  
3915 product, the electric utility may accept the lowest and best bid  
3916 therefor although the price is not firm.



3917                   (q) **Fuel management system bidding procedure.** Any  
3918 governing authority or agency of the state shall, before  
3919 contracting for the services and products of a fuel management or  
3920 fuel access system, enter into negotiations with not fewer than  
3921 two (2) sellers of fuel management or fuel access systems for  
3922 competitive written bids to provide the services and products for  
3923 the systems. In the event that the governing authority or agency  
3924 cannot locate two (2) sellers of such systems or cannot obtain  
3925 bids from two (2) sellers of such systems, it shall show proof  
3926 that it made a diligent, good-faith effort to locate and negotiate  
3927 with two (2) sellers of such systems. Such proof shall include,  
3928 but not be limited to, publications of a request for proposals and  
3929 letters soliciting negotiations and bids. For purposes of this  
3930 paragraph (q), a fuel management or fuel access system is an  
3931 automated system of acquiring fuel for vehicles as well as  
3932 management reports detailing fuel use by vehicles and drivers, and  
3933 the term "competitive written bid" shall have the meaning as  
3934 defined in paragraph (b) of this section. Governing authorities  
3935 and agencies shall be exempt from this process when contracting  
3936 for the services and products of fuel management or fuel access  
3937 systems under the terms of a state contract established by the  
3938 Office of Purchasing and Travel.

3939                   (r) **Solid waste contract proposal procedure.** Before  
3940 entering into any contract for garbage collection or disposal,  
3941 contract for solid waste collection or disposal or contract for  
3942 sewage collection or disposal, which involves an expenditure of  
3943 more than Fifty Thousand Dollars (\$50,000.00), a governing  
3944 authority or agency shall issue publicly a request for proposals  
3945 concerning the specifications for such services which shall be  
3946 advertised for in the same manner as provided in this section for  
3947 seeking bids for purchases which involve an expenditure of more  
3948 than the amount provided in paragraph (c) of this section. Any  
3949 request for proposals when issued shall contain terms and



3950 conditions relating to price, financial responsibility,  
3951 technology, legal responsibilities and other relevant factors as  
3952 are determined by the governing authority or agency to be  
3953 appropriate for inclusion; all factors determined relevant by the  
3954 governing authority or agency or required by this paragraph (r)  
3955 shall be duly included in the advertisement to elicit proposals.  
3956 After responses to the request for proposals have been duly  
3957 received, the governing authority or agency shall select the most  
3958 qualified proposal or proposals on the basis of price, technology  
3959 and other relevant factors and from such proposals, but not  
3960 limited to the terms thereof, negotiate and enter into contracts  
3961 with one or more of the persons or firms submitting proposals. If  
3962 the governing authority or agency deems none of the proposals to  
3963 be qualified or otherwise acceptable, the request for proposals  
3964 process may be reinitiated. Notwithstanding any other provisions  
3965 of this paragraph, where a county with at least thirty-five  
3966 thousand (35,000) nor more than forty thousand (40,000)  
3967 population, according to the 1990 federal decennial census, owns  
3968 or operates a solid waste landfill, the governing authorities of  
3969 any other county or municipality may contract with the governing  
3970 authorities of the county owning or operating the landfill,  
3971 pursuant to a resolution duly adopted and spread upon the minutes  
3972 of each governing authority involved, for garbage or solid waste  
3973 collection or disposal services through contract negotiations.

3974 (s) **Minority set-aside authorization.** Notwithstanding  
3975 any provision of this section to the contrary, any agency or  
3976 governing authority, by order placed on its minutes, may, in its  
3977 discretion, set aside not more than twenty percent (20%) of its  
3978 anticipated annual expenditures for the purchase of commodities  
3979 from minority businesses; however, all such set-aside purchases  
3980 shall comply with all purchasing regulations promulgated by the  
3981 Department of Finance and Administration and shall be subject to  
3982 bid requirements under this section. Set-aside purchases for



3983 which competitive bids are required shall be made from the lowest  
3984 and best minority business bidder. For the purposes of this  
3985 paragraph, the term "minority business" means a business which is  
3986 owned by a majority of persons who are United States citizens or  
3987 permanent resident aliens (as defined by the Immigration and  
3988 Naturalization Service) of the United States, and who are Asian,  
3989 Black, Hispanic or Native American, according to the following  
3990 definitions:

3991 (i) "Asian" means persons having origins in any of  
3992 the original people of the Far East, Southeast Asia, the Indian  
3993 subcontinent, or the Pacific Islands.

3994 (ii) "Black" means persons having origins in any  
3995 black racial group of Africa.

3996 (iii) "Hispanic" means persons of Spanish or  
3997 Portuguese culture with origins in Mexico, South or Central  
3998 America, or the Caribbean Islands, regardless of race.

3999 (iv) "Native American" means persons having  
4000 origins in any of the original people of North America, including  
4001 American Indians, Eskimos and Aleuts.

4002 (t) **Construction punch list restriction.** The  
4003 architect, engineer or other representative designated by the  
4004 agency or governing authority that is contracting for public  
4005 construction or renovation may prepare and submit to the  
4006 contractor only one (1) preliminary punch list of items that do  
4007 not meet the contract requirements at the time of substantial  
4008 completion and one (1) final list immediately before final  
4009 completion and final payment.

4010 (u) **Procurement of construction services by state**  
4011 **institutions of higher learning.** Contracts for privately financed  
4012 construction of auxiliary facilities on the campus of a state  
4013 institution of higher learning may be awarded by the Board of  
4014 Trustees of State Institutions of Higher Learning to the lowest  
4015 and best bidder, where sealed bids are solicited, or to the





4016 offeror whose proposal is determined to represent the best value  
4017 to the citizens of the State of Mississippi, where requests for  
4018 proposals are solicited.

4019 (v) **Insurability of bidders for public construction or**  
4020 **other public contracts.** In any solicitation for bids to perform  
4021 public construction or other public contracts to which this  
4022 section applies including, but not limited to, contracts for  
4023 repair and maintenance, for which the contract will require  
4024 insurance coverage in an amount of not less than One Million  
4025 Dollars (\$1,000,000.00), bidders shall be permitted to either  
4026 submit proof of current insurance coverage in the specified amount  
4027 or demonstrate ability to obtain the required coverage amount of  
4028 insurance if the contract is awarded to the bidder. Proof of  
4029 insurance coverage shall be submitted within five (5) business  
4030 days from bid acceptance.

4031 (w) **Purchase authorization clarification.** Nothing in  
4032 this section shall be construed as authorizing any purchase not  
4033 authorized by law.

4034 **SECTION 27.** Section 57-61-25, Mississippi Code of 1972, is  
4035 amended as follows:

4036 57-61-25. (1) The seller is authorized to borrow, on the  
4037 credit of the state upon receipt of a resolution from the  
4038 Mississippi Development Authority requesting the same, money not  
4039 exceeding the aggregate sum of Three Hundred Twenty-one Million  
4040 Dollars (\$321,000,000.00), not including money borrowed to refund  
4041 outstanding bonds, notes or replacement notes, as may be necessary  
4042 to carry out the purposes of this chapter. The rate of interest  
4043 on any such bonds or notes which are not subject to taxation shall  
4044 not exceed the rates set forth in Section 75-17-101, Mississippi  
4045 Code of 1972, for general obligation bonds.

4046 (2) As evidence of indebtedness authorized in this chapter,  
4047 general or limited obligation bonds of the state shall be issued  
4048 from time to time to provide monies necessary to carry out the



4049 purposes of this chapter for such total amounts, in such form, in  
4050 such denominations payable in such currencies (either domestic or  
4051 foreign or both) and subject to such terms and conditions of  
4052 issue, redemption and maturity, rate of interest and time of  
4053 payment of interest as the seller directs, except that such bonds  
4054 shall mature or otherwise be retired in annual installments  
4055 beginning not more than five (5) years from date thereof and  
4056 extending not more than thirty (30) years from date thereof.

4057 (3) All bonds and notes issued under authority of this  
4058 chapter shall be signed by the chairman of the seller, or by his  
4059 facsimile signature, and the official seal of the seller shall be  
4060 affixed thereto, attested by the secretary of the seller.

4061 (4) All bonds and notes issued under authority of this  
4062 chapter may be general or limited obligations of the state, and  
4063 the full faith and credit of the State of Mississippi as to  
4064 general obligation bonds, or the revenues derived from projects  
4065 assisted as to limited obligation bonds, are hereby pledged for  
4066 the payment of the principal of and interest on such bonds and  
4067 notes.

4068 (5) Such bonds and notes and the income therefrom shall be  
4069 exempt from all taxation in the State of Mississippi.

4070 (6) The bonds may be issued as coupon bonds or registered as  
4071 to both principal and interest, as the seller may determine. If  
4072 interest coupons are attached, they shall contain the facsimile  
4073 signature of the chairman and secretary of the seller.

4074 (7) The seller is authorized to provide, by resolution, for  
4075 the issuance of refunding bonds for the purpose of refunding any  
4076 debt issued under the provisions of this chapter and then  
4077 outstanding, either by voluntary exchange with the holders of the  
4078 outstanding debt or to provide funds to redeem and the costs of  
4079 issuance and retirement of the debt, at maturity or at any call  
4080 date. The issuance of the refunding bonds, the maturities and  
4081 other details thereof, the rights of the holders thereof and the



4082 duties of the issuing officials in respect to the same shall be  
4083 governed by the provisions of this section, insofar as they may be  
4084 applicable.

4085 (8) As to bonds issued hereunder and designated as taxable  
4086 bonds by the seller, any immunity of the state to taxation by the  
4087 United States government of interest on bonds or notes issued by  
4088 the state is hereby waived.

4089 (9) The proceeds of bonds issued under this chapter after  
4090 April 9, 2002, may be used to reimburse reasonable actual and  
4091 necessary costs incurred by the Mississippi Development Authority  
4092 in administering a program or providing assistance related to a  
4093 project, or both, for which funding is provided from the use of  
4094 proceeds of such bonds. An accounting of actual costs incurred  
4095 for which reimbursement is sought shall be maintained for each  
4096 project by the Mississippi Development Authority. Reimbursement  
4097 of reasonable actual and necessary costs for a program or project  
4098 shall not exceed three percent (3%) of the proceeds of bonds  
4099 issued for such program or project. Monies authorized for a  
4100 particular program or project may not be used to reimburse  
4101 administrative costs for unrelated programs or projects.  
4102 Reimbursements under this subsection shall satisfy any applicable  
4103 federal tax law requirements.

4104 **SECTION 28.** Section 57-61-27, Mississippi Code of 1972, is  
4105 amended as follows:

4106 57-61-27. (1) \* \* \* Whenever bonds are issued, they shall  
4107 be \* \* \* sold by the seller at a competitive or negotiated sale,  
4108 from time to time, in such manner and at such price as may be  
4109 determined by the seller to be most advantageous.

4110 \* \* \*

4111 (2) When bonds are issued from time to time, the bonds of  
4112 each issue shall constitute a separate series to be designated by  
4113 the seller or may be combined for sale as one (1) series with  
4114 other general obligation bonds of the State of Mississippi.



4115           (3) Until permanent bonds can be prepared, the seller may in  
4116 its discretion issue, in lieu of permanent bonds, temporary bonds  
4117 in such form and with such privileges as to registration and  
4118 exchange for permanent bonds as may be determined by the seller.

4119           (4) Pending their application to the purposes authorized,  
4120 bond proceeds held or deposited by the State Treasurer may be  
4121 invested or reinvested as are other funds in the custody of the  
4122 State Treasurer in the manner provided by law. All earnings  
4123 received from the investment or deposit of such funds shall be  
4124 paid into the State Treasury to the credit of the Mississippi  
4125 Business Investment Sinking Fund.

4126           (5) The State Treasurer shall prepare the necessary registry  
4127 book to be kept in the office of the duly authorized loan and  
4128 transfer agent of the state for the registration of any bonds, at  
4129 the request of owners thereof, according to the terms and  
4130 conditions of issue directed by the seller.

4131           (6) All costs and expenses in connection with the issue of  
4132 and sale and registration of the bonds and notes in connection  
4133 with this chapter may be paid from the proceeds of bonds and notes  
4134 issued under this chapter.

4135           (7) The seller may provide in the resolution authorizing the  
4136 issuance of such bonds the employment of one or more persons or  
4137 firms to assist in the sale of the bonds; to enter into contracts  
4138 for banks or trust companies located either within or without the  
4139 State of Mississippi to act as registrars, paying agents, transfer  
4140 agents or otherwise, for rating of the bonds, and to purchase  
4141 insurance.

4142           **SECTION 29.** Section 57-61-36, Mississippi Code of 1972, is  
4143 amended as follows:

4144           57-61-36. (1) Notwithstanding any provision of this chapter  
4145 to the contrary, the Mississippi Development Authority shall  
4146 utilize not more than Twelve Million Five Hundred Thousand Dollars  
4147 (\$12,500,000.00) out of the proceeds of bonds authorized to be



4148 issued in this chapter for the purpose of making grants to  
4149 municipalities through a Development Infrastructure Grant Fund to  
4150 complete infrastructure related to new or expanded industry.

4151 (2) Notwithstanding any provision of this chapter to the  
4152 contrary, the Mississippi Development Authority may utilize not  
4153 more than Seven Million Dollars (\$7,000,000.00) out of the  
4154 proceeds of bonds authorized to be issued in this chapter for the  
4155 purpose of making interest-bearing loans to any agency,  
4156 department, institution, instrumentality or political subdivision  
4157 of the state; or any agency, department, institution or  
4158 instrumentality of any political subdivision of the state; or any  
4159 business, organization, corporation, association or other legal  
4160 entity meeting criteria established by the department, through a  
4161 Housing Development Revolving Loan Fund, to construct or repair  
4162 housing for low or moderate income earners; provided, however,  
4163 that the department may not utilize any bond proceeds authorized  
4164 under this chapter for the purpose of making any loans to the  
4165 Mississippi Home Corporation for any purpose whatsoever. No more  
4166 than forty percent (40%) of the additional bonds authorized by  
4167 Chapter 559, Laws of 1998, may be used for multiple family housing  
4168 activities. Funds authorized under this subsection may be  
4169 deposited in the Mississippi Affordable Housing Development Fund  
4170 authorized in Section 43-33-759 and used for purposes authorized  
4171 by that section. This subsection (2) shall be repealed from and  
4172 after July 1, 2010.

4173 (3) Notwithstanding any provision of this chapter to the  
4174 contrary, the Mississippi Development Authority shall utilize not  
4175 more than Thirty-two Million Five Hundred Thousand Dollars  
4176 (\$32,500,000.00) out of the proceeds of bonds authorized to be  
4177 issued in this chapter for the purpose of making grants or loans  
4178 to municipalities through an equipment and public facilities grant  
4179 and loan fund to aid in infrastructure-related improvements as  
4180 determined by the Mississippi Development Authority, the purchase



4181 of equipment and in the purchase, construction or repair and  
4182 renovation of public facilities. Any bonds previously issued for  
4183 the Development Infrastructure Revolving Loan Program which have  
4184 not been loaned or applied for are eligible to be administered as  
4185 grants or loans. In making grants and loans under this section,  
4186 the Mississippi Development Authority shall attempt to provide for  
4187 an equitable distribution of such grants and loans among each of  
4188 the congressional districts of this state in order to promote  
4189 economic development across the entire state.

4190 The requirements of Section 57-61-9 shall not apply to any  
4191 grant made under this subsection. The Mississippi Development  
4192 Authority may establish criteria and guidelines to govern grants  
4193 made pursuant to this subsection.

4194 (4) [Repealed]

4195 (5) (a) The Mississippi Development Authority may establish  
4196 a Capital Access Program and may contract with any financial  
4197 institution to participate in the program upon such terms and  
4198 conditions as the authority shall consider necessary and proper.  
4199 The Mississippi Development Authority may establish loss reserve  
4200 accounts at financial institutions that participate in the program  
4201 and require payments by the financial institution and the borrower  
4202 to such loss reserve accounts. All money in such loss reserve  
4203 accounts is the property of the Mississippi Development Authority.

4204 (b) Under the Capital Access Program a participating  
4205 financial institution may make a loan to any borrower the  
4206 Mississippi Development Authority determines to be qualified under  
4207 rules and regulations adopted by the authority and be protected  
4208 against losses from such loans as provided in the program. Under  
4209 such rules and regulations as may be adopted by the Mississippi  
4210 Development Authority, a participating financial institution may  
4211 submit claims for the reimbursement for losses incurred as a  
4212 result of default on loans by qualified borrowers.



4213           (c) Under the Capital Access Program a participating  
4214 financial institution may make a loan that is secured by the  
4215 assignment of the proceeds of a contract between the borrower and  
4216 a public entity if the Mississippi Development Authority  
4217 determines the loan to be qualified under the rules and  
4218 regulations adopted by the authority. Under such rules and  
4219 regulations as may be adopted by the Mississippi Development  
4220 Authority, a participating financial institution may submit an  
4221 application to the authority requesting that a loan secured  
4222 pursuant to this paragraph be funded under the Capital Access  
4223 Program.

4224           (d) Notwithstanding any provision of this chapter to  
4225 the contrary, the Mississippi Development Authority may utilize  
4226 not more than Seven Hundred Fifty Thousand Dollars (\$750,000.00)  
4227 out of the proceeds of bonds authorized to be issued in this  
4228 chapter for the purpose of making payments to loan loss reserve  
4229 accounts established at financial institutions that participate in  
4230 the Capital Access Program established by the Mississippi  
4231 Development Authority; however, any portion of the bond proceeds  
4232 authorized to be utilized by this paragraph that are not utilized  
4233 for making payments to loss reserve accounts may be utilized by  
4234 the Mississippi Development Authority to advance funds to  
4235 financial institutions that participate in the Capital Access  
4236 Program pursuant to paragraph (c) of this subsection.

4237           (6) Notwithstanding any provision of this chapter to the  
4238 contrary, the Mississippi Development Authority shall utilize not  
4239 more than Two Hundred Thousand Dollars (\$200,000.00) out of the  
4240 proceeds of bonds authorized to be issued in this chapter for the  
4241 purpose of assisting Warren County, Mississippi, in the  
4242 continuation and completion of the study for the proposed Kings  
4243 Point Levee.

4244           (7) Notwithstanding any provision of this chapter to the  
4245 contrary, the Mississippi Development Authority shall utilize not



4246 more than One Hundred Thousand Dollars (\$100,000.00) out of the  
4247 proceeds of bonds authorized to be issued in this chapter for the  
4248 purpose of developing a long-range plan for coordinating the  
4249 resources of the state institutions of higher learning, the  
4250 community and junior colleges, the Mississippi Development  
4251 Authority and other state agencies in order to promote economic  
4252 development in the state.

4253 (8) Notwithstanding any other provision of this chapter to  
4254 the contrary, the Mississippi Development Authority shall use not  
4255 more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of  
4256 the proceeds of bonds authorized to be issued in this chapter for  
4257 the purpose of providing assistance to municipalities that have  
4258 received Community Development Block Grant funds for repair,  
4259 renovation and other improvements to buildings for use as  
4260 community centers. Assistance provided to a municipality under  
4261 this subsection shall be used by the municipality to match such  
4262 Community Development Block Grant funds. The maximum amount of  
4263 assistance that may be provided to a municipality under this  
4264 subsection shall not exceed Seventy-five Thousand Dollars  
4265 (\$75,000.00) in the aggregate.

4266 **SECTION 30.** (1) As used in this section, the following  
4267 words shall have the meanings ascribed herein unless the context  
4268 clearly requires otherwise:

4269 (a) "Accreted value" of any bonds means, as of any date  
4270 of computation, an amount equal to the sum of (i) the stated  
4271 initial value of such bond, plus (ii) the interest accrued thereon  
4272 from the issue date to the date of computation at the rate,  
4273 compounded semiannually, that is necessary to produce the  
4274 approximate yield to maturity shown for bonds of the same  
4275 maturity.

4276 (b) "State" means the State of Mississippi.

4277 (c) "Commission" means the State Bond Commission.





4278           (2)   (a)   The Mississippi Development Authority, at one time,  
4279 or from time to time, may declare by resolution the necessity for  
4280 issuance of general obligation bonds of the State of Mississippi  
4281 to provide funds for the program authorized in Section 57-85-5.  
4282 Upon the adoption of a resolution by the Mississippi Development  
4283 Authority, declaring the necessity for the issuance of any part or  
4284 all of the general obligation bonds authorized by this subsection,  
4285 the Mississippi Development Authority shall deliver a certified  
4286 copy of its resolution or resolutions to the commission. Upon  
4287 receipt of such resolution, the commission, in its discretion, may  
4288 act as the issuing agent, prescribe the form of the bonds,  
4289 determine the appropriate method for sale of the bonds, advertise  
4290 for and accept bids or negotiate the sale of the bonds, issue and  
4291 sell the bonds so authorized to be sold and do any and all other  
4292 things necessary and advisable in connection with the issuance and  
4293 sale of such bonds. The total amount of bonds issued under this  
4294 section shall not exceed Two Million Dollars (\$2,000,000.00). No  
4295 bonds authorized under this section shall be issued after July 1,  
4296 2014.

4297           (b)   The proceeds of bonds issued pursuant to this  
4298 section shall be deposited into the Mississippi Rural Impact Fund  
4299 created pursuant to Section 57-85-5. Any investment earnings on  
4300 bonds issued pursuant to this section shall be used to pay debt  
4301 service on bonds issued under this section, in accordance with the  
4302 proceedings authorizing issuance of such bonds.

4303           (3)   The principal of and interest on the bonds authorized  
4304 under this section shall be payable in the manner provided in this  
4305 subsection. Such bonds shall bear such date or dates, be in such  
4306 denomination or denominations, bear interest at such rate or rates  
4307 (not to exceed the limits set forth in Section 75-17-101,  
4308 Mississippi Code of 1972), be payable at such place or places  
4309 within or without the State of Mississippi, shall mature  
4310 absolutely at such time or times not to exceed twenty-five (25)



4311 years from date of issue, be redeemable before maturity at such  
4312 time or times and upon such terms, with or without premium, shall  
4313 bear such registration privileges, and shall be substantially in  
4314 such form, all as shall be determined by resolution of the  
4315 commission.

4316 (4) The bonds authorized by this section shall be signed by  
4317 the chairman of the commission, or by his facsimile signature, and  
4318 the official seal of the commission shall be affixed thereto,  
4319 attested by the secretary of the commission. The interest  
4320 coupons, if any, to be attached to such bonds may be executed by  
4321 the facsimile signatures of such officers. Whenever any such  
4322 bonds shall have been signed by the officials designated to sign  
4323 the bonds who were in office at the time of such signing but who  
4324 may have ceased to be such officers before the sale and delivery  
4325 of such bonds, or who may not have been in office on the date such  
4326 bonds may bear, the signatures of such officers upon such bonds  
4327 and coupons shall nevertheless be valid and sufficient for all  
4328 purposes and have the same effect as if the person so officially  
4329 signing such bonds had remained in office until their delivery to  
4330 the purchaser, or had been in office on the date such bonds may  
4331 bear. However, notwithstanding anything herein to the contrary,  
4332 such bonds may be issued as provided in the Registered Bond Act of  
4333 the State of Mississippi.

4334 (5) All bonds and interest coupons issued under the  
4335 provisions of this section have all the qualities and incidents of  
4336 negotiable instruments under the provisions of the Uniform  
4337 Commercial Code, and in exercising the powers granted by this  
4338 section, the commission shall not be required to and need not  
4339 comply with the provisions of the Uniform Commercial Code.

4340 (6) The commission shall act as issuing agent for the bonds  
4341 authorized under this section, prescribe the form of the bonds,  
4342 determine the appropriate method for sale of the bonds, advertise  
4343 for and accept bids or may negotiate the sale of the bonds, issue



4344 and sell the bonds so authorized to be sold, pay all fees and  
4345 costs incurred in such issuance and sale, and do any and all other  
4346 things necessary and advisable in connection with the issuance and  
4347 sale of such bonds. The commission is authorized and empowered to  
4348 pay the costs that are incident to the sale, issuance and delivery  
4349 of the bonds authorized under this section from the proceeds  
4350 derived from the sale of such bonds. The commission may sell such  
4351 bonds on sealed bids at public sale or may negotiate the sale of  
4352 the bonds for such price as it may determine to be for the best  
4353 interest of the State of Mississippi. All interest accruing on  
4354 such bonds so issued shall be payable semiannually or annually.

4355       If such bonds are sold by sealed bids at public sale, notice  
4356 of the sale shall be published at least one time, not less than  
4357 ten (10) days before the date of sale, and shall be so published  
4358 in one or more newspapers published or having a general  
4359 circulation in the City of Jackson, Mississippi, selected by the  
4360 commission.

4361       The commission, when issuing any bonds under the authority of  
4362 this section, may provide that bonds, at the option of the State  
4363 of Mississippi, may be called in for payment and redemption at the  
4364 call price named therein and accrued interest on such date or  
4365 dates named therein.

4366       (7) The bonds issued under the provisions of this section  
4367 are general obligations of the State of Mississippi, and for the  
4368 payment thereof the full faith and credit of the State of  
4369 Mississippi is irrevocably pledged. If the funds appropriated by  
4370 the Legislature are insufficient to pay the principal of and the  
4371 interest on such bonds as they become due, then the deficiency  
4372 shall be paid by the State Treasurer from any funds in the State  
4373 Treasury not otherwise appropriated. All such bonds shall contain  
4374 recitals on their faces substantially covering the provisions of  
4375 this subsection.



4376           (8) Upon the issuance and sale of bonds under the provisions  
4377 of this section, the commission shall transfer the proceeds of any  
4378 such sale or sales to the Mississippi Rural Impact Fund created in  
4379 Section 57-85-5. The proceeds of such bonds shall be disbursed  
4380 solely upon the order of the Mississippi Development Authority  
4381 under such restrictions, if any, as may be contained in the  
4382 resolution providing for the issuance of the bonds.

4383           (9) The bonds authorized under this section may be issued  
4384 without any other proceedings or the happening of any other  
4385 conditions or things other than those proceedings, conditions and  
4386 things which are specified or required by this section. Any  
4387 resolution providing for the issuance of bonds under the  
4388 provisions of this section shall become effective immediately upon  
4389 its adoption by the commission, and any such resolution may be  
4390 adopted at any regular or special meeting of the commission by a  
4391 majority of its members.

4392           (10) The bonds authorized under the authority of this  
4393 section may be validated in the Chancery Court of the First  
4394 Judicial District of Hinds County, Mississippi, in the manner and  
4395 with the force and effect provided by Chapter 13, Title 31,  
4396 Mississippi Code of 1972, for the validation of county, municipal,  
4397 school district and other bonds. The notice to taxpayers required  
4398 by such statutes shall be published in a newspaper published or  
4399 having a general circulation in the City of Jackson, Mississippi.

4400           (11) Any holder of bonds issued under the provisions of this  
4401 section or of any of the interest coupons pertaining thereto may,  
4402 either at law or in equity, by suit, action, mandamus or other  
4403 proceeding, protect and enforce any and all rights granted under  
4404 this section, or under such resolution, and may enforce and compel  
4405 performance of all duties required by this section to be  
4406 performed, in order to provide for the payment of bonds and  
4407 interest thereon.



4408 (12) All bonds issued under the provisions of this section  
4409 shall be legal investments for trustees and other fiduciaries, and  
4410 for savings banks, trust companies and insurance companies  
4411 organized under the laws of the State of Mississippi, and such  
4412 bonds shall be legal securities which may be deposited with and  
4413 shall be received by all public officers and bodies of this state  
4414 and all municipalities and political subdivisions for the purpose  
4415 of securing the deposit of public funds.

4416 (13) Bonds issued under the provisions of this section and  
4417 income therefrom shall be exempt from all taxation in the State of  
4418 Mississippi.

4419 (14) The proceeds of the bonds issued under this section  
4420 shall be used solely for the purposes therein provided, including  
4421 the costs incident to the issuance and sale of such bonds.

4422 (15) The State Treasurer is authorized, without further  
4423 process of law, to certify to the Department of Finance and  
4424 Administration the necessity for warrants, and the Department of  
4425 Finance and Administration is authorized and directed to issue  
4426 such warrants, in such amounts as may be necessary to pay when due  
4427 the principal of, premium, if any, and interest on, or the  
4428 accreted value of, all bonds issued under this section; and the  
4429 State Treasurer shall forward the necessary amount to the  
4430 designated place or places of payment of such bonds in ample time  
4431 to discharge such bonds, or the interest thereon, on the due dates  
4432 thereof.

4433 (16) This section shall be deemed to be full and complete  
4434 authority for the exercise of the powers therein granted, but this  
4435 section shall not be deemed to repeal or to be in derogation of  
4436 any existing law of this state.

4437 **SECTION 31.** Section 57-62-3, Mississippi Code of 1972, is  
4438 amended as follows:

4439 57-62-3. It is the intent of the Legislature that:



4440 (a) The State of Mississippi provide appropriate  
4441 incentives to support the establishment of quality business and  
4442 industry that hold the promise of significant development of the  
4443 economy of the State of Mississippi through the creation of  
4444 quality jobs;

4445 (b) The amount of incentives provided under this  
4446 chapter in connection with a particular establishment shall \* \* \*  
4447 be directly related to the jobs created as a result of the  
4448 establishment locating in the State of Mississippi; \* \* \*  
4449 \* \* \*

4450 (c) The Mississippi Development Authority and the  
4451 Department of Revenue shall implement the provisions of this  
4452 chapter and exercise all powers as authorized in this chapter;  
4453 however, the application of this chapter or the offering of any of  
4454 its incentives as to any particular qualified business or industry  
4455 shall be in the sole discretion of the Mississippi Development  
4456 Authority. The exercise of powers conferred by this chapter shall  
4457 be deemed and held to be the performance of essential public  
4458 purposes; and

4459 (d) Nothing in this chapter shall be construed to  
4460 constitute a guarantee or assumption by the State of Mississippi  
4461 of any debt of any individual, company, corporation or association  
4462 nor to authorize the credit of the State of Mississippi to be  
4463 given, pledged or loaned to any individual, company, corporation  
4464 or association. Also, nothing in this chapter gives any right to  
4465 any qualified business or industry to the incentives contained  
4466 herein unless said incentive is given by the Mississippi  
4467 Development Authority pursuant to this chapter.

4468 **SECTION 32.** Section 57-62-5, Mississippi Code of 1972, is  
4469 amended as follows:

4470 **[For businesses or industries that received or applied for**  
4471 **incentive payments prior to July 1, 2005, this section shall read**  
4472 **as follows:]**



4473           57-62-5. As used in this chapter, the following words and  
4474 phrases shall have the meanings ascribed in this section unless  
4475 the context clearly indicates otherwise:

4476           (a) "Qualified business or industry" means any  
4477 corporation, limited liability company, partnership, sole  
4478 proprietorship, business trust or other legal entity and subunits  
4479 or affiliates thereof, pursuant to rules and regulations of the  
4480 MDA, which provides an average annual salary, excluding benefits  
4481 which are not subject to Mississippi income taxes, of at least one  
4482 hundred twenty-five percent (125%) of the most recently published  
4483 state average annual wage or the most recently published average  
4484 annual wage of the county in which the qualified business or  
4485 industry is located as determined by the Mississippi Department of  
4486 Employment Security, whichever is the lesser. An establishment  
4487 shall not be considered to be a qualified business or industry  
4488 unless it offers, or will offer within one hundred eighty (180)  
4489 days of the date it receives the first incentive payment pursuant  
4490 to the provisions of this chapter, a basic health benefits plan to  
4491 the individuals it employs in new direct jobs in this state which  
4492 is approved by the MDA. Qualified business or industry does not  
4493 include retail business or gaming business;

4494           (b) "New direct job" means full-time employment in this  
4495 state in a qualified business or industry that has qualified to  
4496 receive an incentive payment pursuant to this chapter, which  
4497 employment did not exist in this state before the date of approval  
4498 by the MDA of the application of the qualified business or  
4499 industry pursuant to the provisions of this chapter. "New direct  
4500 job" shall include full-time employment in this state of employees  
4501 who are employed by an entity other than the establishment that  
4502 has qualified to receive an incentive payment and who are leased  
4503 to the qualified business or industry, if such employment did not  
4504 exist in this state before the date of approval by the MDA of the  
4505 application of the establishment;



4506 (c) "Full-time job" means a job of at least thirty-five  
4507 (35) hours per week;

4508 (d) "Estimated direct state benefits" means the tax  
4509 revenues projected by the MDA to accrue to the state as a result  
4510 of the qualified business or industry;

4511 (e) "Estimated direct state costs" means the costs  
4512 projected by the MDA to accrue to the state as a result of the  
4513 qualified business or industry;

4514 (f) "Estimated net direct state benefits" means the  
4515 estimated direct state benefits less the estimated direct state  
4516 costs;

4517 (g) "Net benefit rate" means the estimated net direct  
4518 state benefits computed as a percentage of gross payroll, provided  
4519 that:

4520 (i) Except as otherwise provided in this paragraph  
4521 (g), the net benefit rate may be variable and shall not exceed  
4522 four percent (4%) of the gross payroll; and shall be set in the  
4523 sole discretion of the MDA;

4524 (ii) In no event shall incentive payments,  
4525 cumulatively, exceed the estimated net direct state benefits;

4526 (h) "Gross payroll" means wages for new direct jobs of  
4527 the qualified business or industry; and

4528 (i) "MDA" means the Mississippi Development Authority.

4529 **[For businesses or industries that received or applied for**  
4530 **incentive payments from and after July 1, 2005, but prior to July**  
4531 **1, 2010, this section shall read as follows:]**

4532 57-62-5. As used in this chapter, the following words and  
4533 phrases shall have the meanings ascribed in this section unless  
4534 the context clearly indicates otherwise:

4535 (a) "Qualified business or industry" means any  
4536 corporation, limited liability company, partnership, sole  
4537 proprietorship, business trust or other legal entity and subunits





4538 or affiliates thereof, pursuant to rules and regulations of the  
4539 MDA, which:

4540 (i) Is a data/information processing enterprise  
4541 meeting minimum criteria established by the MDA that provides an  
4542 average annual salary, excluding benefits which are not subject to  
4543 Mississippi income taxes, of at least one hundred percent (100%)  
4544 of the most recently published state average annual wage or the  
4545 most recently published average annual wage of the county in which  
4546 the qualified business or industry is located as determined by the  
4547 Mississippi Department of Employment Security, whichever is the  
4548 lesser, and creates not less than two hundred (200) new direct  
4549 jobs if the enterprise is located in a Tier One or Tier Two area  
4550 (as such areas are designated in accordance with Section  
4551 57-73-21), or which creates not less than one hundred (100) new  
4552 jobs if the enterprise is located in a Tier Three area (as such  
4553 areas are designated in accordance with Section 57-73-21);

4554 (ii) Is a manufacturing or distribution enterprise  
4555 meeting minimum criteria established by the MDA that provides an  
4556 average annual salary, excluding benefits which are not subject to  
4557 Mississippi income taxes, of at least one hundred ten percent  
4558 (110%) of the most recently published state average annual wage or  
4559 the most recently published average annual wage of the county in  
4560 which the qualified business or industry is located as determined  
4561 by the Mississippi Department of Employment Security, whichever is  
4562 the lesser, invests not less than Twenty Million Dollars  
4563 (\$20,000,000.00) in land, buildings and equipment, and creates not  
4564 less than fifty (50) new direct jobs if the enterprise is located  
4565 in a Tier One or Tier Two area (as such areas are designated in  
4566 accordance with Section 57-73-21), or which creates not less than  
4567 twenty (20) new jobs if the enterprise is located in a Tier Three  
4568 area (as such areas are designated in accordance with Section  
4569 57-73-21);



4570 (iii) Is a corporation, limited liability company,  
4571 partnership, sole proprietorship, business trust or other legal  
4572 entity and subunits or affiliates thereof, pursuant to rules and  
4573 regulations of the MDA, which provides an average annual salary,  
4574 excluding benefits which are not subject to Mississippi income  
4575 taxes, of at least one hundred twenty-five percent (125%) of the  
4576 most recently published state average annual wage or the most  
4577 recently published average annual wage of the county in which the  
4578 qualified business or industry is located as determined by the  
4579 Mississippi Department of Employment Security, whichever is the  
4580 lesser, and creates not less than twenty-five (25) new direct jobs  
4581 if the enterprise is located in a Tier One or Tier Two area (as  
4582 such areas are designated in accordance with Section 57-73-21), or  
4583 which creates not less than ten (10) new jobs if the enterprise is  
4584 located in a Tier Three area (as such areas are designated in  
4585 accordance with Section 57-73-21). An establishment shall not be  
4586 considered to be a qualified business or industry unless it  
4587 offers, or will offer within one hundred eighty (180) days of the  
4588 date it receives the first incentive payment pursuant to the  
4589 provisions of this chapter, a basic health benefits plan to the  
4590 individuals it employs in new direct jobs in this state which is  
4591 approved by the MDA. Qualified business or industry does not  
4592 include retail business or gaming business; or

4593 (iv) Is a research and development or a technology  
4594 intensive enterprise meeting minimum criteria established by the  
4595 MDA that provides an average annual salary, excluding benefits  
4596 which are not subject to Mississippi income taxes, of at least one  
4597 hundred fifty percent (150%) of the most recently published state  
4598 average annual wage or the most recently published average annual  
4599 wage of the county in which the qualified business or industry is  
4600 located as determined by the Mississippi Department of Employment  
4601 Security, whichever is the lesser, and creates not less than ten  
4602 (10) new direct jobs.



4603           An establishment shall not be considered to be a qualified  
4604 business or industry unless it offers, or will offer within one  
4605 hundred eighty (180) days of the date it receives the first  
4606 incentive payment pursuant to the provisions of this chapter, a  
4607 basic health benefits plan to the individuals it employs in new  
4608 direct jobs in this state which is approved by the MDA. Qualified  
4609 business or industry does not include retail business or gaming  
4610 business.

4611           (b) "New direct job" means full-time employment in this  
4612 state in a qualified business or industry that has qualified to  
4613 receive an incentive payment pursuant to this chapter, which  
4614 employment did not exist in this state before the date of approval  
4615 by the MDA of the application of the qualified business or  
4616 industry pursuant to the provisions of this chapter. "New direct  
4617 job" shall include full-time employment in this state of employees  
4618 who are employed by an entity other than the establishment that  
4619 has qualified to receive an incentive payment and who are leased  
4620 to the qualified business or industry, if such employment did not  
4621 exist in this state before the date of approval by the MDA of the  
4622 application of the establishment.

4623           (c) "Full-time job" or "full-time employment" means a  
4624 job of at least thirty-five (35) hours per week.

4625           (d) "Estimated direct state benefits" means the tax  
4626 revenues projected by the MDA to accrue to the state as a result  
4627 of the qualified business or industry.

4628           (e) "Estimated direct state costs" means the costs  
4629 projected by the MDA to accrue to the state as a result of the  
4630 qualified business or industry.

4631           (f) "Estimated net direct state benefits" means the  
4632 estimated direct state benefits less the estimated direct state  
4633 costs.



4634 (g) "Net benefit rate" means the estimated net direct  
4635 state benefits computed as a percentage of gross payroll, provided  
4636 that:

4637 (i) Except as otherwise provided in this paragraph  
4638 (g), the net benefit rate may be variable and shall not exceed  
4639 four percent (4%) of the gross payroll; and shall be set in the  
4640 sole discretion of the MDA;

4641 (ii) In no event shall incentive payments,  
4642 cumulatively, exceed the estimated net direct state benefits.

4643 (h) "Gross payroll" means wages for new direct jobs of  
4644 the qualified business or industry.

4645 (i) "MDA" means the Mississippi Development Authority.

4646 **[For businesses or industries that apply for incentive**  
4647 **payments from and after July 1, 2010, this section shall read as**  
4648 **follows:]**

4649 57-62-5. As used in this chapter, the following words and  
4650 phrases shall have the meanings ascribed in this section unless  
4651 the context clearly indicates otherwise:

4652 (a) "Qualified business or industry" means any  
4653 corporation, limited liability company, partnership, sole  
4654 proprietorship, business trust or other legal entity and subunits  
4655 or affiliates thereof, pursuant to rules and regulations of the  
4656 MDA, which:

4657 (i) Is a data/information processing enterprise  
4658 meeting minimum criteria established by the MDA that provides an  
4659 average annual salary, excluding benefits which are not subject to  
4660 Mississippi income taxes, of at least one hundred percent (100%)  
4661 of the most recently published state average annual wage or the  
4662 most recently published average annual wage of the county in which  
4663 the qualified business or industry is located as determined by the  
4664 Mississippi Department of Employment Security, whichever is the  
4665 lesser, and creates not less than two hundred (200) new direct  
4666 jobs \* \* \*; or



4667                   (ii) Is a corporation, limited liability company,  
4668 partnership, sole proprietorship, business trust or other legal  
4669 entity and subunits or affiliates thereof, pursuant to rules and  
4670 regulations of the MDA, which provides an average annual salary,  
4671 excluding benefits which are not subject to Mississippi income  
4672 taxes, of at least one hundred ten percent (110%) of the most  
4673 recently published state average annual wage or the most recently  
4674 published average annual wage of the county in which the qualified  
4675 business or industry is located as determined by the Mississippi  
4676 Department of Employment Security, whichever is the lesser, \* \* \*  
4677 and creates not less than twenty-five (25) new direct jobs \* \* \*.  
4678 \* \* \*

4679           An establishment shall not be considered to be a qualified  
4680 business or industry unless it offers, or will offer within one  
4681 hundred eighty (180) days of the date it receives the first  
4682 incentive payment pursuant to the provisions of this chapter, a  
4683 basic health benefits plan to the individuals it employs in new  
4684 direct jobs in this state which is approved by the MDA. Qualified  
4685 business or industry does not include retail business or gaming  
4686 business.

4687           (b) "New direct job" means full-time employment in this  
4688 state in a qualified business or industry that has qualified to  
4689 receive an incentive payment pursuant to this chapter, which  
4690 employment did not exist in this state before the date of approval  
4691 by the MDA of the application of the qualified business or  
4692 industry pursuant to the provisions of this chapter. "New direct  
4693 job" shall include full-time employment in this state of employees  
4694 who are employed by an entity other than the establishment that  
4695 has qualified to receive an incentive payment and who are leased  
4696 to the qualified business or industry, if such employment did not  
4697 exist in this state before the date of approval by the MDA of the  
4698 application of the establishment.



4699 (c) "Full-time job" or "full-time employment" means a  
4700 job of at least thirty-five (35) hours per week.

4701 \* \* \*

4702 (d) "Gross payroll" means wages for new direct jobs of  
4703 the qualified business or industry.

4704 (e) "MDA" means the Mississippi Development Authority.

4705 **SECTION 33.** Section 57-62-9, Mississippi Code of 1972, is  
4706 amended as follows:

4707 **[For businesses or industries that received or applied for**  
4708 **incentive payments prior to July 1, 2005, this section shall read**  
4709 **as follows:]**

4710 57-62-9. (1) Except as otherwise provided in this section,  
4711 a qualified business or industry that meets the qualifications  
4712 specified in this chapter may receive quarterly incentive payments  
4713 for a period not to exceed ten (10) years from the Department of  
4714 Revenue pursuant to the provisions of this chapter in an amount  
4715 which shall be equal to the net benefit rate multiplied by the  
4716 actual gross payroll of new direct jobs for a calendar quarter as  
4717 verified by the Mississippi Department of Employment Security, but  
4718 not to exceed the amount of money previously paid into the fund by  
4719 the employer. A qualified business or industry that is a project  
4720 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
4721 which the ten-year period will begin. Such date may not be later  
4722 than sixty (60) months after the date the business or industry  
4723 applied for incentive payments.

4724 (2) (a) A qualified business or industry that is a project  
4725 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to  
4726 receive incentive payments for an additional period not to exceed  
4727 five (5) years beyond the expiration date of the initial ten-year  
4728 period if:

4729 (i) The qualified business or industry creates at  
4730 least three thousand (3,000) new direct jobs within five (5) years



4731 after the date the business or industry commences commercial  
4732 production;

4733                   (ii) Within five (5) years after the date the  
4734 business or industry commences commercial production, the average  
4735 annual wage of the jobs is at least one hundred fifty percent  
4736 (150%) of the most recently published state average annual wage or  
4737 the most recently published average annual wage of the county in  
4738 which the qualified business or industry is located as determined  
4739 by the Mississippi Department of Employment Security, whichever is  
4740 the lesser. The criteria for the average annual wage requirement  
4741 shall be based upon the state average annual wage or the average  
4742 annual wage of the county whichever is appropriate, at the time of  
4743 creation of the minimum number of jobs, and the threshold  
4744 established at that time will remain constant for the duration of  
4745 the additional period; and

4746                   (iii) The qualified business or industry meets and  
4747 maintains the job and wage requirements of subparagraphs (i) and  
4748 (ii) of this paragraph (a) for four (4) consecutive calendar  
4749 quarters.

4750                   (b) A qualified business or industry that is a project  
4751 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
4752 incentive payments for the additional period provided in paragraph  
4753 (a) of this subsection (2) may apply to the MDA to receive  
4754 incentive payments for an additional period not to exceed ten (10)  
4755 years beyond the expiration date of the additional period provided  
4756 in paragraph (a) of this subsection (2) if:

4757                   (i) The qualified business or industry creates at  
4758 least four thousand (4,000) new direct jobs after qualifying for  
4759 the additional incentive period provided in paragraph (a) of this  
4760 subsection (2) but before the expiration of the additional period.  
4761 For purposes of determining whether the business or industry meets  
4762 the minimum jobs requirement of this subparagraph (i), the number  
4763 of jobs the business or industry created in order to meet the



4764 minimum jobs requirement of paragraph (a) of this subsection (2)  
4765 shall be subtracted from the minimum jobs requirement of this  
4766 subparagraph (i);

4767           (ii) The average annual wage of the jobs is at  
4768 least one hundred fifty percent (150%) of the most recently  
4769 published state average annual wage or the most recently published  
4770 average annual wage of the county in which the qualified business  
4771 or industry is located as determined by the Mississippi Department  
4772 of Employment Security, whichever is the lesser. The criteria for  
4773 the average annual wage requirement shall be based upon the state  
4774 average annual wage or the average annual wage of the county  
4775 whichever is appropriate, at the time of creation of the minimum  
4776 number of jobs, and the threshold established at that time will  
4777 remain constant for the duration of the additional period; and

4778           (iii) The qualified business or industry meets and  
4779 maintains the job and wage requirements of subparagraphs (i) and  
4780 (ii) of this paragraph (b) for four (4) consecutive calendar  
4781 quarters.

4782           (3) In order to receive incentive payments, an establishment  
4783 shall apply to the MDA. The application shall be on a form  
4784 prescribed by the MDA and shall contain such information as may be  
4785 required by the MDA to determine if the applicant is qualified.

4786           (4) In order to qualify to receive such payments, the  
4787 establishment applying shall be required to:

4788           (a) Be engaged in a qualified business or industry;

4789           (b) Provide an average salary, excluding benefits which  
4790 are not subject to Mississippi income taxes, of at least one  
4791 hundred twenty-five percent (125%) of the most recently published  
4792 state average annual wage or the most recently published average  
4793 annual wage of the county in which the qualified business or  
4794 industry is located as determined by the Mississippi Department of  
4795 Employment Security, whichever is the lesser. The criteria for  
4796 this requirement shall be based upon the state average annual wage





4797 or the average annual wage of the county whichever is appropriate,  
4798 at the time of application, and the threshold established upon  
4799 application will remain constant for the duration of the project;

4800 (c) The business or industry must create and maintain a  
4801 minimum of ten (10) full-time jobs in counties that have an  
4802 average unemployment rate over the previous twelve-month period  
4803 which is at least one hundred fifty percent (150%) of the most  
4804 recently published state unemployment rate, as determined by the  
4805 Mississippi Department of Employment Security or in Tier Three  
4806 counties as determined under Section 57-73-21. In all other  
4807 counties, the business or industry must create and maintain a  
4808 minimum of twenty-five (25) full-time jobs. The criteria for this  
4809 requirement shall be based on the designation of the county at the  
4810 time of the application. The threshold established upon the  
4811 application will remain constant for the duration of the project.  
4812 The business or industry must meet its job creation commitment  
4813 within twenty-four (24) months of the application approval.  
4814 However, if the qualified business or industry is applying for  
4815 incentive payments for an additional period under subsection (2)  
4816 of this section, the business or industry must comply with the  
4817 applicable job and wage requirements of subsection (2) of this  
4818 section.

4819 (5) The MDA shall determine if the applicant is qualified to  
4820 receive incentive payments. If the applicant is determined to be  
4821 qualified by the MDA, the MDA shall conduct a cost/benefit  
4822 analysis to determine the estimated net direct state benefits and  
4823 the net benefit rate applicable for a period not to exceed ten  
4824 (10) years and to estimate the amount of gross payroll for the  
4825 period. If the applicant is determined to be qualified to receive  
4826 incentive payments for an additional period under subsection (2)  
4827 of this section, the MDA shall conduct a cost/benefit analysis to  
4828 determine the estimated net direct state benefits and the net  
4829 benefit rate applicable for the appropriate additional period and



4830 to estimate the amount of gross payroll for the additional period.  
4831 In conducting such cost/benefit analysis, the MDA shall consider  
4832 quantitative factors, such as the anticipated level of new tax  
4833 revenues to the state along with the cost to the state of the  
4834 qualified business or industry, and such other criteria as deemed  
4835 appropriate by the MDA, including the adequacy of retirement  
4836 benefits that the business or industry provides to individuals it  
4837 employs in new direct jobs in this state. In no event shall  
4838 incentive payments, cumulatively, exceed the estimated net direct  
4839 state benefits. Once the qualified business or industry is  
4840 approved by the MDA, an agreement shall be deemed to exist between  
4841 the qualified business or industry and the State of Mississippi,  
4842 requiring the continued incentive payment to be made as long as  
4843 the qualified business or industry retains its eligibility.

4844 (6) Upon approval of such an application, the MDA shall  
4845 notify the Department of Revenue and shall provide it with a copy  
4846 of the approved application and the estimated net direct state  
4847 benefits. The Department of Revenue may require the qualified  
4848 business or industry to submit such additional information as may  
4849 be necessary to administer the provisions of this chapter. The  
4850 qualified business or industry shall report to the Department of  
4851 Revenue periodically to show its continued eligibility for  
4852 incentive payments. The qualified business or industry may be  
4853 audited by the Department of Revenue to verify such eligibility.

4854 (7) If the qualified business or industry is located in an  
4855 area that has been declared by the Governor to be a disaster area  
4856 and as a result of the disaster the business or industry is unable  
4857 to create or maintain the full-time jobs required by this section:

4858 (a) The Commissioner of Revenue may extend the period  
4859 of time that the business or industry may receive incentive  
4860 payments for a period of time not to exceed two (2) years;



4861 (b) The Commissioner of Revenue may waive the  
4862 requirement that a certain number of jobs be maintained for a  
4863 period of time not to exceed twenty-four (24) months; and

4864 (c) The MDA may extend the period of time within which  
4865 the jobs must be created for a period of time not to exceed  
4866 twenty-four (24) months.

4867 **[For businesses or industries that received or applied for**  
4868 **incentive payments from and after July 1, 2005, but prior to July**  
4869 **1, 2010, this section shall read as follows:]**

4870 57-62-9. (1) (a) Except as otherwise provided in this  
4871 section, a qualified business or industry that meets the  
4872 qualifications specified in this chapter may receive quarterly  
4873 incentive payments for a period not to exceed ten (10) years from  
4874 the Department of Revenue pursuant to the provisions of this  
4875 chapter in an amount which shall be equal to the net benefit rate  
4876 multiplied by the actual gross payroll of new direct jobs for a  
4877 calendar quarter as verified by the Mississippi Department of  
4878 Employment Security, but not to exceed:

4879 (i) Ninety percent (90%) of the amount of money  
4880 previously paid into the fund by the employer if the employer  
4881 provides an average annual salary, excluding benefits which are  
4882 not subject to Mississippi income taxes, of at least one hundred  
4883 seventy-five percent (175%) of the most recently published state  
4884 average annual wage or the most recently published average annual  
4885 wage of the county in which the qualified business or industry is  
4886 located as determined by the Mississippi Department of Employment  
4887 Security, whichever is the lesser;

4888 (ii) Eighty percent (80%) of the amount of money  
4889 previously paid into the fund by the employer if the employer  
4890 provides an average annual salary, excluding benefits which are  
4891 not subject to Mississippi income taxes, of at least one hundred  
4892 twenty-five percent (125%) but less than one hundred seventy-five  
4893 percent (175%) of the most recently published state average annual



4894 wage or the most recently published average annual wage of the  
4895 county in which the qualified business or industry is located as  
4896 determined by the Mississippi Department of Employment Security,  
4897 whichever is the lesser; or

4898                   (iii) Seventy percent (70%) of the amount of money  
4899 previously paid into the fund by the employer if the employer  
4900 provides an average annual salary, excluding benefits which are  
4901 not subject to Mississippi income taxes, of less than one hundred  
4902 twenty-five percent (125%) of the most recently published state  
4903 average annual wage or the most recently published average annual  
4904 wage of the county in which the qualified business or industry is  
4905 located as determined by the Mississippi Department of Employment  
4906 Security, whichever is the lesser.

4907                   (b) A qualified business or industry that is a project  
4908 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
4909 which the ten-year period will begin. Such date may not be later  
4910 than sixty (60) months after the date the business or industry  
4911 applied for incentive payments.

4912                   (2) (a) A qualified business or industry that is a project  
4913 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to  
4914 receive incentive payments for an additional period not to exceed  
4915 five (5) years beyond the expiration date of the initial ten-year  
4916 period if:

4917                               (i) The qualified business or industry creates at  
4918 least three thousand (3,000) new direct jobs within five (5) years  
4919 after the date the business or industry commences commercial  
4920 production;

4921                               (ii) Within five (5) years after the date the  
4922 business or industry commences commercial production, the average  
4923 annual wage of the jobs is at least one hundred fifty percent  
4924 (150%) of the most recently published state average annual wage or  
4925 the most recently published average annual wage of the county in  
4926 which the qualified business or industry is located as determined



4927 by the Mississippi Department of Employment Security, whichever is  
4928 the lesser. The criteria for the average annual wage requirement  
4929 shall be based upon the state average annual wage or the average  
4930 annual wage of the county whichever is appropriate, at the time of  
4931 creation of the minimum number of jobs, and the threshold  
4932 established at that time will remain constant for the duration of  
4933 the additional period; and

4934 (iii) The qualified business or industry meets and  
4935 maintains the job and wage requirements of subparagraphs (i) and  
4936 (ii) of this paragraph (a) for four (4) consecutive calendar  
4937 quarters.

4938 (b) A qualified business or industry that is a project  
4939 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
4940 incentive payments for the additional period provided in paragraph  
4941 (a) of this subsection (2) may apply to the MDA to receive  
4942 incentive payments for an additional period not to exceed ten (10)  
4943 years beyond the expiration date of the additional period provided  
4944 in paragraph (a) of this subsection (2) if:

4945 (i) The qualified business or industry creates at  
4946 least four thousand (4,000) new direct jobs after qualifying for  
4947 the additional incentive period provided in paragraph (a) of this  
4948 subsection (2) but before the expiration of the additional period.  
4949 For purposes of determining whether the business or industry meets  
4950 the minimum jobs requirement of this subparagraph (i), the number  
4951 of jobs the business or industry created in order to meet the  
4952 minimum jobs requirement of paragraph (a) of this subsection (2)  
4953 shall be subtracted from the minimum jobs requirement of this  
4954 subparagraph (i);

4955 (ii) The average annual wage of the jobs is at  
4956 least one hundred fifty percent (150%) of the most recently  
4957 published state average annual wage or the most recently published  
4958 average annual wage of the county in which the qualified business  
4959 or industry is located as determined by the Mississippi Department



4960 of Employment Security, whichever is the lesser. The criteria for  
4961 the average annual wage requirement shall be based upon the state  
4962 average annual wage or the average annual wage of the county  
4963 whichever is appropriate, at the time of creation of the minimum  
4964 number of jobs, and the threshold established at that time will  
4965 remain constant for the duration of the additional period; and

4966 (iii) The qualified business or industry meets and  
4967 maintains the job and wage requirements of subparagraphs (i) and  
4968 (ii) of this paragraph (b) for four (4) consecutive calendar  
4969 quarters.

4970 (3) In order to receive incentive payments, an establishment  
4971 shall apply to the MDA. The application shall be on a form  
4972 prescribed by the MDA and shall contain such information as may be  
4973 required by the MDA to determine if the applicant is qualified.

4974 (4) (a) In order to qualify to receive such payments, the  
4975 establishment applying shall be required to meet the definition of  
4976 the term "qualified business or industry";

4977 (b) The criteria for the average annual salary  
4978 requirement shall be based upon the state average annual wage or  
4979 the average annual wage of the county whichever is appropriate, at  
4980 the time of application, and the threshold established upon  
4981 application will remain constant for the duration of the project;

4982 (c) The business or industry must meet its job creation  
4983 commitment within twenty-four (24) months of the application  
4984 approval. However, if the qualified business or industry is  
4985 applying for incentive payments for an additional period under  
4986 subsection (2) of this section, the business or industry must  
4987 comply with the applicable job and wage requirements of subsection  
4988 (2) of this section.

4989 (5) (a) The MDA shall determine if the applicant is  
4990 qualified to receive incentive payments.

4991 (b) If the applicant is determined to be qualified to  
4992 receive incentive payments for an additional period under



4993 subsection (2) of this section, the MDA shall conduct a  
4994 cost/benefit analysis to determine the estimated net direct state  
4995 benefits and the net benefit rate applicable for the appropriate  
4996 additional period and to estimate the amount of gross payroll for  
4997 the additional period. In conducting such cost/benefit analysis,  
4998 the MDA shall consider quantitative factors, such as the  
4999 anticipated level of new tax revenues to the state along with the  
5000 cost to the state of the qualified business or industry, and such  
5001 other criteria as deemed appropriate by the MDA, including the  
5002 adequacy of retirement benefits that the business or industry  
5003 provides to individuals it employs in new direct jobs in this  
5004 state. In no event shall incentive payments, cumulatively, exceed  
5005 the estimated net direct state benefits. Once the qualified  
5006 business or industry is approved by the MDA, an agreement shall be  
5007 deemed to exist between the qualified business or industry and the  
5008 State of Mississippi, requiring the continued incentive payment to  
5009 be made as long as the qualified business or industry retains its  
5010 eligibility.

5011 (6) Upon approval of such an application, the MDA shall  
5012 notify the Department of Revenue and shall provide it with a copy  
5013 of the approved application and the estimated net direct state  
5014 benefits. The Department of Revenue may require the qualified  
5015 business or industry to submit such additional information as may  
5016 be necessary to administer the provisions of this chapter. The  
5017 qualified business or industry shall report to the Department of  
5018 Revenue periodically to show its continued eligibility for  
5019 incentive payments. The qualified business or industry may be  
5020 audited by the Department of Revenue to verify such eligibility.

5021 (7) If the qualified business or industry is located in an  
5022 area that has been declared by the Governor to be a disaster area  
5023 and as a result of the disaster the business or industry is unable  
5024 to create or maintain the full-time jobs required by this section:



5025 (a) The Commissioner of Revenue may extend the period  
5026 of time that the business or industry may receive incentive  
5027 payments for a period of time not to exceed two (2) years;

5028 (b) The Commissioner of Revenue may waive the  
5029 requirement that a certain number of jobs be maintained for a  
5030 period of time not to exceed twenty-four (24) months; and

5031 (c) The MDA may extend the period of time within which  
5032 the jobs must be created for a period of time not to exceed  
5033 twenty-four (24) months.

5034 **[For businesses or industries that apply for incentive**  
5035 **payments from and after July 1, 2010, this section shall read as**  
5036 **follows:]**

5037 57-62-9. (1) (a) Except as otherwise provided in this  
5038 section, a qualified business or industry that meets the  
5039 qualifications specified in this chapter may receive quarterly  
5040 incentive payments for a period not to exceed ten (10) years from  
5041 the Department of Revenue pursuant to the provisions of this  
5042 chapter in an amount which shall be equal to ninety percent (90%)  
5043 of the amount of actual income tax withheld for new direct jobs,  
5044 but in no event more than four percent (4%) of the total annual  
5045 salary paid for new direct jobs during such period, excluding  
5046 benefits which are not subject to Mississippi income taxes.

5047 \* \* \*

5048 (b) A qualified business or industry that is a project  
5049 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
5050 which the ten-year period will begin. Such date may not be later  
5051 than sixty (60) months after the date the business or industry  
5052 applied for incentive payments.

5053 (2) (a) A qualified business or industry that is a project  
5054 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to  
5055 receive incentive payments for an additional period not to exceed  
5056 five (5) years beyond the expiration date of the initial ten-year  
5057 period if:





5058 (i) The qualified business or industry creates at  
5059 least three thousand (3,000) new direct jobs within five (5) years  
5060 after the date the business or industry commences commercial  
5061 production;

5062 (ii) Within five (5) years after the date the  
5063 business or industry commences commercial production, the average  
5064 annual wage of the jobs is at least one hundred fifty percent  
5065 (150%) of the most recently published state average annual wage or  
5066 the most recently published average annual wage of the county in  
5067 which the qualified business or industry is located as determined  
5068 by the Mississippi Department of Employment Security, whichever is  
5069 the lesser. The criteria for the average annual wage requirement  
5070 shall be based upon the state average annual wage or the average  
5071 annual wage of the county whichever is appropriate, at the time of  
5072 creation of the minimum number of jobs, and the threshold  
5073 established at that time will remain constant for the duration of  
5074 the additional period; and

5075 (iii) The qualified business or industry meets and  
5076 maintains the job and wage requirements of subparagraphs (i) and  
5077 (ii) of this paragraph (a) for four (4) consecutive calendar  
5078 quarters.

5079 (b) A qualified business or industry that is a project  
5080 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
5081 incentive payments for the additional period provided in paragraph  
5082 (a) of this subsection (2) may apply to the MDA to receive  
5083 incentive payments for an additional period not to exceed ten (10)  
5084 years beyond the expiration date of the additional period provided  
5085 in paragraph (a) of this subsection (2) if:

5086 (i) The qualified business or industry creates at  
5087 least four thousand (4,000) new direct jobs after qualifying for  
5088 the additional incentive period provided in paragraph (a) of this  
5089 subsection (2) but before the expiration of the additional period.  
5090 For purposes of determining whether the business or industry meets



5091 the minimum jobs requirement of this subparagraph (i), the number  
5092 of jobs the business or industry created in order to meet the  
5093 minimum jobs requirement of paragraph (a) of this subsection (2)  
5094 shall be subtracted from the minimum jobs requirement of this  
5095 subparagraph (i);

5096 (ii) The average annual wage of the jobs is at  
5097 least one hundred fifty percent (150%) of the most recently  
5098 published state average annual wage or the most recently published  
5099 average annual wage of the county in which the qualified business  
5100 or industry is located as determined by the Mississippi Department  
5101 of Employment Security, whichever is the lesser. The criteria for  
5102 the average annual wage requirement shall be based upon the state  
5103 average annual wage or the average annual wage of the county  
5104 whichever is appropriate, at the time of creation of the minimum  
5105 number of jobs, and the threshold established at that time will  
5106 remain constant for the duration of the additional period; and

5107 (iii) The qualified business or industry meets and  
5108 maintains the job and wage requirements of subparagraphs (i) and  
5109 (ii) of this paragraph (b) for four (4) consecutive calendar  
5110 quarters.

5111 (3) In order to receive incentive payments, an establishment  
5112 shall apply to the MDA. The application shall be on a form  
5113 prescribed by the MDA and shall contain such information as may be  
5114 required by the MDA to determine if the applicant is qualified.

5115 (4) (a) In order to qualify to receive such payments, the  
5116 establishment applying shall be required to meet the definition of  
5117 the term "qualified business or industry";

5118 (b) The criteria for the average annual salary  
5119 requirement shall be based upon the state average annual wage or  
5120 the average annual wage of the county whichever is appropriate, at  
5121 the time of application, and the threshold established upon  
5122 application will remain constant for the duration of the project;



5123 (c) The business or industry must meet its job creation  
5124 commitment within twenty-four (24) months of the application  
5125 approval. However, if the qualified business or industry is  
5126 applying for incentive payments for an additional period under  
5127 subsection (2) of this section, the business or industry must  
5128 comply with the applicable job and wage requirements of subsection  
5129 (2) of this section.

5130 (5) (a) The MDA shall determine if the applicant is  
5131 qualified to receive incentive payments. \* \* \*

5132 (b) If the applicant is determined to be qualified to  
5133 receive incentive payments for an additional period under  
5134 subsection (2) of this section, the MDA shall conduct an  
5135 analysis \* \* \* to estimate the amount of gross payroll for the  
5136 appropriate additional period. \* \* \* Incentive payments,  
5137 cumulatively, shall not exceed ninety percent (90%) of the amount  
5138 of actual income tax withheld for employees with new direct jobs,  
5139 but in no event more than four percent (4%) of the total annual  
5140 salary paid for new direct jobs during the additional period,  
5141 excluding benefits which are not subject to Mississippi income  
5142 taxes. Once the qualified business or industry is approved by the  
5143 MDA, an agreement shall be deemed to exist between the qualified  
5144 business or industry and the State of Mississippi, requiring the  
5145 continued incentive payment to be made as long as the qualified  
5146 business or industry retains its eligibility.

5147 (6) Upon approval of such an application, the MDA shall  
5148 notify the Department of Revenue and shall provide it with a copy  
5149 of the approved application and the minimum job and salary  
5150 requirements. The Department of Revenue may require the qualified  
5151 business or industry to submit such additional information as may  
5152 be necessary to administer the provisions of this chapter. The  
5153 qualified business or industry shall report to the Department of  
5154 Revenue periodically to show its continued eligibility for



5155 incentive payments. The qualified business or industry may be  
5156 audited by the Department of Revenue to verify such eligibility.

5157 (7) If the qualified business or industry is located in an  
5158 area that has been declared by the Governor to be a disaster area  
5159 and as a result of the disaster the business or industry is unable  
5160 to create or maintain the full-time jobs required by this section:

5161 (a) The Commissioner of Revenue may extend the period  
5162 of time that the business or industry may receive incentive  
5163 payments for a period of time not to exceed two (2) years;

5164 (b) The Commissioner of Revenue may waive the  
5165 requirement that a certain number of jobs be maintained for a  
5166 period of time not to exceed twenty-four (24) months; and

5167 (c) The MDA may extend the period of time within which  
5168 the jobs must be created for a period of time not to exceed  
5169 twenty-four (24) months.

5170 **SECTION 34.** Section 57-62-11, Mississippi Code of 1972, is  
5171 amended as follows:

5172 57-62-11. (1) There is created in the State Treasury a  
5173 special fund to be known as the Mississippi Advantage Jobs  
5174 Incentive Payment Fund, into which shall be deposited withholding  
5175 tax revenue required to be deposited into such fund pursuant to  
5176 Section 27-7-312. The money in the fund shall be used for the  
5177 purpose of making the incentive payments authorized under this  
5178 chapter.

5179 (2) The Mississippi Advantage Jobs Incentive Payment Fund  
5180 shall be administered by the Department of Revenue, and monies in  
5181 the fund, less three percent (3%) to be retained by the Department  
5182 of Revenue to pay the reasonable and necessary expenses of the  
5183 Department of Revenue in administering its duties under this  
5184 chapter, shall be expended pursuant to the approved application.  
5185 Amounts in the fund at the end of any fiscal year that are not  
5186 necessary to make future incentive payments shall be paid into the  
5187 General Fund.



5188 (3) The liability of the State of Mississippi to make the  
5189 incentive payments authorized under this chapter shall be limited  
5190 to the balance contained in the fund.

5191 **SECTION 35.** Section 57-62-13, Mississippi Code of 1972, is  
5192 amended as follows:

5193 57-62-13. (1) As soon as practicable after the end of a  
5194 calendar quarter for which a qualified business or industry has  
5195 qualified to receive an incentive payment, the qualified business  
5196 or industry shall file a claim for the payment with the Department  
5197 of Revenue and shall specify the actual number of new direct jobs  
5198 created and maintained by the business or industry for the  
5199 calendar quarter and the gross payroll thereof. The Department of  
5200 Revenue shall verify the actual number of new direct jobs created  
5201 and maintained by the business or industry and compliance with the  
5202 average annual wage requirements for such business or industry  
5203 under this chapter. If the qualified business or industry files a  
5204 claim for an incentive payment during an additional incentive  
5205 period provided under Section 57-62-9(2), the Department of  
5206 Revenue shall verify the actual number of new direct jobs created  
5207 and maintained by the business or industry and compliance with the  
5208 average annual wage requirements for such business or industry  
5209 under this chapter. If the Department of Revenue is not able to  
5210 provide such verification utilizing all available resources, the  
5211 Department of Revenue may request such additional information from  
5212 the business or industry as may be necessary.

5213 (2) (a) The business or industry must meet the salary and  
5214 job requirements of this chapter for four (4) consecutive calendar  
5215 quarters prior to payment of the first incentive payment. Except  
5216 as otherwise provided in Section 57-62-9, if the business or  
5217 industry does not maintain the salary or job requirements of this  
5218 chapter at any other time during the ten-year period after the  
5219 date the first payment was made, the incentive payments shall not  
5220 be made and shall not be resumed until such time as the actual



5221 verified number of new direct jobs created and maintained by the  
5222 business or industry equals or exceeds the requirements of this  
5223 chapter for one (1) calendar quarter.

5224 (b) If the business or industry is qualified to receive  
5225 incentive payments for an additional period provided under Section  
5226 57-62-9(2), the business or industry must meet the wage and job  
5227 requirements of Section 57-62-9(2), for four (4) consecutive  
5228 calendar quarters prior to payment of the first incentive payment.  
5229 If the business or industry does not maintain the wage or job  
5230 requirements of Section 57-62-9(2), at any other time during the  
5231 appropriate additional period after the date the first payment was  
5232 made, the incentive payments shall not be made and shall not be  
5233 resumed until such time as the actual verified number of new  
5234 direct jobs created and maintained by the business or industry  
5235 equals or exceeds the amounts specified in Section 57-62-9(2), for  
5236 one (1) calendar quarter.

5237 (3) An establishment that has qualified pursuant to this  
5238 chapter may receive payments only in accordance with the provision  
5239 under which it initially applied and was approved. If an  
5240 establishment that is receiving incentive payments expands, it may  
5241 apply for additional incentive payments based on the new gross  
5242 payroll for new direct jobs anticipated from the expansion only,  
5243 pursuant to this chapter.

5244 (4) As soon as practicable after verification of the  
5245 qualified business or industry meeting the requirements of this  
5246 chapter and all rules and regulations, the Department of Finance  
5247 and Administration, upon requisition of the Department of Revenue,  
5248 shall issue a warrant drawn on the Mississippi Advantage Jobs  
5249 Incentive Payment Fund to the establishment in the amount of the  
5250 incentive payment as determined pursuant to subsection (1) of this  
5251 section for the calendar quarter.

5252 **SECTION 36.** Section 57-62-15, Mississippi Code of 1972, is  
5253 amended as follows:



5254           57-62-15. The MDA and the Department of Revenue shall  
5255 promulgate rules and regulations, in accordance with the  
5256 Mississippi Administrative Procedures Law, and all application  
5257 forms and other forms necessary to implement their respective  
5258 duties and responsibilities under the provisions of this chapter.

5259           **SECTION 37.** Section 57-73-21, Mississippi Code of 1972, is  
5260 amended as follows:

5261           **[In cases involving business enterprises that received or**  
5262 **applied for the job tax credit authorized by this section prior to**  
5263 **January 1, 2005, this section shall read as follows:]**

5264           57-73-21. (1) Annually by December 31, using the most  
5265 current data available from the University Research Center,  
5266 Mississippi Department of Employment Security and the United  
5267 States Department of Commerce, the State Tax Commission shall rank  
5268 and designate the state's counties as provided in this section.  
5269 The twenty-eight (28) counties in this state having a combination  
5270 of the highest unemployment rate and lowest per capita income for  
5271 the most recent thirty-six-month period, with equal weight being  
5272 given to each category, are designated Tier Three areas. The  
5273 twenty-seven (27) counties in the state with a combination of the  
5274 next highest unemployment rate and next lowest per capita income  
5275 for the most recent thirty-six-month period, with equal weight  
5276 being given to each category, are designated Tier Two areas. The  
5277 twenty-seven (27) counties in the state with a combination of the  
5278 lowest unemployment rate and the highest per capita income for the  
5279 most recent thirty-six-month period, with equal weight being given  
5280 to each category, are designated Tier One areas. Counties  
5281 designated by the Tax Commission qualify for the appropriate tax  
5282 credit for jobs as provided in subsections (2), (3) and (4) of  
5283 this section. The designation by the Tax Commission is effective  
5284 for the tax years of permanent business enterprises which begin  
5285 after the date of designation. For companies which plan an  
5286 expansion in their labor forces, the Tax Commission shall



5287 prescribe certification procedures to ensure that the companies  
5288 can claim credits in future years without regard to whether or not  
5289 a particular county is removed from the list of Tier Three or Tier  
5290 Two areas.

5291 (2) Permanent business enterprises primarily engaged in  
5292 manufacturing, processing, warehousing, distribution, wholesaling  
5293 and research and development, or permanent business enterprises  
5294 designated by rule and regulation of the Mississippi Development  
5295 Authority as air transportation and maintenance facilities, final  
5296 destination or resort hotels having a minimum of one hundred fifty  
5297 (150) guest rooms, recreational facilities that impact tourism,  
5298 movie industry studios, telecommunications enterprises, data or  
5299 information processing enterprises or computer software  
5300 development enterprises or any technology intensive facility or  
5301 enterprise, in counties designated by the Tax Commission as Tier  
5302 Three areas are allowed a job tax credit for taxes imposed by  
5303 Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually  
5304 for each net new full-time employee job for five (5) years  
5305 beginning with years two (2) through six (6) after the creation of  
5306 the job; however, if the permanent business enterprise is located  
5307 in an area that has been declared by the Governor to be a disaster  
5308 area and as a direct result of the disaster the permanent business  
5309 enterprise is unable to maintain the required number of jobs, the  
5310 Chairman of the State Tax Commission may extend this time period  
5311 for not more two (2) years. The number of new full-time jobs must  
5312 be determined by comparing the monthly average number of full-time  
5313 employees subject to the Mississippi income tax withholding for  
5314 the taxable year with the corresponding period of the prior  
5315 taxable year. Only those permanent businesses that increase  
5316 employment by ten (10) or more in a Tier Three area are eligible  
5317 for the credit. Credit is not allowed during any of the five (5)  
5318 years if the net employment increase falls below ten (10). The  
5319 Tax Commission shall adjust the credit allowed each year for the





5320 net new employment fluctuations above the minimum level of ten  
5321 (10).

5322 (3) Permanent business enterprises primarily engaged in  
5323 manufacturing, processing, warehousing, distribution, wholesaling  
5324 and research and development, or permanent business enterprises  
5325 designated by rule and regulation of the Mississippi Development  
5326 Authority as air transportation and maintenance facilities, final  
5327 destination or resort hotels having a minimum of one hundred fifty  
5328 (150) guest rooms, recreational facilities that impact tourism,  
5329 movie industry studios, telecommunications enterprises, data or  
5330 information processing enterprises or computer software  
5331 development enterprises or any technology intensive facility or  
5332 enterprise, in counties that have been designated by the Tax  
5333 Commission as Tier Two areas are allowed a job tax credit for  
5334 taxes imposed by Section 27-7-5 equal to One Thousand Dollars  
5335 (\$1,000.00) annually for each net new full-time employee job for  
5336 five (5) years beginning with years two (2) through six (6) after  
5337 the creation of the job; however, if the permanent business  
5338 enterprise is located in an area that has been declared by the  
5339 Governor to be a disaster area and as a direct result of the  
5340 disaster the permanent business enterprise is unable to maintain  
5341 the required number of jobs, the Chairman of the State Tax  
5342 Commission may extend this time period for not more two (2) years.  
5343 The number of new full-time jobs must be determined by comparing  
5344 the monthly average number of full-time employees subject to  
5345 Mississippi income tax withholding for the taxable year with the  
5346 corresponding period of the prior taxable year. Only those  
5347 permanent businesses that increase employment by fifteen (15) or  
5348 more in Tier Two areas are eligible for the credit. The credit is  
5349 not allowed during any of the five (5) years if the net employment  
5350 increase falls below fifteen (15). The Tax Commission shall  
5351 adjust the credit allowed each year for the net new employment  
5352 fluctuations above the minimum level of fifteen (15).



5353           (4) Permanent business enterprises primarily engaged in  
5354 manufacturing, processing, warehousing, distribution, wholesaling  
5355 and research and development, or permanent business enterprises  
5356 designated by rule and regulation of the Mississippi Development  
5357 Authority as air transportation and maintenance facilities, final  
5358 destination or resort hotels having a minimum of one hundred fifty  
5359 (150) guest rooms, recreational facilities that impact tourism,  
5360 movie industry studios, telecommunications enterprises, data or  
5361 information processing enterprises or computer software  
5362 development enterprises or any technology intensive facility or  
5363 enterprise, in counties designated by the Tax Commission as Tier  
5364 One areas are allowed a job tax credit for taxes imposed by  
5365 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually  
5366 for each net new full-time employee job for five (5) years  
5367 beginning with years two (2) through six (6) after the creation of  
5368 the job; however, if the permanent business enterprise is located  
5369 in an area that has been declared by the Governor to be a disaster  
5370 area and as a direct result of the disaster the permanent business  
5371 enterprise is unable to maintain the required number of jobs, the  
5372 Chairman of the State Tax Commission may extend this time period  
5373 for not more two (2) years. The number of new full-time jobs must  
5374 be determined by comparing the monthly average number of full-time  
5375 employees subject to Mississippi income tax withholding for the  
5376 taxable year with the corresponding period of the prior taxable  
5377 year. Only those permanent businesses that increase employment by  
5378 twenty (20) or more in Tier One areas are eligible for the credit.  
5379 The credit is not allowed during any of the five (5) years if the  
5380 net employment increase falls below twenty (20). The Tax  
5381 Commission shall adjust the credit allowed each year for the net  
5382 new employment fluctuations above the minimum level of twenty  
5383 (20).

5384           (5) In addition to the credits authorized in subsections  
5385 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)



5386 credit for each net new full-time employee or an additional One  
5387 Thousand Dollars (\$1,000.00) credit for each net new full-time  
5388 employee who is paid a salary, excluding benefits which are not  
5389 subject to Mississippi income taxation, of at least one hundred  
5390 twenty-five percent (125%) of the average annual wage of the state  
5391 or an additional Two Thousand Dollars (\$2,000.00) credit for each  
5392 net new full-time employee who is paid a salary, excluding  
5393 benefits which are not subject to Mississippi income taxation, of  
5394 at least two hundred percent (200%) of the average annual wage of  
5395 the state, shall be allowed for any company establishing or  
5396 transferring its national or regional headquarters from within or  
5397 outside the State of Mississippi. A minimum of thirty-five (35)  
5398 jobs must be created to qualify for the additional credit. The  
5399 State Tax Commission shall establish criteria and prescribe  
5400 procedures to determine if a company qualifies as a national or  
5401 regional headquarters for purposes of receiving the credit awarded  
5402 in this subsection. As used in this subsection, the average  
5403 annual wage of the state is the most recently published average  
5404 annual wage as determined by the Mississippi Department of  
5405 Employment Security.

5406 (6) In addition to the credits authorized in subsections  
5407 (2), (3), (4) and (5), any job requiring research and development  
5408 skills (chemist, engineer, etc.) shall qualify for an additional  
5409 One Thousand Dollars (\$1,000.00) credit for each net new full-time  
5410 employee.

5411 (7) In lieu of the tax credits provided in subsections (2)  
5412 through (6), any commercial or industrial property owner which  
5413 remediates contaminated property in accordance with Sections  
5414 49-35-1 through 49-35-25, is allowed a job tax credit for taxes  
5415 imposed by Section 27-7-5 equal to the amounts provided in  
5416 subsection (2), (3) or (4) for each net new full-time employee job  
5417 for five (5) years beginning with years two (2) through six (6)  
5418 after the creation of the job. The number of new full-time jobs



5419 must be determined by comparing the monthly average number of  
5420 full-time employees subject to Mississippi income tax withholding  
5421 for the taxable year with the corresponding period of the prior  
5422 taxable year. This subsection shall be administered in the same  
5423 manner as subsections (2), (3) and (4), except the landowner shall  
5424 not be required to increase employment by the levels provided in  
5425 subsections (2), (3) and (4) to be eligible for the tax credit.

5426 (8) Tax credits for five (5) years for the taxes imposed by  
5427 Section 27-7-5 shall be awarded for additional net new full-time  
5428 jobs created by business enterprises qualified under subsections  
5429 (2), (3), (4), (5), (6) and (7) of this section. Except as  
5430 otherwise provided, the Tax Commission shall adjust the credit  
5431 allowed in the event of employment fluctuations during the  
5432 additional five (5) years of credit.

5433 (9) (a) The sale, merger, acquisition, reorganization,  
5434 bankruptcy or relocation from one (1) county to another county  
5435 within the state of any business enterprise may not create new  
5436 eligibility in any succeeding business entity, but any unused job  
5437 tax credit may be transferred and continued by any transferee of  
5438 the business enterprise. The Tax Commission shall determine  
5439 whether or not qualifying net increases or decreases have occurred  
5440 or proper transfers of credit have been made and may require  
5441 reports, promulgate regulations, and hold hearings as needed for  
5442 substantiation and qualification.

5443 (b) This subsection shall not apply in cases in which a  
5444 business enterprise has ceased operation, laid off all its  
5445 employees and is subsequently acquired by another unrelated  
5446 business entity that continues operation of the enterprise in the  
5447 same or a similar type of business. In such a case the succeeding  
5448 business entity shall be eligible for the credit authorized by  
5449 this section unless the cessation of operation of the business  
5450 enterprise was for the purpose of obtaining new eligibility for  
5451 the credit.



5452           (10) Any tax credit claimed under this section but not used  
5453 in any taxable year may be carried forward for five (5) years from  
5454 the close of the tax year in which the qualified jobs were  
5455 established but the credit established by this section taken in  
5456 any one (1) tax year must be limited to an amount not greater than  
5457 fifty percent (50%) of the taxpayer's state income tax liability  
5458 which is attributable to income derived from operations in the  
5459 state for that year. If the permanent business enterprise is  
5460 located in an area that has been declared by the Governor to be a  
5461 disaster area and as a direct result of the disaster the business  
5462 enterprise is unable to use the existing carryforward, the  
5463 Chairman of the State Tax Commission may extend the period that  
5464 the credit may be carried forward for a period of time not to  
5465 exceed two (2) years.

5466           (11) No business enterprise for the transportation,  
5467 handling, storage, processing or disposal of hazardous waste is  
5468 eligible to receive the tax credits provided in this section.

5469           (12) The credits allowed under this section shall not be  
5470 used by any business enterprise or corporation other than the  
5471 business enterprise actually qualifying for the credits.

5472           (13) The tax credits provided for in this section shall be  
5473 in addition to any tax credits described in Sections 57-51-13(b),  
5474 57-53-1(1) (a) and 57-54-9(b) and granted pursuant to official  
5475 action by the Mississippi Development Authority prior to July 1,  
5476 1989, to any business enterprise determined prior to July 1, 1989,  
5477 by the Mississippi Development Authority to be a qualified  
5478 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or  
5479 a qualified company as described in Section 57-53-1, as the case  
5480 may be; however, from and after July 1, 1989, tax credits shall be  
5481 allowed only under either this section or Sections 57-51-13(b),  
5482 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time  
5483 employee.



5484 (14) As used in this section, the term "telecommunications  
5485 enterprises" means entities engaged in the creation, display,  
5486 management, storage, processing, transmission or distribution for  
5487 compensation of images, text, voice, video or data by wire or by  
5488 wireless means, or entities engaged in the construction, design,  
5489 development, manufacture, maintenance or distribution for  
5490 compensation of devices, products, software or structures used in  
5491 the above activities. Companies organized to do business as  
5492 commercial broadcast radio stations, television stations or news  
5493 organizations primarily serving in-state markets shall not be  
5494 included within the definition of the term "telecommunications  
5495 enterprises."

5496 **[In cases involving business enterprises that apply for the**  
5497 **job tax credit authorized by this section from and after January**  
5498 **1, 2005, this section shall read as follows:]**

5499 57-73-21. (1) Annually by December 31, using the most  
5500 current data available from the University Research Center,  
5501 Mississippi Department of Employment Security and the United  
5502 States Department of Commerce, the State Tax Commission shall rank  
5503 and designate the state's counties as provided in this section.  
5504 The twenty-eight (28) counties in this state having a combination  
5505 of the highest unemployment rate and lowest per capita income for  
5506 the most recent thirty-six-month period, with equal weight being  
5507 given to each category, are designated Tier Three areas. The  
5508 twenty-seven (27) counties in the state with a combination of the  
5509 next highest unemployment rate and next lowest per capita income  
5510 for the most recent thirty-six-month period, with equal weight  
5511 being given to each category, are designated Tier Two areas. The  
5512 twenty-seven (27) counties in the state with a combination of the  
5513 lowest unemployment rate and the highest per capita income for the  
5514 most recent thirty-six-month period, with equal weight being given  
5515 to each category, are designated Tier One areas. Counties  
5516 designated by the Tax Commission qualify for the appropriate tax



5517 credit for jobs as provided in this section. The designation by  
5518 the Tax Commission is effective for the tax years of permanent  
5519 business enterprises which begin after the date of designation.  
5520 For companies which plan an expansion in their labor forces, the  
5521 Tax Commission shall prescribe certification procedures to ensure  
5522 that the companies can claim credits in future years without  
5523 regard to whether or not a particular county is removed from the  
5524 list of Tier Three or Tier Two areas.

5525 (2) Permanent business enterprises in counties designated by  
5526 the Tax Commission as Tier Three areas are allowed a job tax  
5527 credit for taxes imposed by Section 27-7-5 equal to ten percent  
5528 (10%) of the payroll of the enterprise for net new full-time  
5529 employee jobs for five (5) years beginning with years two (2)  
5530 through six (6) after the creation of the minimum number of jobs  
5531 required by this subsection; however, if the permanent business  
5532 enterprise is located in an area that has been declared by the  
5533 Governor to be a disaster area and as a direct result of the  
5534 disaster the permanent business enterprise is unable to maintain  
5535 the required number of jobs, the Chairman of the State Tax  
5536 Commission may extend this time period for not more two (2) years.  
5537 The number of new full-time jobs must be determined by comparing  
5538 the monthly average number of full-time employees subject to the  
5539 Mississippi income tax withholding for the taxable year with the  
5540 corresponding period of the prior taxable year. Only those  
5541 permanent business enterprises that increase employment by ten  
5542 (10) or more in a Tier Three area are eligible for the credit.  
5543 Credit is not allowed during any of the five (5) years if the net  
5544 employment increase falls below ten (10). The Tax Commission  
5545 shall adjust the credit allowed each year for the net new  
5546 employment fluctuations above the minimum level of ten (10).

5547 (3) Permanent business enterprises in counties that have  
5548 been designated by the Tax Commission as Tier Two areas are  
5549 allowed a job tax credit for taxes imposed by Section 27-7-5 equal



5550 to five percent (5%) of the payroll of the enterprise for net new  
5551 full-time employee jobs for five (5) years beginning with years  
5552 two (2) through six (6) after the creation of the minimum number  
5553 of jobs required by this subsection; however, if the permanent  
5554 business enterprise is located in an area that has been declared  
5555 by the Governor to be a disaster area and as a direct result of  
5556 the disaster the permanent business enterprise is unable to  
5557 maintain the required number of jobs, the Chairman of the State  
5558 Tax Commission may extend this time period for not more two (2)  
5559 years. The number of new full-time jobs must be determined by  
5560 comparing the monthly average number of full-time employees  
5561 subject to Mississippi income tax withholding for the taxable year  
5562 with the corresponding period of the prior taxable year. Only  
5563 those permanent business enterprises that increase employment by  
5564 fifteen (15) or more in Tier Two areas are eligible for the  
5565 credit. The credit is not allowed during any of the five (5)  
5566 years if the net employment increase falls below fifteen (15).  
5567 The Tax Commission shall adjust the credit allowed each year for  
5568 the net new employment fluctuations above the minimum level of  
5569 fifteen (15).

5570 (4) Permanent business enterprises in counties designated by  
5571 the Tax Commission as Tier One areas are allowed a job tax credit  
5572 for taxes imposed by Section 27-7-5 equal to two and one-half  
5573 percent (2.5%) of the payroll of the enterprise for net new  
5574 full-time employee jobs for five (5) years beginning with years  
5575 two (2) through six (6) after the creation of the minimum number  
5576 of jobs required by this subsection; however, if the permanent  
5577 business enterprise is located in an area that has been declared  
5578 by the Governor to be a disaster area and as a direct result of  
5579 the disaster the permanent business enterprise is unable to  
5580 maintain the required number of jobs, the Chairman of the State  
5581 Tax Commission may extend this time period for not more two (2)  
5582 years. The number of new full-time jobs must be determined by





5583 comparing the monthly average number of full-time employees  
5584 subject to Mississippi income tax withholding for the taxable year  
5585 with the corresponding period of the prior taxable year. Only  
5586 those permanent business enterprises that increase employment by  
5587 twenty (20) or more in Tier One areas are eligible for the credit.  
5588 The credit is not allowed during any of the five (5) years if the  
5589 net employment increase falls below twenty (20). The Tax  
5590 Commission shall adjust the credit allowed each year for the net  
5591 new employment fluctuations above the minimum level of twenty  
5592 (20).

5593 (5) In addition to the other credits authorized in this  
5594 section, an additional Five Hundred Dollars (\$500.00) credit for  
5595 each net new full-time employee or an additional One Thousand  
5596 Dollars (\$1,000.00) credit for each net new full-time employee who  
5597 is paid a salary, excluding benefits which are not subject to  
5598 Mississippi income taxation, of at least one hundred twenty-five  
5599 percent (125%) of the average annual wage of the state or an  
5600 additional Two Thousand Dollars (\$2,000.00) credit for each net  
5601 new full-time employee who is paid a salary, excluding benefits  
5602 which are not subject to Mississippi income taxation, of at least  
5603 two hundred percent (200%) of the average annual wage of the  
5604 state, shall be allowed for any company establishing or  
5605 transferring its national or regional headquarters from within or  
5606 outside the State of Mississippi. A minimum of twenty (20) jobs  
5607 must be created to qualify for the additional credit. The  
5608 Mississippi Development Authority shall establish criteria and  
5609 prescribe procedures to determine if a company qualifies as a  
5610 national or regional headquarters for purposes of receiving the  
5611 credit awarded in this subsection. As used in this subsection,  
5612 the average annual wage of the state is the most recently  
5613 published average annual wage as determined by the Mississippi  
5614 Department of Employment Security.



5615           (6) In addition to the other credits authorized in this  
5616 section, any job requiring research and development skills  
5617 (chemist, engineer, etc.) shall qualify for an additional One  
5618 Thousand Dollars (\$1,000.00) credit for each net new full-time  
5619 employee.

5620           (7) In lieu of the other tax credits provided in this  
5621 section, any commercial or industrial property owner which  
5622 remediates contaminated property in accordance with Sections  
5623 49-35-1 through 49-35-25, is allowed a job tax credit for taxes  
5624 imposed by Section 27-7-5 equal to the percentage of payroll  
5625 provided in subsection (2), (3) or (4) of this section for net new  
5626 full-time employee jobs for five (5) years beginning with years  
5627 two (2) through six (6) after the creation of the jobs. The  
5628 number of new full-time jobs must be determined by comparing the  
5629 monthly average number of full-time employees subject to  
5630 Mississippi income tax withholding for the taxable year with the  
5631 corresponding period of the prior taxable year. This subsection  
5632 shall be administered in the same manner as subsections (2), (3)  
5633 and (4), except the landowner shall not be required to increase  
5634 employment by the levels provided in subsections (2), (3) and (4)  
5635 to be eligible for the tax credit.

5636           (8) (a) Tax credits for five (5) years for the taxes  
5637 imposed by Section 27-7-5 shall be awarded for increases in the  
5638 annual payroll for net new full-time jobs created by business  
5639 enterprises qualified under this section. The Tax Commission  
5640 shall adjust the credit allowed in the event of payroll  
5641 fluctuations during the additional five (5) years of credit.

5642           (b) Tax credits for five (5) years for the taxes  
5643 imposed by Section 27-7-5 shall be awarded for additional net new  
5644 full-time jobs created by business enterprises qualified under  
5645 subsections (5) and (6) of this section. The Tax Commission shall  
5646 adjust the credit allowed in the event of employment fluctuations  
5647 during the additional five (5) years of credit.



5648           (9)   (a)   The sale, merger, acquisition, reorganization,  
5649 bankruptcy or relocation from one (1) county to another county  
5650 within the state of any business enterprise may not create new  
5651 eligibility in any succeeding business entity, but any unused job  
5652 tax credit may be transferred and continued by any transferee of  
5653 the business enterprise. The Tax Commission shall determine  
5654 whether or not qualifying net increases or decreases have occurred  
5655 or proper transfers of credit have been made and may require  
5656 reports, promulgate regulations, and hold hearings as needed for  
5657 substantiation and qualification.

5658           (b)   This subsection shall not apply in cases in which a  
5659 business enterprise has ceased operation, laid off all its  
5660 employees and is subsequently acquired by another unrelated  
5661 business entity that continues operation of the enterprise in the  
5662 same or a similar type of business. In such a case the succeeding  
5663 business entity shall be eligible for the credit authorized by  
5664 this section unless the cessation of operation of the business  
5665 enterprise was for the purpose of obtaining new eligibility for  
5666 the credit.

5667           (10) Any tax credit claimed under this section but not used  
5668 in any taxable year may be carried forward for five (5) years from  
5669 the close of the tax year in which the qualified jobs were  
5670 established but the credit established by this section taken in  
5671 any one (1) tax year must be limited to an amount not greater than  
5672 fifty percent (50%) of the taxpayer's state income tax liability  
5673 which is attributable to income derived from operations in the  
5674 state for that year. If the permanent business enterprise is  
5675 located in an area that has been declared by the Governor to be a  
5676 disaster area and as a direct result of the disaster the business  
5677 enterprise is unable to use the existing carry-forward, the  
5678 Chairman of the State Tax Commission may extend the period that  
5679 the credit may be carried forward for a period of time not to  
5680 exceed two (2) years.



5681           (11) No business enterprise for the transportation,  
5682 handling, storage, processing or disposal of hazardous waste is  
5683 eligible to receive the tax credits provided in this section.

5684           (12) The credits allowed under this section shall not be  
5685 used by any business enterprise or corporation other than the  
5686 business enterprise actually qualifying for the credits.

5687           (13) As used in this section:

5688                   (a) "Business enterprises" means entities primarily  
5689 engaged in:

5690                           (i) Manufacturing, processing, warehousing,  
5691 distribution, wholesaling and research and development, or

5692                           (ii) Permanent business enterprises designated by  
5693 rule and regulation of the Mississippi Development Authority as  
5694 air transportation and maintenance facilities, final destination  
5695 or resort hotels having a minimum of one hundred fifty (150) guest  
5696 rooms, recreational facilities that impact tourism, movie industry  
5697 studios, telecommunications enterprises, data or information  
5698 processing enterprises or computer software development  
5699 enterprises or any technology intensive facility or enterprise.

5700                   (b) "Telecommunications enterprises" means entities  
5701 engaged in the creation, display, management, storage, processing,  
5702 transmission or distribution for compensation of images, text,  
5703 voice, video or data by wire or by wireless means, or entities  
5704 engaged in the construction, design, development, manufacture,  
5705 maintenance or distribution for compensation of devices, products,  
5706 software or structures used in the above activities. Companies  
5707 organized to do business as commercial broadcast radio stations,  
5708 television stations or news organizations primarily serving  
5709 in-state markets shall not be included within the definition of  
5710 the term "telecommunications enterprises."

5711           (14) The tax credits provided for in this section shall be  
5712 in addition to any tax credits described in Sections 57-51-13(b),  
5713 57-53-1(1) (a) and 57-54-9(b) and granted pursuant to official



5714 action by the Mississippi Development Authority prior to July 1,  
5715 1989, to any business enterprise determined prior to July 1, 1989,  
5716 by the Mississippi Development Authority to be a qualified  
5717 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or  
5718 a qualified company as described in Section 57-53-1, as the case  
5719 may be; however, from and after July 1, 1989, tax credits shall be  
5720 allowed only under either this section or Sections 57-51-13(b),  
5721 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time  
5722 employee.

5723         **SECTION 38.** Section 57-80-5, Mississippi Code of 1972, is  
5724 amended as follows:

5725         57-80-5. As used in this chapter, the following words and  
5726 phrases shall have the meanings ascribed herein unless the context  
5727 clearly indicates otherwise:

5728             (a) "Approved business enterprise" means any business  
5729 enterprise seeking to locate or expand in a growth and prosperity  
5730 county, which business enterprise is approved by the MDA.

5731             (b) "Business enterprise" means any new or expanded (i)  
5732 industry for the manufacturing, processing, assembling, storing,  
5733 warehousing, servicing, distributing or selling of any products or  
5734 goods, including products of agriculture; (ii) enterprises for  
5735 research and development, including, but not limited to,  
5736 scientific laboratories; or (iii) such other businesses or  
5737 industry as will be in furtherance of the public purposes of this  
5738 chapter as determined by the MDA and which creates a minimum of  
5739 ten (10) jobs. "Business enterprise" does not include retail or  
5740 gaming businesses or electrical generation facilities.

5741             (c) "Eligible supervisors district" means:

5742                     (i) A supervisors district:

5743                             1. As such district exists on January 1,  
5744 2001, in which thirty percent (30%) or more of such district's  
5745 population as of June 30, 2000, is at or below the federal poverty  
5746 level according to the official data compiled by the United States



5747 Census Bureau as of June 30, 2000, or the official 1990 census  
5748 poverty rate data (the official 1990 census poverty rate data  
5749 shall not be used to make any such determination after December  
5750 31, 2002); or

5751 2. In which thirty percent (30%) or more of  
5752 such district's population is at or below the federal poverty  
5753 level according to the latest official data compiled by the United  
5754 States Census Bureau;

5755 (ii) Which is contiguous to a county that meets  
5756 the criteria of Section 57-80-7(1)(b); and

5757 (iii) Which is located in a county which has been  
5758 issued a certificate of public convenience and necessity under  
5759 this chapter.

5760 (d) "Growth and prosperity counties" means those  
5761 counties which meet the requirements of this chapter and which  
5762 have by resolution or order given its consent to participate in  
5763 the Growth and Prosperity Program.

5764 (e) "Local tax" means any county or municipal ad  
5765 valorem tax imposed on the approved business enterprise pursuant  
5766 to law, except the school portion of the tax and any portion of  
5767 the tax imposed to pay the cost of providing fire and police  
5768 protection.

5769 (f) "Local taxing authority" means any county or  
5770 municipality which by resolution or order has given its consent to  
5771 participate in the Growth and Prosperity Program acting through  
5772 its respective board of supervisors or the municipal governing  
5773 board, council, commission or other legal authority.

5774 (g) "MDA" means the Mississippi Development Authority.

5775 (h) "State tax" means:

5776 (i) Any sales and use tax imposed on the business  
5777 enterprise pursuant to law related to the purchase of component  
5778 building materials and equipment for initial construction of



5779 facilities or expansion of facilities in a growth and prosperity  
5780 county or supervisors districts, as the case may be;

5781 (ii) All income tax imposed pursuant to law on  
5782 income earned by the business enterprise in a growth and  
5783 prosperity county, or supervisors district, as the case may be;

5784 (iii) Franchise tax imposed pursuant to law on the  
5785 value of capital used, invested or employed by the business  
5786 enterprise in a growth and prosperity county, or supervisors  
5787 district, as the case may be; and

5788 (iv) Any sales and use tax imposed on the lease of  
5789 machinery and equipment acquired in the initial construction to  
5790 establish the facility or for an expansion, including, but not  
5791 limited to, leases in existence prior to January 1, 2001, as  
5792 certified by the MDA, in a growth and prosperity county, or  
5793 supervisors district, as the case may be.

5794 **SECTION 39.** (1) As used in this section, the following  
5795 words shall have the meanings ascribed herein unless the context  
5796 clearly requires otherwise:

5797 (a) "Accreted value" of any bonds means, as of any date  
5798 of computation, an amount equal to the sum of (i) the stated  
5799 initial value of such bond, plus (ii) the interest accrued thereon  
5800 from the issue date to the date of computation at the rate,  
5801 compounded semiannually, that is necessary to produce the  
5802 approximate yield to maturity shown for bonds of the same  
5803 maturity.

5804 (b) "State" means the State of Mississippi.

5805 (c) "Commission" means the State Bond Commission.

5806 (2) (a) The Mississippi Development Authority, at one time,  
5807 or from time to time, may declare by resolution the necessity for  
5808 issuance of general obligation bonds of the State of Mississippi  
5809 to provide funds for the grant program authorized in Section  
5810 57-1-18. Upon the adoption of a resolution by the Mississippi  
5811 Development Authority, declaring the necessity for the issuance of



5812 any part or all of the general obligation bonds authorized by this  
5813 subsection, the Mississippi Development Authority shall deliver a  
5814 certified copy of its resolution or resolutions to the commission.  
5815 Upon receipt of such resolution, the commission, in its  
5816 discretion, may act as the issuing agent, prescribe the form of  
5817 the bonds, determine the appropriate method for sale of the bonds,  
5818 advertise for and accept bids or negotiate the sale of the bonds,  
5819 issue and sell the bonds so authorized to be sold and do any and  
5820 all other things necessary and advisable in connection with the  
5821 issuance and sale of such bonds. The total amount of bonds issued  
5822 under this section shall not exceed Five Million Dollars  
5823 (\$5,000,000.00). No bonds authorized under this section shall be  
5824 issued after July 1, 2014.

5825 (b) The proceeds of bonds issued pursuant to this  
5826 section shall be deposited into the Small Municipalities and  
5827 Limited Population Counties Fund created pursuant to Section  
5828 57-1-18. Any investment earnings on bonds issued pursuant to this  
5829 section shall be used to pay debt service on bonds issued under  
5830 this section, in accordance with the proceedings authorizing  
5831 issuance of such bonds.

5832 (3) The principal of and interest on the bonds authorized  
5833 under this section shall be payable in the manner provided in this  
5834 subsection. Such bonds shall bear such date or dates, be in such  
5835 denomination or denominations, bear interest at such rate or rates  
5836 (not to exceed the limits set forth in Section 75-17-101,  
5837 Mississippi Code of 1972), be payable at such place or places  
5838 within or without the State of Mississippi, shall mature  
5839 absolutely at such time or times not to exceed twenty-five (25)  
5840 years from date of issue, be redeemable before maturity at such  
5841 time or times and upon such terms, with or without premium, shall  
5842 bear such registration privileges, and shall be substantially in  
5843 such form, all as shall be determined by resolution of the  
5844 commission.





5845           (4) The bonds authorized by this section shall be signed by  
5846 the chairman of the commission, or by his facsimile signature, and  
5847 the official seal of the commission shall be affixed thereto,  
5848 attested by the secretary of the commission. The interest  
5849 coupons, if any, to be attached to such bonds may be executed by  
5850 the facsimile signatures of such officers. Whenever any such  
5851 bonds shall have been signed by the officials designated to sign  
5852 the bonds who were in office at the time of such signing but who  
5853 may have ceased to be such officers before the sale and delivery  
5854 of such bonds, or who may not have been in office on the date such  
5855 bonds may bear, the signatures of such officers upon such bonds  
5856 and coupons shall nevertheless be valid and sufficient for all  
5857 purposes and have the same effect as if the person so officially  
5858 signing such bonds had remained in office until their delivery to  
5859 the purchaser, or had been in office on the date such bonds may  
5860 bear. However, notwithstanding anything herein to the contrary,  
5861 such bonds may be issued as provided in the Registered Bond Act of  
5862 the State of Mississippi.

5863           (5) All bonds and interest coupons issued under the  
5864 provisions of this section have all the qualities and incidents of  
5865 negotiable instruments under the provisions of the Uniform  
5866 Commercial Code, and in exercising the powers granted by this  
5867 section, the commission shall not be required to and need not  
5868 comply with the provisions of the Uniform Commercial Code.

5869           (6) The commission shall act as issuing agent for the bonds  
5870 authorized under this section, prescribe the form of the bonds,  
5871 determine the appropriate method for sale of the bonds, advertise  
5872 for and accept bids or negotiate the sale of the bonds, issue and  
5873 sell the bonds so authorized to be sold, pay all fees and costs  
5874 incurred in such issuance and sale, and do any and all other  
5875 things necessary and advisable in connection with the issuance and  
5876 sale of such bonds. The commission is authorized and empowered to  
5877 pay the costs that are incident to the sale, issuance and delivery



5878 of the bonds authorized under this section from the proceeds  
5879 derived from the sale of such bonds. The commission may sell such  
5880 bonds on sealed bids at public sale or may negotiate the sale of  
5881 the bonds for such price as it may determine to be for the best  
5882 interest of the State of Mississippi. All interest accruing on  
5883 such bonds so issued shall be payable semiannually or annually.

5884 If such bonds are sold by sealed bids at public sale, notice  
5885 of the sale shall be published at least one time, not less than  
5886 ten (10) days before the date of sale, and shall be so published  
5887 in one or more newspapers published or having a general  
5888 circulation in the City of Jackson, Mississippi, selected by the  
5889 commission.

5890 The commission, when issuing any bonds under the authority of  
5891 this section, may provide that bonds, at the option of the State  
5892 of Mississippi, may be called in for payment and redemption at the  
5893 call price named therein and accrued interest on such date or  
5894 dates named therein.

5895 (7) The bonds issued under the provisions of this section  
5896 are general obligations of the State of Mississippi, and for the  
5897 payment thereof the full faith and credit of the State of  
5898 Mississippi is irrevocably pledged. If the funds appropriated by  
5899 the Legislature are insufficient to pay the principal of and the  
5900 interest on such bonds as they become due, then the deficiency  
5901 shall be paid by the State Treasurer from any funds in the State  
5902 Treasury not otherwise appropriated. All such bonds shall contain  
5903 recitals on their faces substantially covering the provisions of  
5904 this subsection.

5905 (8) Upon the issuance and sale of bonds under the provisions  
5906 of this section, the commission shall transfer the proceeds of any  
5907 such sale or sales to the Small Municipalities and Limited  
5908 Population Counties Fund created in Section 57-1-18. The proceeds  
5909 of such bonds shall be disbursed solely upon the order of the  
5910 Mississippi Development Authority under such restrictions, if any,



5911 as may be contained in the resolution providing for the issuance  
5912 of the bonds.

5913 (9) The bonds authorized under this section may be issued  
5914 without any other proceedings or the happening of any other  
5915 conditions or things other than those proceedings, conditions and  
5916 things which are specified or required by this section. Any  
5917 resolution providing for the issuance of bonds under the  
5918 provisions of this section shall become effective immediately upon  
5919 its adoption by the commission, and any such resolution may be  
5920 adopted at any regular or special meeting of the commission by a  
5921 majority of its members.

5922 (10) The bonds authorized under the authority of this  
5923 section may be validated in the Chancery Court of the First  
5924 Judicial District of Hinds County, Mississippi, in the manner and  
5925 with the force and effect provided by Chapter 13, Title 31,  
5926 Mississippi Code of 1972, for the validation of county, municipal,  
5927 school district and other bonds. The notice to taxpayers required  
5928 by such statutes shall be published in a newspaper published or  
5929 having a general circulation in the City of Jackson, Mississippi.

5930 (11) Any holder of bonds issued under the provisions of this  
5931 section or of any of the interest coupons pertaining thereto may,  
5932 either at law or in equity, by suit, action, mandamus or other  
5933 proceeding, protect and enforce any and all rights granted under  
5934 this section, or under such resolution, and may enforce and compel  
5935 performance of all duties required by this section to be  
5936 performed, in order to provide for the payment of bonds and  
5937 interest thereon.

5938 (12) All bonds issued under the provisions of this section  
5939 shall be legal investments for trustees and other fiduciaries, and  
5940 for savings banks, trust companies and insurance companies  
5941 organized under the laws of the State of Mississippi, and such  
5942 bonds shall be legal securities which may be deposited with and  
5943 shall be received by all public officers and bodies of this state



5944 and all municipalities and political subdivisions for the purpose  
5945 of securing the deposit of public funds.

5946 (13) Bonds issued under the provisions of this section and  
5947 income therefrom shall be exempt from all taxation in the State of  
5948 Mississippi.

5949 (14) The proceeds of the bonds issued under this section  
5950 shall be used solely for the purposes therein provided, including  
5951 the costs incident to the issuance and sale of such bonds.

5952 (15) The State Treasurer is authorized, without further  
5953 process of law, to certify to the Department of Finance and  
5954 Administration the necessity for warrants, and the Department of  
5955 Finance and Administration is authorized and directed to issue  
5956 such warrants, in such amounts as may be necessary to pay when due  
5957 the principal of, premium, if any, and interest on, or the  
5958 accreted value of, all bonds issued under this section; and the  
5959 State Treasurer shall forward the necessary amount to the  
5960 designated place or places of payment of such bonds in ample time  
5961 to discharge such bonds, or the interest thereon, on the due dates  
5962 thereof.

5963 (16) This section shall be deemed to be full and complete  
5964 authority for the exercise of the powers therein granted, but this  
5965 section shall not be deemed to repeal or to be in derogation of  
5966 any existing law of this state.

5967 **SECTION 40.** Section 57-1-18, Mississippi Code of 1972, is  
5968 amended as follows:

5969 57-1-18. (1) For the purposes of this section, the  
5970 following terms shall have the meanings ascribed in this section  
5971 unless the context clearly indicates otherwise:

5972 (a) "Limited population county" means a county in the  
5973 State of Mississippi with a population of thirty thousand (30,000)  
5974 or less according to the most recent federal decennial census at  
5975 the time the county submits its application to the MDA under this  
5976 section.



5977 (b) "MDA" means the Mississippi Development Authority.

5978 (c) "Project" means highways, streets and other  
5979 roadways, bridges, sidewalks, utilities, airfields, airports,  
5980 acquisition of equipment, acquisition of real property,  
5981 development of real property, improvements to real property, and  
5982 any other project approved by the MDA.

5983 (d) "Small municipality" means a municipality in the  
5984 State of Mississippi with a population of ten thousand (10,000) or  
5985 less according to the most recent federal decennial census at the  
5986 time the municipality submits its application to the MDA under  
5987 this section.

5988 (2) (a) There is hereby created in the State Treasury a  
5989 special fund to be designated as the "Small Municipalities and  
5990 Limited Population Counties Fund," which shall consist of funds  
5991 appropriated or otherwise made available by the Legislature in any  
5992 manner and funds from any other source designated for deposit into  
5993 such fund. Unexpended amounts remaining in the fund at the end of  
5994 a fiscal year shall not lapse into the State General Fund, and any  
5995 investment earnings or interest earned on amounts in the fund  
5996 shall be deposited to the credit of the fund. Monies in the fund  
5997 shall be used to make grants to small municipalities and limited  
5998 population counties or natural gas districts created by law and  
5999 contained therein to assist in completing projects under this  
6000 section.

6001 (b) Monies in the fund which are derived from proceeds  
6002 of bonds issued under Sections 1 through 16 of Chapter 538, Laws  
6003 of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003,  
6004 Sections 55 through 70 of Chapter 1, Laws of 2004 Third  
6005 Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws  
6006 of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of  
6007 Chapter 503, Laws of 2008, \* \* \* Section 42 of Chapter 557, Laws  
6008 of 2009, or Section 39 of this act, may be used to reimburse  
6009 reasonable actual and necessary costs incurred by the MDA in



6010 providing assistance related to a project for which funding is  
6011 provided under this section from the use of proceeds of such  
6012 bonds. An accounting of actual costs incurred for which  
6013 reimbursement is sought shall be maintained for each project by  
6014 the MDA. Reimbursement of reasonable actual and necessary costs  
6015 for a project shall not exceed three percent (3%) of the proceeds  
6016 of bonds issued for such project. Monies authorized for a  
6017 particular project may not be used to reimburse administrative  
6018 costs for unrelated projects. Reimbursements under this  
6019 subsection shall satisfy any applicable federal tax law  
6020 requirements.

6021 (3) The MDA shall establish a grant program to make grants  
6022 to small municipalities and limited population counties from the  
6023 Small Municipalities and Limited Population Counties Fund. Grants  
6024 made under this section to a small municipality or a limited  
6025 population county shall not exceed Two Hundred Fifty Thousand  
6026 Dollars (\$250,000.00) during any grant period established by the  
6027 MDA. A small municipality or limited population county may apply  
6028 to the MDA for a grant under this section in the manner provided  
6029 for in this section.

6030 (4) A small municipality or limited population county  
6031 desiring assistance under this section must submit an application  
6032 to the MDA. The application must include a description of the  
6033 project for which assistance is requested, the cost of the project  
6034 for which assistance is requested, the amount of assistance  
6035 requested and any other information required by the MDA.

6036 (5) The MDA shall have all powers necessary to implement and  
6037 administer the program established under this section, and the  
6038 department shall promulgate rules and regulations, in accordance  
6039 with the Mississippi Administrative Procedures Law, necessary for  
6040 the implementation of this section.

6041 (6) The MDA shall file an annual report with the Governor,  
6042 Secretary of the Senate and the Clerk of the House of



6043 Representatives not later than December 1 of each year, describing  
6044 all assistance provided under this section.

6045         **SECTION 41.** (1) As used in this section, the following  
6046 words shall have the meanings ascribed herein unless the context  
6047 clearly requires otherwise:

6048             (a) "Accreted value" of any bonds means, as of any date  
6049 of computation, an amount equal to the sum of (i) the stated  
6050 initial value of such bond, plus (ii) the interest accrued thereon  
6051 from the issue date to the date of computation at the rate,  
6052 compounded semiannually, that is necessary to produce the  
6053 approximate yield to maturity shown for bonds of the same  
6054 maturity.

6055             (b) "State" means the State of Mississippi.

6056             (c) "Commission" means the State Bond Commission.

6057             (d) "Department" means the Department of Finance and  
6058 Administration.

6059         (2) (a) The Department of Finance and Administration, at  
6060 one time, or from time to time, may declare by resolution the  
6061 necessity for issuance of general obligation bonds of the State of  
6062 Mississippi to provide funds for the Local System Bridge  
6063 Replacement and Rehabilitation Fund created under Section  
6064 65-37-13. Upon the adoption of a resolution by the department,  
6065 declaring the necessity for the issuance of any part or all of the  
6066 general obligation bonds authorized by this subsection, the  
6067 department shall deliver a certified copy of its resolution or  
6068 resolutions to the commission. Upon receipt of the resolution,  
6069 the commission, in its discretion, may act as the issuing agent,  
6070 prescribe the form of the bonds, determine the appropriate method  
6071 for sale of the bonds, advertise for and accept bids or negotiate  
6072 the sale of the bonds, issue and sell the bonds so authorized to  
6073 be sold and do any and all other things necessary and advisable in  
6074 connection with the issuance and sale of such bonds. The total



6075 amount of bonds issued under this section shall not exceed Twenty  
6076 Million Dollars (\$20,000,000.00).

6077 (b) The proceeds of bonds issued under this section  
6078 shall be deposited into the Local System Bridge Replacement and  
6079 Rehabilitation Fund created under Section 65-37-13. Any  
6080 investment earnings on bonds issued under this section shall be  
6081 used to pay debt service on those bonds, in accordance with the  
6082 proceedings authorizing issuance of the bonds.

6083 (3) The principal of and interest on the bonds authorized  
6084 under this section shall be payable in the manner provided in this  
6085 subsection. Such bonds shall bear such date or dates, be in such  
6086 denomination or denominations, bear interest at such rate or rates  
6087 (not to exceed the limits set forth in Section 75-17-101,  
6088 Mississippi Code of 1972), be payable at such place or places  
6089 within or without the State of Mississippi, shall mature  
6090 absolutely at such time or times not to exceed twenty-five (25)  
6091 years from date of issue, be redeemable before maturity at such  
6092 time or times and upon such terms, with or without premium, shall  
6093 bear such registration privileges, and shall be substantially in  
6094 such form, all as shall be determined by resolution of the  
6095 commission.

6096 (4) The bonds authorized by this section shall be signed by  
6097 the chairman of the commission, or by his facsimile signature, and  
6098 the official seal of the commission shall be affixed thereto,  
6099 attested by the secretary of the commission. The interest  
6100 coupons, if any, to be attached to such bonds may be executed by  
6101 the facsimile signatures of such officers. Whenever any such  
6102 bonds shall have been signed by the officials designated to sign  
6103 the bonds who were in office at the time of such signing but who  
6104 may have ceased to be such officers before the sale and delivery  
6105 of such bonds, or who may not have been in office on the date such  
6106 bonds may bear, the signatures of such officers upon such bonds  
6107 and coupons shall nevertheless be valid and sufficient for all





6108 purposes and have the same effect as if the person so officially  
6109 signing such bonds had remained in office until their delivery to  
6110 the purchaser, or had been in office on the date such bonds may  
6111 bear. However, notwithstanding anything herein to the contrary,  
6112 such bonds may be issued as provided in the Registered Bond Act of  
6113 the State of Mississippi.

6114 (5) All bonds and interest coupons issued under the  
6115 provisions of this section have all the qualities and incidents of  
6116 negotiable instruments under the provisions of the Uniform  
6117 Commercial Code, and in exercising the powers granted by this  
6118 section, the commission shall not be required to and need not  
6119 comply with the provisions of the Uniform Commercial Code.

6120 (6) The commission shall act as issuing agent for the bonds  
6121 authorized under this section, prescribe the form of the bonds,  
6122 determine the appropriate method for sale of the bonds, advertise  
6123 for and accept bids or negotiate the sale of the bonds, issue and  
6124 sell the bonds so authorized to be sold, pay all fees and costs  
6125 incurred in such issuance and sale, and do any and all other  
6126 things necessary and advisable in connection with the issuance and  
6127 sale of such bonds. The commission is authorized and empowered to  
6128 pay the costs that are incident to the sale, issuance and delivery  
6129 of the bonds authorized under this section from the proceeds  
6130 derived from the sale of such bonds. The commission may sell such  
6131 bonds on sealed bids at public sale or may negotiate the sale of  
6132 the bonds for such price as it may determine to be for the best  
6133 interest of the State of Mississippi. All interest accruing on  
6134 such bonds so issued shall be payable semiannually or annually.

6135 If such bonds are sold by sealed bids at public sale, notice  
6136 of the sale shall be published at least one time, not less than  
6137 ten (10) days before the date of sale, and shall be so published  
6138 in one or more newspapers published or having a general  
6139 circulation in the City of Jackson, Mississippi, selected by the  
6140 commission.



6141           The commission, when issuing any bonds under the authority of  
6142 this section, may provide that bonds, at the option of the State  
6143 of Mississippi, may be called in for payment and redemption at the  
6144 call price named therein and accrued interest on such date or  
6145 dates named therein.

6146           (7) The bonds issued under the provisions of this section  
6147 are general obligations of the State of Mississippi, and for the  
6148 payment thereof the full faith and credit of the State of  
6149 Mississippi is irrevocably pledged. If the funds appropriated by  
6150 the Legislature are insufficient to pay the principal of and the  
6151 interest on such bonds as they become due, then the deficiency  
6152 shall be paid by the State Treasurer from any funds in the State  
6153 Treasury not otherwise appropriated. All such bonds shall contain  
6154 recitals on their faces substantially covering the provisions of  
6155 this subsection.

6156           (8) Upon the issuance and sale of bonds under the provisions  
6157 of this section, the commission shall transfer the proceeds of any  
6158 such sale or sales to the Local System Bridge Replacement and  
6159 Rehabilitation Fund created under Section 65-37-13. The proceeds  
6160 of such bonds shall be disbursed solely upon the order of the  
6161 Department of Finance and Administration under such restrictions,  
6162 if any, as may be contained in the resolution providing for the  
6163 issuance of the bonds.

6164           (9) The bonds authorized under this section may be issued  
6165 without any other proceedings or the happening of any other  
6166 conditions or things other than those proceedings, conditions and  
6167 things which are specified or required by this section. Any  
6168 resolution providing for the issuance of bonds under the  
6169 provisions of this section shall become effective immediately upon  
6170 its adoption by the commission, and any such resolution may be  
6171 adopted at any regular or special meeting of the commission by a  
6172 majority of its members.



6173           (10) The bonds authorized under the authority of this  
6174 section may be validated in the Chancery Court of the First  
6175 Judicial District of Hinds County, Mississippi, in the manner and  
6176 with the force and effect provided by Chapter 13, Title 31,  
6177 Mississippi Code of 1972, for the validation of county, municipal,  
6178 school district and other bonds. The notice to taxpayers required  
6179 by such statutes shall be published in a newspaper published or  
6180 having a general circulation in the City of Jackson, Mississippi.

6181           (11) Any holder of bonds issued under the provisions of this  
6182 section or of any of the interest coupons pertaining thereto may,  
6183 either at law or in equity, by suit, action, mandamus or other  
6184 proceeding, protect and enforce any and all rights granted under  
6185 this section, or under such resolution, and may enforce and compel  
6186 performance of all duties required by this section to be  
6187 performed, in order to provide for the payment of bonds and  
6188 interest thereon.

6189           (12) All bonds issued under the provisions of this section  
6190 shall be legal investments for trustees and other fiduciaries, and  
6191 for savings banks, trust companies and insurance companies  
6192 organized under the laws of the State of Mississippi, and such  
6193 bonds shall be legal securities which may be deposited with and  
6194 shall be received by all public officers and bodies of this state  
6195 and all municipalities and political subdivisions for the purpose  
6196 of securing the deposit of public funds.

6197           (13) Bonds issued under the provisions of this section and  
6198 income therefrom shall be exempt from all taxation in the State of  
6199 Mississippi.

6200           (14) The proceeds of the bonds issued under this section  
6201 shall be used solely for the purposes therein provided, including  
6202 the costs incident to the issuance and sale of such bonds.

6203           (15) The State Treasurer is authorized, without further  
6204 process of law, to certify to the Department of Finance and  
6205 Administration the necessity for warrants, and the Department of



6206 Finance and Administration is authorized and directed to issue  
6207 such warrants, in such amounts as may be necessary to pay when due  
6208 the principal of, premium, if any, and interest on, or the  
6209 accreted value of, all bonds issued under this section; and the  
6210 State Treasurer shall forward the necessary amount to the  
6211 designated place or places of payment of such bonds in ample time  
6212 to discharge such bonds, or the interest thereon, on the due dates  
6213 thereof.

6214 (16) This section shall be deemed to be full and complete  
6215 authority for the exercise of the powers therein granted, but this  
6216 section shall not be deemed to repeal or to be in derogation of  
6217 any existing law of this state.

6218 **SECTION 42.** Section 65-37-13, Mississippi Code of 1972, is  
6219 amended as follows:

6220 65-37-13. (1) There is created in the State Treasury a  
6221 special fund to be designated as the "Local System Bridge  
6222 Replacement and Rehabilitation Fund." The fund shall consist of  
6223 monies that the Legislature appropriates under subsection (2) of  
6224 this section, the proceeds of bonds issued under Section 10 of  
6225 Chapter 557, Laws of 2009, and any other monies that the  
6226 Legislature may designate for deposit into the fund. Monies in  
6227 the fund may be expended upon legislative appropriation in  
6228 accordance with the provisions of Sections 65-37-1 through  
6229 65-37-15.

6230 (2) (a) During each regular legislative session held in  
6231 calendar years 1995, 1996, 1997 and 1998, if the official General  
6232 Fund revenue estimate for the succeeding fiscal year for which  
6233 appropriations are being made reflects a growth in General Fund  
6234 revenues of three percent (3%) or more for that succeeding fiscal  
6235 year, then the Legislature shall appropriate Twenty-five Million  
6236 Dollars (\$25,000,000.00) from the State General Fund for deposit  
6237 into the Local System Bridge Replacement and Rehabilitation Fund.



6238           (b) During the regular legislative session held in  
6239 calendar year 1999, if the official General Fund revenue estimate  
6240 for the succeeding fiscal year for which appropriations are being  
6241 made reflects a growth in General Fund revenues of two percent  
6242 (2%) or more for the succeeding fiscal year, then the Legislature  
6243 shall appropriate Ten Million Dollars (\$10,000,000.00) from the  
6244 State General Fund for deposit into the Local System Bridge  
6245 Replacement and Rehabilitation Fund.

6246           (c) Except as otherwise provided in this paragraph (c),  
6247 during each regular legislative session held in calendar years  
6248 2001 through 2014, if the official General Fund revenue estimate  
6249 for the succeeding fiscal year for which appropriations are being  
6250 made reflects a growth in General Fund revenues of two percent  
6251 (2%) or more for the succeeding fiscal year, then the Legislature  
6252 shall appropriate Twenty Million Dollars (\$20,000,000.00) from the  
6253 State General Fund for deposit into the Local System Bridge  
6254 Replacement and Rehabilitation Fund. However, during the regular  
6255 legislative sessions held in calendar years 2003, 2004, 2005,  
6256 2006, 2007, 2008, 2009 and 2010, the Legislature shall not be  
6257 required to appropriate funds for deposit into the Local System  
6258 Bridge Replacement and Rehabilitation Fund.

6259           (3) Monies that are deposited into the fund under the  
6260 provisions of this section may be expended upon requisition  
6261 therefor by the State Aid Engineer in accordance with the  
6262 provisions of Sections 65-37-1 through 65-37-15. The Office of  
6263 State Aid Road Construction shall be entitled to reimbursement  
6264 from monies in the fund, upon requisitions therefor by the State  
6265 Aid Engineer, for the actual expenses incurred by the office in  
6266 administering the provisions of the local system bridge  
6267 replacement and rehabilitation program. Unexpended amounts  
6268 remaining in the fund at the end of a fiscal year shall not lapse  
6269 into the State General Fund, and any interest earned on amounts in  
6270 the fund shall be deposited to the credit of the fund.



6271 (4) Monies in the Local System Bridge Replacement and  
6272 Rehabilitation Fund shall be allocated and become available for  
6273 distribution to counties in accordance with the formula prescribed  
6274 in Section 65-37-3 beginning January 1, 1995, on a  
6275 project-by-project basis. Monies in the Local System Bridge  
6276 Replacement and Rehabilitation Fund may not be used or expended  
6277 for any purpose except as authorized under Sections 65-37-1  
6278 through 65-37-15.

6279 (5) Monies in the Local System Bridge Replacement and  
6280 Rehabilitation Fund may be credited to a county in advance of the  
6281 normal accrual to finance certain projects, subject to the  
6282 approval of the State Aid Engineer and subject further to the  
6283 following limitations:

6284 (a) That the maximum amount of such monies that may be  
6285 advanced to any county shall not exceed ninety percent (90%) of  
6286 the funds estimated to accrue to such county during the remainder  
6287 of the term of office of the board of supervisors of such county;

6288 (b) That no advance credit of funds will be made to any  
6289 county when the unobligated balance in the Local System Bridge  
6290 Replacement and Rehabilitation Fund is less than One Million  
6291 Dollars (\$1,000,000.00); and

6292 (c) That such advance crediting of funds be effected by  
6293 the State Aid Engineer at the time of the approval of the plans  
6294 and specifications for the proposed projects.

6295 It is the intent of this provision to utilize to the fullest  
6296 practicable extent the balance of monies in the Local System  
6297 Bridge Replacement and Rehabilitation Fund on hand at all times.

6298 **SECTION 43.** (1) As used in this section, the following  
6299 words shall have the meanings ascribed herein unless the context  
6300 clearly requires otherwise:

6301 (a) "Accreted value" of any bond means, as of any date  
6302 of computation, an amount equal to the sum of (i) the stated  
6303 initial value of such bond, plus (ii) the interest accrued thereon



6304 from the issue date to the date of computation at the rate,  
6305 compounded semiannually, that is necessary to produce the  
6306 approximate yield to maturity shown for bonds of the same  
6307 maturity.

6308 (b) "State" means the State of Mississippi.

6309 (c) "Commission" means the State Bond Commission.

6310 (2) (a) (i) A special fund, to be designated as the "2010  
6311 Jackson Zoo Improvements Fund" is created within the State  
6312 Treasury. The fund shall be maintained by the State Treasurer as  
6313 a separate and special fund, separate and apart from the General  
6314 Fund of the state. Unexpended amounts remaining in the fund at  
6315 the end of a fiscal year shall not lapse into the State General  
6316 Fund, and any interest earned or investment earnings on amounts in  
6317 the fund shall be deposited into such fund.

6318 (ii) Monies deposited into the fund shall be  
6319 disbursed, in the discretion of the Department of Finance and  
6320 Administration, to pay the costs of construction, repair,  
6321 renovation, replacement and improvement of buildings, facilities,  
6322 exhibits and infrastructure at the Jackson Zoo in Jackson,  
6323 Mississippi.

6324 (b) Amounts deposited into such special fund shall be  
6325 disbursed to pay the costs of the projects described in paragraph  
6326 (a) of this subsection. Promptly after the commission has  
6327 certified, by resolution duly adopted, that the projects described  
6328 in paragraph (a) of this subsection shall have been completed,  
6329 abandoned, or cannot be completed in a timely fashion, any amounts  
6330 remaining in such special fund shall be applied to pay debt  
6331 service on the bonds issued under this section, in accordance with  
6332 the proceedings authorizing the issuance of such bonds and as  
6333 directed by the commission.

6334 (3) (a) The commission, at one time, or from time to time,  
6335 may declare by resolution the necessity for issuance of general  
6336 obligation bonds of the State of Mississippi to provide funds for



6337 all costs incurred or to be incurred for the purposes described in  
6338 subsection (2) of this section. Upon the adoption of a resolution  
6339 by the Department of Finance and Administration, declaring the  
6340 necessity for the issuance of any part or all of the general  
6341 obligation bonds authorized by this subsection, the department  
6342 shall deliver a certified copy of its resolution or resolutions to  
6343 the commission. Upon receipt of such resolution, the commission,  
6344 in its discretion, may act as issuing agent, prescribe the form of  
6345 the bonds, determine the appropriate method for sale of the bonds,  
6346 advertise for and accept bids or negotiate the sale of the bonds,  
6347 issue and sell the bonds so authorized to be sold and do any and  
6348 all other things necessary and advisable in connection with the  
6349 issuance and sale of such bonds. The total amount of bonds issued  
6350 under this section shall not exceed Four Hundred Thousand Dollars  
6351 (\$400,000.00). No bonds shall be issued under this section after  
6352 July 1, 2014.

6353 (b) Any investment earnings on amounts deposited into  
6354 the special fund created in subsection (2) of this section shall  
6355 be used to pay debt service on bonds issued under this section, in  
6356 accordance with the proceedings authorizing issuance of such  
6357 bonds.

6358 (4) The principal of and interest on the bonds authorized  
6359 under this section shall be payable in the manner provided in this  
6360 subsection. Such bonds shall bear such date or dates, be in such  
6361 denomination or denominations, bear interest at such rate or rates  
6362 (not to exceed the limits set forth in Section 75-17-101,  
6363 Mississippi Code of 1972), be payable at such place or places  
6364 within or without the State of Mississippi, shall mature  
6365 absolutely at such time or times not to exceed twenty-five (25)  
6366 years from date of issue, be redeemable before maturity at such  
6367 time or times and upon such terms, with or without premium, shall  
6368 bear such registration privileges, and shall be substantially in





6369 such form, all as shall be determined by resolution of the  
6370 commission.

6371 (5) The bonds authorized by this section shall be signed by  
6372 the chairman of the commission, or by his facsimile signature, and  
6373 the official seal of the commission shall be affixed thereto,  
6374 attested by the secretary of the commission. The interest  
6375 coupons, if any, to be attached to such bonds may be executed by  
6376 the facsimile signatures of such officers. Whenever any such  
6377 bonds shall have been signed by the officials designated to sign  
6378 the bonds who were in office at the time of such signing but who  
6379 may have ceased to be such officers before the sale and delivery  
6380 of such bonds, or who may not have been in office on the date such  
6381 bonds may bear, the signatures of such officers upon such bonds  
6382 and coupons shall nevertheless be valid and sufficient for all  
6383 purposes and have the same effect as if the person so officially  
6384 signing such bonds had remained in office until their delivery to  
6385 the purchaser, or had been in office on the date such bonds may  
6386 bear. However, notwithstanding anything herein to the contrary,  
6387 such bonds may be issued as provided in the Registered Bond Act of  
6388 the State of Mississippi.

6389 (6) All bonds and interest coupons issued under the  
6390 provisions of this section have all the qualities and incidents of  
6391 negotiable instruments under the provisions of the Uniform  
6392 Commercial Code, and in exercising the powers granted by this  
6393 section, the commission shall not be required to and need not  
6394 comply with the provisions of the Uniform Commercial Code.

6395 (7) The commission shall act as issuing agent for the bonds  
6396 authorized under this section, prescribe the form of the bonds,  
6397 determine the appropriate method for sale of the bonds, advertise  
6398 for and accept bids or negotiate the sale of the bonds, issue and  
6399 sell the bonds so authorized to be sold, pay all fees and costs  
6400 incurred in such issuance and sale, and do any and all other  
6401 things necessary and advisable in connection with the issuance and



6402 sale of such bonds. The commission is authorized and empowered to  
6403 pay the costs that are incident to the sale, issuance and delivery  
6404 of the bonds authorized under this section from the proceeds  
6405 derived from the sale of such bonds. The commission may sell such  
6406 bonds on sealed bids at public sale or may negotiate the sale of  
6407 the bonds for such price as it may determine to be for the best  
6408 interest of the State of Mississippi. All interest accruing on  
6409 such bonds so issued shall be payable semiannually or annually.

6410 If such bonds are sold by sealed bids at public sale, notice  
6411 of the sale shall be published at least one time, not less than  
6412 ten (10) days before the date of sale, and shall be so published  
6413 in one or more newspapers published or having a general  
6414 circulation in the City of Jackson, Mississippi, selected by the  
6415 commission.

6416 The commission, when issuing any bonds under the authority of  
6417 this section, may provide that bonds, at the option of the State  
6418 of Mississippi, may be called in for payment and redemption at the  
6419 call price named therein and accrued interest on such date or  
6420 dates named therein.

6421 (8) The bonds issued under the provisions of this section  
6422 are general obligations of the State of Mississippi, and for the  
6423 payment thereof the full faith and credit of the State of  
6424 Mississippi is irrevocably pledged. If the funds appropriated by  
6425 the Legislature are insufficient to pay the principal of and the  
6426 interest on such bonds as they become due, then the deficiency  
6427 shall be paid by the State Treasurer from any funds in the State  
6428 Treasury not otherwise appropriated. All such bonds shall contain  
6429 recitals on their faces substantially covering the provisions of  
6430 this subsection.

6431 (9) Upon the issuance and sale of bonds under the provisions  
6432 of this section, the commission shall transfer the proceeds of any  
6433 such sale or sales to the special fund created in subsection (2)  
6434 of this section. The proceeds of such bonds shall be disbursed



6435 solely upon the order of the Department of Finance and  
6436 Administration under such restrictions, if any, as may be  
6437 contained in the resolution providing for the issuance of the  
6438 bonds.

6439 (10) The bonds authorized under this section may be issued  
6440 without any other proceedings or the happening of any other  
6441 conditions or things other than those proceedings, conditions and  
6442 things which are specified or required by this section. Any  
6443 resolution providing for the issuance of bonds under the  
6444 provisions of this section shall become effective immediately upon  
6445 its adoption by the commission, and any such resolution may be  
6446 adopted at any regular or special meeting of the commission by a  
6447 majority of its members.

6448 (11) The bonds authorized under the authority of this  
6449 section may be validated in the Chancery Court of the First  
6450 Judicial District of Hinds County, Mississippi, in the manner and  
6451 with the force and effect provided by Chapter 13, Title 31,  
6452 Mississippi Code of 1972, for the validation of county, municipal,  
6453 school district and other bonds. The notice to taxpayers required  
6454 by such statutes shall be published in a newspaper published or  
6455 having a general circulation in the City of Jackson, Mississippi.

6456 (12) Any holder of bonds issued under the provisions of this  
6457 section or of any of the interest coupons pertaining thereto may,  
6458 either at law or in equity, by suit, action, mandamus or other  
6459 proceeding, protect and enforce any and all rights granted under  
6460 this section, or under such resolution, and may enforce and compel  
6461 performance of all duties required by this section to be  
6462 performed, in order to provide for the payment of bonds and  
6463 interest thereon.

6464 (13) All bonds issued under the provisions of this section  
6465 shall be legal investments for trustees and other fiduciaries, and  
6466 for savings banks, trust companies and insurance companies  
6467 organized under the laws of the State of Mississippi, and such



6468 bonds shall be legal securities which may be deposited with and  
6469 shall be received by all public officers and bodies of this state  
6470 and all municipalities and political subdivisions for the purpose  
6471 of securing the deposit of public funds.

6472 (14) Bonds issued under the provisions of this section and  
6473 income therefrom shall be exempt from all taxation in the State of  
6474 Mississippi.

6475 (15) The proceeds of the bonds issued under this section  
6476 shall be used solely for the purposes herein provided, including  
6477 the costs incident to the issuance and sale of such bonds.

6478 (16) The State Treasurer is authorized, without further  
6479 process of law, to certify to the Department of Finance and  
6480 Administration the necessity for warrants, and the Department of  
6481 Finance and Administration is authorized and directed to issue  
6482 such warrants, in such amounts as may be necessary to pay when due  
6483 the principal of, premium, if any, and interest on, or the  
6484 accreted value of, all bonds issued under this section; and the  
6485 State Treasurer shall forward the necessary amount to the  
6486 designated place or places of payment of such bonds in ample time  
6487 to discharge such bonds, or the interest thereon, on the due dates  
6488 thereof.

6489 (17) This section shall be deemed to be full and complete  
6490 authority for the exercise of the powers herein granted, but this  
6491 section shall not be deemed to repeal or to be in derogation of  
6492 any existing law of this state.

6493 **SECTION 44.** (1) As used in this section, the following  
6494 words shall have the meanings ascribed herein unless the context  
6495 clearly requires otherwise:

6496 (a) "Accreted value" of any bond means, as of any date  
6497 of computation, an amount equal to the sum of (i) the stated  
6498 initial value of such bond, plus (ii) the interest accrued thereon  
6499 from the issue date to the date of computation at the rate,  
6500 compounded semiannually, that is necessary to produce the



6501 approximate yield to maturity shown for bonds of the same  
6502 maturity.

6503 (b) "State" means the State of Mississippi.

6504 (c) "Commission" means the State Bond Commission.

6505 (2) (a) (i) A special fund, to be designated as the "2010  
6506 Lake Mary Spillway and Dam Repair Fund" is created within the  
6507 State Treasury. The fund shall be maintained by the State  
6508 Treasurer as a separate and special fund, separate and apart from  
6509 the General Fund of the state. Unexpended amounts remaining in  
6510 the fund at the end of a fiscal year shall not lapse into the  
6511 State General Fund, and any interest earned or investment earnings  
6512 on amounts in the fund shall be deposited into such fund.

6513 (ii) Monies deposited into the fund shall be  
6514 disbursed, in the discretion of the Department of Finance and  
6515 Administration, to the Department of Wildlife, Fisheries and Parks  
6516 to pay the costs of constructing a new spillway and related bridge  
6517 and dam structures at Lake Mary in Wilkinson County, Mississippi.  
6518 Items shall include construction of a temporary dam and diversion  
6519 canal, removing existing structures, removing and stockpiling  
6520 riprap, spillway construction, dam embankment construction, road  
6521 access, constructing bridges and related structures, design and  
6522 construction engineering and field testing.

6523 (b) Amounts deposited into such special fund shall be  
6524 disbursed to pay the costs of the projects described in paragraph  
6525 (a) of this subsection. Promptly after the commission has  
6526 certified, by resolution duly adopted, that the projects described  
6527 in paragraph (a) of this subsection shall have been completed,  
6528 abandoned, or cannot be completed in a timely fashion, any amounts  
6529 remaining in such special fund shall be applied to pay debt  
6530 service on the bonds issued under this section, in accordance with  
6531 the proceedings authorizing the issuance of such bonds and as  
6532 directed by the commission.



6533                   (c) The Department of Finance and Administration,  
6534 acting through the Bureau of Building, Grounds and Real Property  
6535 Management, is expressly authorized and empowered to receive and  
6536 expend any local or other source funds in connection with the  
6537 expenditure of funds provided for in this subsection. The  
6538 expenditure of monies deposited into the special fund shall be  
6539 under the direction of the Department of Finance and  
6540 Administration, and such funds shall be paid by the State  
6541 Treasurer upon warrants issued by such department, which warrants  
6542 shall be issued upon requisitions signed by the Executive Director  
6543 of the Department of Finance and Administration, or his designee.

6544           (3) (a) The commission, at one time, or from time to time,  
6545 may declare by resolution the necessity for issuance of general  
6546 obligation bonds of the State of Mississippi to provide funds for  
6547 all costs incurred or to be incurred for the purposes described in  
6548 subsection (2) of this section. Upon the adoption of a resolution  
6549 by the Department of Finance and Administration, declaring the  
6550 necessity for the issuance of any part or all of the general  
6551 obligation bonds authorized by this subsection, the department  
6552 shall deliver a certified copy of its resolution or resolutions to  
6553 the commission. Upon receipt of such resolution, the commission,  
6554 in its discretion, may act as the issuing agent, prescribe the  
6555 form of the bonds, determine the appropriate method for sale of  
6556 the bonds, advertise for and accept bids or negotiate the sale of  
6557 the bonds, issue and sell the bonds so authorized to be sold and  
6558 do any and all other things necessary and advisable in connection  
6559 with the issuance and sale of such bonds. The total amount of  
6560 bonds issued under this section shall not exceed Four Million Five  
6561 Hundred Thousand Dollars (\$4,500,000.00).

6562           (b) Any investment earnings on amounts deposited into  
6563 the special fund created in subsection (2) of this section shall  
6564 be used to pay debt service on bonds issued under this section, in



6565 accordance with the proceedings authorizing issuance of such  
6566 bonds.

6567 (4) The principal of and interest on the bonds authorized  
6568 under this section shall be payable in the manner provided in this  
6569 subsection. Such bonds shall bear such date or dates, be in such  
6570 denomination or denominations, bear interest at such rate or rates  
6571 (not to exceed the limits set forth in Section 75-17-101,  
6572 Mississippi Code of 1972), be payable at such place or places  
6573 within or without the State of Mississippi, shall mature  
6574 absolutely at such time or times not to exceed twenty-five (25)  
6575 years from date of issue, be redeemable before maturity at such  
6576 time or times and upon such terms, with or without premium, shall  
6577 bear such registration privileges, and shall be substantially in  
6578 such form, all as shall be determined by resolution of the  
6579 commission.

6580 (5) The bonds authorized by this section shall be signed by  
6581 the chairman of the commission, or by his facsimile signature, and  
6582 the official seal of the commission shall be affixed thereto,  
6583 attested by the secretary of the commission. The interest  
6584 coupons, if any, to be attached to such bonds may be executed by  
6585 the facsimile signatures of such officers. Whenever any such  
6586 bonds shall have been signed by the officials designated to sign  
6587 the bonds who were in office at the time of such signing but who  
6588 may have ceased to be such officers before the sale and delivery  
6589 of such bonds, or who may not have been in office on the date such  
6590 bonds may bear, the signatures of such officers upon such bonds  
6591 and coupons shall nevertheless be valid and sufficient for all  
6592 purposes and have the same effect as if the person so officially  
6593 signing such bonds had remained in office until their delivery to  
6594 the purchaser, or had been in office on the date such bonds may  
6595 bear. However, notwithstanding anything herein to the contrary,  
6596 such bonds may be issued as provided in the Registered Bond Act of  
6597 the State of Mississippi.



6598           (6) All bonds and interest coupons issued under the  
6599 provisions of this section have all the qualities and incidents of  
6600 negotiable instruments under the provisions of the Uniform  
6601 Commercial Code, and in exercising the powers granted by this  
6602 section, the commission shall not be required to and need not  
6603 comply with the provisions of the Uniform Commercial Code.

6604           (7) The commission shall act as the issuing agent for the  
6605 bonds authorized under this section, prescribe the form of the  
6606 bonds, determine the appropriate method for sale of the bonds,  
6607 advertise for and accept bids or negotiate the sale of the bonds,  
6608 issue and sell the bonds so authorized to be sold, pay all fees  
6609 and costs incurred in such issuance and sale, and do any and all  
6610 other things necessary and advisable in connection with the  
6611 issuance and sale of such bonds. The commission is authorized and  
6612 empowered to pay the costs that are incident to the sale, issuance  
6613 and delivery of the bonds authorized under this section from the  
6614 proceeds derived from the sale of such bonds. The commission may  
6615 sell such bonds on sealed bids at public sale or may negotiate the  
6616 sale of the bonds for such price as it may determine to be for the  
6617 best interest of the State of Mississippi. All interest accruing  
6618 on such bonds so issued shall be payable semiannually or annually.

6619           If such bonds are sold by sealed bids at public sale, notice  
6620 of the sale of any such bonds shall be published at least one  
6621 time, not less than ten (10) days before the date of sale, and  
6622 shall be so published in one or more newspapers published or  
6623 having a general circulation in the City of Jackson, Mississippi,  
6624 selected by the commission.

6625           The commission, when issuing any bonds under the authority of  
6626 this section, may provide that bonds, at the option of the State  
6627 of Mississippi, may be called in for payment and redemption at the  
6628 call price named therein and accrued interest on such date or  
6629 dates named therein.





6630           (8) The bonds issued under the provisions of this section  
6631 are general obligations of the State of Mississippi, and for the  
6632 payment thereof the full faith and credit of the State of  
6633 Mississippi is irrevocably pledged. If the funds appropriated by  
6634 the Legislature are insufficient to pay the principal of and the  
6635 interest on such bonds as they become due, then the deficiency  
6636 shall be paid by the State Treasurer from any funds in the State  
6637 Treasury not otherwise appropriated. All such bonds shall contain  
6638 recitals on their faces substantially covering the provisions of  
6639 this subsection.

6640           (9) Upon the issuance and sale of bonds under the provisions  
6641 of this section, the commission shall transfer the proceeds of any  
6642 such sale or sales to the special fund created in subsection (2)  
6643 of this section. The proceeds of such bonds shall be disbursed  
6644 solely upon the order of the Department of Finance and  
6645 Administration under such restrictions, if any, as may be  
6646 contained in the resolution providing for the issuance of the  
6647 bonds.

6648           (10) The bonds authorized under this section may be issued  
6649 without any other proceedings or the happening of any other  
6650 conditions or things other than those proceedings, conditions and  
6651 things which are specified or required by this section. Any  
6652 resolution providing for the issuance of bonds under the  
6653 provisions of this section shall become effective immediately upon  
6654 its adoption by the commission, and any such resolution may be  
6655 adopted at any regular or special meeting of the commission by a  
6656 majority of its members.

6657           (11) The bonds authorized under the authority of this  
6658 section may be validated in the Chancery Court of the First  
6659 Judicial District of Hinds County, Mississippi, in the manner and  
6660 with the force and effect provided by Chapter 13, Title 31,  
6661 Mississippi Code of 1972, for the validation of county, municipal,  
6662 school district and other bonds. The notice to taxpayers required



6663 by such statutes shall be published in a newspaper published or  
6664 having a general circulation in the City of Jackson, Mississippi.

6665 (12) Any holder of bonds issued under the provisions of this  
6666 section or of any of the interest coupons pertaining thereto may,  
6667 either at law or in equity, by suit, action, mandamus or other  
6668 proceeding, protect and enforce any and all rights granted under  
6669 this section, or under such resolution, and may enforce and compel  
6670 performance of all duties required by this section to be  
6671 performed, in order to provide for the payment of bonds and  
6672 interest thereon.

6673 (13) All bonds issued under the provisions of this section  
6674 shall be legal investments for trustees and other fiduciaries, and  
6675 for savings banks, trust companies and insurance companies  
6676 organized under the laws of the State of Mississippi, and such  
6677 bonds shall be legal securities which may be deposited with and  
6678 shall be received by all public officers and bodies of this state  
6679 and all municipalities and political subdivisions for the purpose  
6680 of securing the deposit of public funds.

6681 (14) Bonds issued under the provisions of this section and  
6682 income therefrom shall be exempt from all taxation in the State of  
6683 Mississippi.

6684 (15) The proceeds of the bonds issued under this section  
6685 shall be used solely for the purposes herein provided, including  
6686 the costs incident to the issuance and sale of such bonds.

6687 (16) The State Treasurer is authorized, without further  
6688 process of law, to certify to the Department of Finance and  
6689 Administration the necessity for warrants, and the Department of  
6690 Finance and Administration is authorized and directed to issue  
6691 such warrants, in such amounts as may be necessary to pay when due  
6692 the principal of, premium, if any, and interest on, or the  
6693 accreted value of, all bonds issued under this section; and the  
6694 State Treasurer shall forward the necessary amount to the  
6695 designated place or places of payment of such bonds in ample time



6696 to discharge such bonds, or the interest thereon, on the due dates  
6697 thereof.

6698 (17) This section shall be deemed to be full and complete  
6699 authority for the exercise of the powers herein granted, but this  
6700 section shall not be deemed to repeal or to be in derogation of  
6701 any existing law of this state.

6702 **SECTION 45.** (1) As used in this section, the following  
6703 words shall have the meanings ascribed herein unless the context  
6704 clearly requires otherwise:

6705 (a) "Accreted value" of any bond means, as of any date  
6706 of computation, an amount equal to the sum of (i) the stated  
6707 initial value of such bond, plus (ii) the interest accrued thereon  
6708 from the issue date to the date of computation at the rate,  
6709 compounded semiannually, that is necessary to produce the  
6710 approximate yield to maturity shown for bonds of the same  
6711 maturity.

6712 (b) "State" means the State of Mississippi.

6713 (c) "Commission" means the State Bond Commission.

6714 (2) (a) (i) A special fund, to be designated as the "State  
6715 Tax Commission Information Technology Systems Modernization Fund"  
6716 is created within the State Treasury. The fund shall be  
6717 maintained by the State Treasurer as a separate and special fund,  
6718 separate and apart from the General Fund of the state. Unexpended  
6719 amounts remaining in the fund at the end of a fiscal year shall  
6720 not lapse into the State General Fund, and any interest earned or  
6721 investment earnings on amounts in the fund shall be deposited into  
6722 such fund.

6723 (ii) Monies deposited into the fund shall be  
6724 disbursed, in the discretion of the Department of Finance and  
6725 Administration, to pay the costs incurred for the purpose of  
6726 making additions, upgrades and improvements to the State Tax  
6727 Commission's information technology systems.



6728           (b) Amounts deposited into such special fund shall be  
6729 disbursed to pay the costs of the projects described in paragraph  
6730 (a) of this subsection. Promptly after the commission has  
6731 certified, by resolution duly adopted, that the projects described  
6732 in paragraph (a) of this subsection shall have been completed,  
6733 abandoned, or cannot be completed in a timely fashion, any amounts  
6734 remaining in such special fund shall be applied to pay debt  
6735 service on the bonds issued under this section, in accordance with  
6736 the proceedings authorizing the issuance of such bonds and as  
6737 directed by the commission.

6738           (3) (a) The commission, at one time, or from time to time,  
6739 may declare by resolution the necessity for issuance of general  
6740 obligation bonds of the State of Mississippi to provide funds for  
6741 all costs incurred or to be incurred for the purposes described in  
6742 subsection (2) of this section. Upon the adoption of a resolution  
6743 by the Department of Finance and Administration, declaring the  
6744 necessity for the issuance of any part or all of the general  
6745 obligation bonds authorized by this subsection, the department  
6746 shall deliver a certified copy of its resolution or resolutions to  
6747 the commission. Upon receipt of such resolution, the commission,  
6748 in its discretion, may act as issuing agent, prescribe the form of  
6749 the bonds, determine the appropriate method for sale of the bonds,  
6750 advertise for and accept bids or negotiate the sale of the bonds,  
6751 issue and sell the bonds so authorized to be sold and do any and  
6752 all other things necessary and advisable in connection with the  
6753 issuance and sale of such bonds. The total amount of bonds issued  
6754 under this section shall not exceed Thirty-five Million Dollars  
6755 (\$35,000,000.00). No bonds shall be issued under this section  
6756 after July 1, 2013.

6757           (b) Any investment earnings on amounts deposited into  
6758 the special fund created in subsection (2) of this section shall  
6759 be used to pay debt service on bonds issued under this section, in



6760 accordance with the proceedings authorizing issuance of such  
6761 bonds.

6762 (4) The principal of and interest on the bonds authorized  
6763 under this section shall be payable in the manner provided in this  
6764 subsection. Such bonds shall bear such date or dates, be in such  
6765 denomination or denominations, bear interest at such rate or rates  
6766 (not to exceed the limits set forth in Section 75-17-101,  
6767 Mississippi Code of 1972), be payable at such place or places  
6768 within or without the State of Mississippi, shall mature  
6769 absolutely at such time or times not to exceed twenty-five (25)  
6770 years from date of issue, be redeemable before maturity at such  
6771 time or times and upon such terms, with or without premium, shall  
6772 bear such registration privileges, and shall be substantially in  
6773 such form, all as shall be determined by resolution of the  
6774 commission.

6775 (5) The bonds authorized by this section shall be signed by  
6776 the chairman of the commission, or by his facsimile signature, and  
6777 the official seal of the commission shall be affixed thereto,  
6778 attested by the secretary of the commission. The interest  
6779 coupons, if any, to be attached to such bonds may be executed by  
6780 the facsimile signatures of such officers. Whenever any such  
6781 bonds shall have been signed by the officials designated to sign  
6782 the bonds who were in office at the time of such signing but who  
6783 may have ceased to be such officers before the sale and delivery  
6784 of such bonds, or who may not have been in office on the date such  
6785 bonds may bear, the signatures of such officers upon such bonds  
6786 and coupons shall nevertheless be valid and sufficient for all  
6787 purposes and have the same effect as if the person so officially  
6788 signing such bonds had remained in office until their delivery to  
6789 the purchaser, or had been in office on the date such bonds may  
6790 bear. However, notwithstanding anything herein to the contrary,  
6791 such bonds may be issued as provided in the Registered Bond Act of  
6792 the State of Mississippi.



6793           (6) All bonds and interest coupons issued under the  
6794 provisions of this section have all the qualities and incidents of  
6795 negotiable instruments under the provisions of the Uniform  
6796 Commercial Code, and in exercising the powers granted by this  
6797 section, the commission shall not be required to and need not  
6798 comply with the provisions of the Uniform Commercial Code.

6799           (7) The commission shall act as issuing agent for the bonds  
6800 authorized under this section, prescribe the form of the bonds,  
6801 determine the appropriate method for sale of the bonds, advertise  
6802 for and accept bids or negotiate the sale of the bonds, issue and  
6803 sell the bonds so authorized to be sold, pay all fees and costs  
6804 incurred in such issuance and sale, and do any and all other  
6805 things necessary and advisable in connection with the issuance and  
6806 sale of such bonds. The commission is authorized and empowered to  
6807 pay the costs that are incident to the sale, issuance and delivery  
6808 of the bonds authorized under this section from the proceeds  
6809 derived from the sale of such bonds. The commission may sell such  
6810 bonds on sealed bids at public sale or may negotiate the sale of  
6811 the bonds for such price as it may determine to be for the best  
6812 interest of the State of Mississippi. All interest accruing on  
6813 such bonds so issued shall be payable semiannually or annually.

6814           If such bonds are sold by sealed bids at public sale, notice  
6815 of the sale shall be published at least one time, not less than  
6816 ten (10) days before the date of sale, and shall be so published  
6817 in one or more newspapers published or having a general  
6818 circulation in the City of Jackson, Mississippi, selected by the  
6819 commission.

6820           The commission, when issuing any bonds under the authority of  
6821 this section, may provide that bonds, at the option of the State  
6822 of Mississippi, may be called in for payment and redemption at the  
6823 call price named therein and accrued interest on such date or  
6824 dates named therein.



6825           (8) The bonds issued under the provisions of this section  
6826 are general obligations of the State of Mississippi, and for the  
6827 payment thereof the full faith and credit of the State of  
6828 Mississippi is irrevocably pledged. If the funds appropriated by  
6829 the Legislature are insufficient to pay the principal of and the  
6830 interest on such bonds as they become due, then the deficiency  
6831 shall be paid by the State Treasurer from any funds in the State  
6832 Treasury not otherwise appropriated. All such bonds shall contain  
6833 recitals on their faces substantially covering the provisions of  
6834 this subsection.

6835           (9) Upon the issuance and sale of bonds under the provisions  
6836 of this section, the commission shall transfer the proceeds of any  
6837 such sale or sales to the special fund created in subsection (2)  
6838 of this section. The proceeds of such bonds shall be disbursed  
6839 solely upon the order of the Department of Finance and  
6840 Administration under such restrictions, if any, as may be  
6841 contained in the resolution providing for the issuance of the  
6842 bonds.

6843           (10) The bonds authorized under this section may be issued  
6844 without any other proceedings or the happening of any other  
6845 conditions or things other than those proceedings, conditions and  
6846 things which are specified or required by this section. Any  
6847 resolution providing for the issuance of bonds under the  
6848 provisions of this section shall become effective immediately upon  
6849 its adoption by the commission, and any such resolution may be  
6850 adopted at any regular or special meeting of the commission by a  
6851 majority of its members.

6852           (11) The bonds authorized under the authority of this  
6853 section may be validated in the Chancery Court of the First  
6854 Judicial District of Hinds County, Mississippi, in the manner and  
6855 with the force and effect provided by Chapter 13, Title 31,  
6856 Mississippi Code of 1972, for the validation of county, municipal,  
6857 school district and other bonds. The notice to taxpayers required



6858 by such statutes shall be published in a newspaper published or  
6859 having a general circulation in the City of Jackson, Mississippi.

6860 (12) Any holder of bonds issued under the provisions of this  
6861 section or of any of the interest coupons pertaining thereto may,  
6862 either at law or in equity, by suit, action, mandamus or other  
6863 proceeding, protect and enforce any and all rights granted under  
6864 this section, or under such resolution, and may enforce and compel  
6865 performance of all duties required by this section to be  
6866 performed, in order to provide for the payment of bonds and  
6867 interest thereon.

6868 (13) All bonds issued under the provisions of this section  
6869 shall be legal investments for trustees and other fiduciaries, and  
6870 for savings banks, trust companies and insurance companies  
6871 organized under the laws of the State of Mississippi, and such  
6872 bonds shall be legal securities which may be deposited with and  
6873 shall be received by all public officers and bodies of this state  
6874 and all municipalities and political subdivisions for the purpose  
6875 of securing the deposit of public funds.

6876 (14) Bonds issued under the provisions of this section and  
6877 income therefrom shall be exempt from all taxation in the State of  
6878 Mississippi.

6879 (15) The proceeds of the bonds issued under this section  
6880 shall be used solely for the purposes herein provided, including  
6881 the costs incident to the issuance and sale of such bonds.

6882 (16) The State Treasurer is authorized, without further  
6883 process of law, to certify to the Department of Finance and  
6884 Administration the necessity for warrants, and the Department of  
6885 Finance and Administration is authorized and directed to issue  
6886 such warrants, in such amounts as may be necessary to pay when due  
6887 the principal of, premium, if any, and interest on, or the  
6888 accreted value of, all bonds issued under this section; and the  
6889 State Treasurer shall forward the necessary amount to the  
6890 designated place or places of payment of such bonds in ample time





6891 to discharge such bonds, or the interest thereon, on the due dates  
6892 thereof.

6893 (17) This section shall be deemed to be full and complete  
6894 authority for the exercise of the powers herein granted, but this  
6895 section shall not be deemed to repeal or to be in derogation of  
6896 any existing law of this state.

6897 **SECTION 46.** (1) As used in this section, the following  
6898 words shall have the meanings ascribed herein unless the context  
6899 clearly requires otherwise:

6900 (a) "Accreted value" of any bond means, as of any date  
6901 of computation, an amount equal to the sum of (i) the stated  
6902 initial value of such bond, plus (ii) the interest accrued thereon  
6903 from the issue date to the date of computation at the rate,  
6904 compounded semiannually, that is necessary to produce the  
6905 approximate yield to maturity shown for bonds of the same  
6906 maturity.

6907 (b) "State" means the State of Mississippi.

6908 (c) "Commission" means the State Bond Commission.

6909 (2) (a) (i) A special fund, to be designated as the "2010  
6910 Long Leaf Trace Improvements Fund" is created within the State  
6911 Treasury. The fund shall be maintained by the State Treasurer as  
6912 a separate and special fund, separate and apart from the General  
6913 Fund of the state. Unexpended amounts remaining in the fund at  
6914 the end of a fiscal year shall not lapse into the State General  
6915 Fund, and any interest earned or investment earnings on amounts in  
6916 the fund shall be deposited into such fund.

6917 (ii) Monies deposited into the fund shall be  
6918 disbursed, in the discretion of the Department of Finance and  
6919 Administration, to assist the City of Hattiesburg, Mississippi, in  
6920 paying the costs associated with constructing and making  
6921 improvements to the Long Leaf Trace in Hattiesburg, Mississippi.

6922 (b) Amounts deposited into such special fund shall be  
6923 disbursed to pay the costs of the projects described in paragraph



6924 (a) of this subsection. Promptly after the commission has  
6925 certified, by resolution duly adopted, that the projects described  
6926 in paragraph (a) of this subsection shall have been completed,  
6927 abandoned, or cannot be completed in a timely fashion, any amounts  
6928 remaining in such special fund shall be applied to pay debt  
6929 service on the bonds issued under this section, in accordance with  
6930 the proceedings authorizing the issuance of such bonds and as  
6931 directed by the commission.

6932 (3) (a) The commission, at one time, or from time to time,  
6933 may declare by resolution the necessity for issuance of general  
6934 obligation bonds of the State of Mississippi to provide funds for  
6935 all costs incurred or to be incurred for the purposes described in  
6936 subsection (2) of this section. Upon the adoption of a resolution  
6937 by the Department of Finance and Administration, declaring the  
6938 necessity for the issuance of any part or all of the general  
6939 obligation bonds authorized by this subsection, the department  
6940 shall deliver a certified copy of its resolution or resolutions to  
6941 the commission. Upon receipt of such resolution, the commission,  
6942 in its discretion, may act as issuing agent, prescribe the form of  
6943 the bonds, determine the appropriate method for sale of the bonds,  
6944 advertise for and accept bids or negotiate the sale of the bonds,  
6945 issue and sell the bonds so authorized to be sold and do any and  
6946 all other things necessary and advisable in connection with the  
6947 issuance and sale of such bonds. The total amount of bonds issued  
6948 under this section shall not exceed Two Hundred Thousand Dollars  
6949 (\$200,000.00). No bonds shall be issued under this section after  
6950 July 1, 2014.

6951 (b) Any investment earnings on amounts deposited into  
6952 the special fund created in subsection (2) of this section shall  
6953 be used to pay debt service on bonds issued under this section, in  
6954 accordance with the proceedings authorizing issuance of such  
6955 bonds.



6956           (4) The principal of and interest on the bonds authorized  
6957 under this section shall be payable in the manner provided in this  
6958 subsection. Such bonds shall bear such date or dates, be in such  
6959 denomination or denominations, bear interest at such rate or rates  
6960 (not to exceed the limits set forth in Section 75-17-101,  
6961 Mississippi Code of 1972), be payable at such place or places  
6962 within or without the State of Mississippi, shall mature  
6963 absolutely at such time or times not to exceed twenty-five (25)  
6964 years from date of issue, be redeemable before maturity at such  
6965 time or times and upon such terms, with or without premium, shall  
6966 bear such registration privileges, and shall be substantially in  
6967 such form, all as shall be determined by resolution of the  
6968 commission.

6969           (5) The bonds authorized by this section shall be signed by  
6970 the chairman of the commission, or by his facsimile signature, and  
6971 the official seal of the commission shall be affixed thereto,  
6972 attested by the secretary of the commission. The interest  
6973 coupons, if any, to be attached to such bonds may be executed by  
6974 the facsimile signatures of such officers. Whenever any such  
6975 bonds shall have been signed by the officials designated to sign  
6976 the bonds who were in office at the time of such signing but who  
6977 may have ceased to be such officers before the sale and delivery  
6978 of such bonds, or who may not have been in office on the date such  
6979 bonds may bear, the signatures of such officers upon such bonds  
6980 and coupons shall nevertheless be valid and sufficient for all  
6981 purposes and have the same effect as if the person so officially  
6982 signing such bonds had remained in office until their delivery to  
6983 the purchaser, or had been in office on the date such bonds may  
6984 bear. However, notwithstanding anything herein to the contrary,  
6985 such bonds may be issued as provided in the Registered Bond Act of  
6986 the State of Mississippi.

6987           (6) All bonds and interest coupons issued under the  
6988 provisions of this section have all the qualities and incidents of



6989 negotiable instruments under the provisions of the Uniform  
6990 Commercial Code, and in exercising the powers granted by this  
6991 section, the commission shall not be required to and need not  
6992 comply with the provisions of the Uniform Commercial Code.

6993 (7) The commission shall act as issuing agent for the bonds  
6994 authorized under this section, prescribe the form of the bonds,  
6995 determine the appropriate method for sale of the bonds, advertise  
6996 for and accept bids or negotiate the sale of the bonds, issue and  
6997 sell the bonds so authorized to be sold, pay all fees and costs  
6998 incurred in such issuance and sale, and do any and all other  
6999 things necessary and advisable in connection with the issuance and  
7000 sale of such bonds. The commission is authorized and empowered to  
7001 pay the costs that are incident to the sale, issuance and delivery  
7002 of the bonds authorized under this section from the proceeds  
7003 derived from the sale of such bonds. The commission may sell such  
7004 bonds on sealed bids at public sale or may negotiate the sale of  
7005 the bonds for such price as it may determine to be for the best  
7006 interest of the State of Mississippi. All interest accruing on  
7007 such bonds so issued shall be payable semiannually or annually.

7008 If such bonds are sold by sealed bids at public sale, notice  
7009 of the sale shall be published at least one time, not less than  
7010 ten (10) days before the date of sale, and shall be so published  
7011 in one or more newspapers published or having a general  
7012 circulation in the City of Jackson, Mississippi, selected by the  
7013 commission.

7014 The commission, when issuing any bonds under the authority of  
7015 this section, may provide that bonds, at the option of the State  
7016 of Mississippi, may be called in for payment and redemption at the  
7017 call price named therein and accrued interest on such date or  
7018 dates named therein.

7019 (8) The bonds issued under the provisions of this section  
7020 are general obligations of the State of Mississippi, and for the  
7021 payment thereof the full faith and credit of the State of



7022 Mississippi is irrevocably pledged. If the funds appropriated by  
7023 the Legislature are insufficient to pay the principal of and the  
7024 interest on such bonds as they become due, then the deficiency  
7025 shall be paid by the State Treasurer from any funds in the State  
7026 Treasury not otherwise appropriated. All such bonds shall contain  
7027 recitals on their faces substantially covering the provisions of  
7028 this subsection.

7029 (9) Upon the issuance and sale of bonds under the provisions  
7030 of this section, the commission shall transfer the proceeds of any  
7031 such sale or sales to the special fund created in subsection (2)  
7032 of this section. The proceeds of such bonds shall be disbursed  
7033 solely upon the order of the Department of Finance and  
7034 Administration under such restrictions, if any, as may be  
7035 contained in the resolution providing for the issuance of the  
7036 bonds.

7037 (10) The bonds authorized under this section may be issued  
7038 without any other proceedings or the happening of any other  
7039 conditions or things other than those proceedings, conditions and  
7040 things which are specified or required by this section. Any  
7041 resolution providing for the issuance of bonds under the  
7042 provisions of this section shall become effective immediately upon  
7043 its adoption by the commission, and any such resolution may be  
7044 adopted at any regular or special meeting of the commission by a  
7045 majority of its members.

7046 (11) The bonds authorized under the authority of this  
7047 section may be validated in the Chancery Court of the First  
7048 Judicial District of Hinds County, Mississippi, in the manner and  
7049 with the force and effect provided by Chapter 13, Title 31,  
7050 Mississippi Code of 1972, for the validation of county, municipal,  
7051 school district and other bonds. The notice to taxpayers required  
7052 by such statutes shall be published in a newspaper published or  
7053 having a general circulation in the City of Jackson, Mississippi.



7054           (12) Any holder of bonds issued under the provisions of this  
7055 section or of any of the interest coupons pertaining thereto may,  
7056 either at law or in equity, by suit, action, mandamus or other  
7057 proceeding, protect and enforce any and all rights granted under  
7058 this section, or under such resolution, and may enforce and compel  
7059 performance of all duties required by this section to be  
7060 performed, in order to provide for the payment of bonds and  
7061 interest thereon.

7062           (13) All bonds issued under the provisions of this section  
7063 shall be legal investments for trustees and other fiduciaries, and  
7064 for savings banks, trust companies and insurance companies  
7065 organized under the laws of the State of Mississippi, and such  
7066 bonds shall be legal securities which may be deposited with and  
7067 shall be received by all public officers and bodies of this state  
7068 and all municipalities and political subdivisions for the purpose  
7069 of securing the deposit of public funds.

7070           (14) Bonds issued under the provisions of this section and  
7071 income therefrom shall be exempt from all taxation in the State of  
7072 Mississippi.

7073           (15) The proceeds of the bonds issued under this section  
7074 shall be used solely for the purposes herein provided, including  
7075 the costs incident to the issuance and sale of such bonds.

7076           (16) The State Treasurer is authorized, without further  
7077 process of law, to certify to the Department of Finance and  
7078 Administration the necessity for warrants, and the Department of  
7079 Finance and Administration is authorized and directed to issue  
7080 such warrants, in such amounts as may be necessary to pay when due  
7081 the principal of, premium, if any, and interest on, or the  
7082 accreted value of, all bonds issued under this section; and the  
7083 State Treasurer shall forward the necessary amount to the  
7084 designated place or places of payment of such bonds in ample time  
7085 to discharge such bonds, or the interest thereon, on the due dates  
7086 thereof.



7087           (17) This section shall be deemed to be full and complete  
7088 authority for the exercise of the powers herein granted, but this  
7089 section shall not be deemed to repeal or to be in derogation of  
7090 any existing law of this state.

7091           **SECTION 47.** (1) This section shall be known and may be  
7092 cited as the "Mississippi School District Emergency Bridge Loan  
7093 Act."

7094           (2) (a) There is established a bridge loan program to be  
7095 administered by the State Department of Education for the purpose  
7096 of assisting local school districts that suffer revenue losses as  
7097 a result of an economic downturn that substantially impacts the  
7098 state and local revenues available to school districts. Loan  
7099 proceeds distributed to school districts shall be specifically for  
7100 school district operations identified as essential by the  
7101 department.

7102           (b) It is the intent of the Legislature that the  
7103 department endeavor to ensure that the costs of the administration  
7104 of this section are as low as possible.

7105           (3) (a) There is created a special fund in the State  
7106 Treasury to be designated as the "Mississippi School District  
7107 Emergency Bridge Loan Fund," referred to in this section as the  
7108 "fund." The fund shall consist of money designated for deposit in  
7109 the fund from any source including, but not limited to,  
7110 appropriations, bond proceeds, grants, gifts, donations or funds  
7111 from any source, public or private. The fund shall be credited  
7112 with all repayments of principal and interest derived from loans  
7113 made from the fund. Unexpended amounts remaining in the fund at  
7114 the end of a fiscal year shall not lapse into the State General  
7115 Fund, and any interest earned on amounts in the fund shall be  
7116 deposited to the credit of the State General Fund. Monies in the  
7117 fund may not be used or expended for any purpose except as  
7118 authorized under this section.



7119           (b) The department shall establish a loan program by  
7120 which loans may be made available to school districts to assist  
7121 those school districts. Any school district that demonstrates for  
7122 the current fiscal year a projected revenue loss equal to or  
7123 exceeding one-third (1/3) of its revenues in the preceding fiscal  
7124 year may qualify for a loan. The interest rate on loans made  
7125 under this section may vary from time to time and from loan to  
7126 loan and shall be at or below market interest rates as determined  
7127 by the department. The department shall act as quickly as is  
7128 practicable and prudent in deciding on any loan request that it  
7129 receives.

7130           (c) The aggregate amount of any loans received under  
7131 this section by a school district shall not exceed one hundred  
7132 percent (100%) of the difference between the revenue received by  
7133 the school district to fund essential operations in the preceding  
7134 fiscal year and the estimated revenue from those sources in the  
7135 current fiscal year plus sixteenth section principal funds that  
7136 may be expended under law, cash reserves or fund balances at the  
7137 fiscal year end, as determined by the department. The State Board  
7138 of Education shall set the maximum amount of any loan made under  
7139 this section at an amount that will ensure the equitable  
7140 distribution of the amounts available for loans to the eligible  
7141 school districts.

7142           (d) A school district that receives a loan from the  
7143 fund shall pledge for repayment of the loan any part of the  
7144 homestead exemption annual tax loss reimbursement to which it may  
7145 be entitled under Section 27-33-77, as may be required by the  
7146 department. Each recipient of a loan shall establish a dedicated  
7147 source of revenue for repayment of the loan. Before any school  
7148 district shall receive a loan, it must execute with the department  
7149 a loan agreement evidencing the loan, a copy of which must be  
7150 filed by the department with the State Tax Commission. The loan  
7151 agreement may not be construed to prohibit any recipient from





7152 prepaying any part or all of the funds received. The repayment  
7153 schedule in each loan agreement shall provide for: (i) monthly  
7154 payments; (ii) semiannual payments; or (iii) other periodic  
7155 payments. The loan agreement shall provide for the repayment of  
7156 all funds received from the fund within not more than ten (10)  
7157 years. At the request of the department, the State Tax Commission  
7158 shall withhold semiannually from the amount to be remitted to a  
7159 school district the sum necessary to pay all or a portion of the  
7160 periodic payments for the loan.

7161 (e) A school district that receives a loan from the  
7162 state which is not eligible to pledge for repayment of the loan  
7163 under paragraph (d) of this subsection shall repay the loan by  
7164 making payments each month to the State Treasurer through the  
7165 Department of Finance and Administration for and on behalf of the  
7166 department according to Section 7-7-15, to be credited to the fund  
7167 in lieu of pledging homestead exemption annual tax loss  
7168 reimbursement.

7169 Loan repayments shall be according to a repayment schedule  
7170 contained in each loan agreement as required under paragraph (d)  
7171 of this subsection.

7172 (f) Evidences of indebtedness that are issued under  
7173 this act may not be deemed indebtedness within the meaning  
7174 specified in Section 37-59-5.

7175 (g) The State Auditor, upon the request of the  
7176 department, shall audit the receipts and expenditures of a school  
7177 district if loan repayments appear to be in arrears. If the  
7178 Auditor finds that the school district is in arrears in the  
7179 repayments, the Auditor immediately shall notify the State  
7180 Superintendent of Public Education, who may take any action  
7181 necessary to enforce the terms of the loan agreement. The  
7182 superintendent, in his discretion, may notify the State Tax  
7183 Commission to withhold all future payments to the school district  
7184 of homestead exemption annual tax loss reimbursements under



7185 Section 27-33-77 until such time that the school district is again  
7186 current in its loan repayments, as certified by the department.

7187 (h) All monies deposited in the fund may be used only  
7188 for providing the loans authorized under this section. In  
7189 addition, any amounts in the fund may be used to defray the  
7190 reasonable costs of administering the fund. The department is  
7191 authorized to use amounts available to it from the fund to  
7192 contract for those facilities and staff needed to administer and  
7193 provide routine management for the funds and loan program.

7194 (4) In administering this section, the State Department of  
7195 Education shall have the following powers and duties:

7196 (a) To supervise the use of all funds made available  
7197 under this section;

7198 (b) To promulgate rules and regulations and to  
7199 establish procedures in accordance with this section for the  
7200 implementation of the loan program;

7201 (c) To requisition monies in the fund and distribute  
7202 those monies in accordance with this section;

7203 (d) To maintain, in accordance with generally accepted  
7204 government accounting standards, an accurate record of all monies  
7205 in the fund made available to school districts under this section;  
7206 and

7207 (e) To file annually with the Legislature a report  
7208 detailing how monies in the fund were spent during the preceding  
7209 fiscal year in each school district.

7210 (5) The State Bond Commission, at one time or from time to  
7211 time, may declare the necessity for general funds for the purposes  
7212 provided in this section, including the costs incident to the  
7213 administration of the loan program. Upon approval by the State  
7214 Bond Commission, the Department of Finance and Administration may  
7215 transfer the necessary amount from the General Fund to the fund in  
7216 ample time to discharge such loans and incidental costs.



7217 (6) The Department of Finance and Administration, without  
7218 further process of law, may certify the necessity for warrants and  
7219 issue those warrants in such amounts as may be necessary to make  
7220 loans under the program authorized by this section.

7221 (7) After any state funds in the fund are no longer needed  
7222 for the particular purpose for which they were appropriated,  
7223 deposited or transferred into the fund, the Department of Finance  
7224 and Administration shall transfer those state funds back to the  
7225 particular fund or funds in the State Treasury from which they  
7226 were appropriated or transferred into the fund, upon certification  
7227 of the State Superintendent of Public Education that the state  
7228 funds currently are not needed.

7229 **SECTION 48.** (1) As used in this section, the following  
7230 words shall have the meanings ascribed herein unless the context  
7231 clearly requires otherwise:

7232 (a) "Accreted value" of any bonds means, as of any date  
7233 of computation, an amount equal to the sum of (i) the stated  
7234 initial value of such bond, plus (ii) the interest accrued thereon  
7235 from the issue date to the date of computation at the rate,  
7236 compounded semiannually, that is necessary to produce the  
7237 approximate yield to maturity shown for bonds of the same  
7238 maturity.

7239 (b) "State" means the State of Mississippi.

7240 (c) "Commission" means the State Bond Commission.

7241 (2) (a) The Department of Finance and Administration, at  
7242 one time, or from time to time, may declare by resolution the  
7243 necessity for issuance of general obligation bonds of the State of  
7244 Mississippi to provide funds for the loan program authorized in  
7245 Section 47 of this act. Upon the adoption of a resolution by the  
7246 Department of Finance and Administration, declaring the necessity  
7247 for the issuance of any part or all of the general obligation  
7248 bonds authorized by this subsection, the Department of Finance and  
7249 Administration shall deliver a certified copy of its resolution or



7250 resolutions to the commission. Upon receipt of such resolution,  
7251 the commission, in its discretion, may act as the issuing agent,  
7252 prescribe the form of the bonds, determine the appropriate method  
7253 for sale of the bonds, advertise for and accept bids or negotiate  
7254 the sale of the bonds, issue and sell the bonds so authorized to  
7255 be sold and do any and all other things necessary and advisable in  
7256 connection with the issuance and sale of such bonds. The total  
7257 amount of bonds issued under this section shall not exceed  
7258 Twenty-five Million Dollars (\$25,000,000.00). No bonds authorized  
7259 under this section shall be issued after July 1, 2014.

7260 (b) The proceeds of bonds issued pursuant to this  
7261 section shall be deposited into the Mississippi School District  
7262 Emergency Bridge Loan Fund created pursuant to Section 47 of this  
7263 act. Any investment earnings on bonds issued pursuant to this  
7264 section shall be used to pay debt service on bonds issued under  
7265 this section, in accordance with the proceedings authorizing  
7266 issuance of such bonds.

7267 (3) The principal of and interest on the bonds authorized  
7268 under this section shall be payable in the manner provided in this  
7269 subsection. Such bonds shall bear such date or dates, be in such  
7270 denomination or denominations, bear interest at such rate or rates  
7271 (not to exceed the limits set forth in Section 75-17-101,  
7272 Mississippi Code of 1972), be payable at such place or places  
7273 within or without the State of Mississippi, shall mature  
7274 absolutely at such time or times not to exceed twenty-five (25)  
7275 years from date of issue, be redeemable before maturity at such  
7276 time or times and upon such terms, with or without premium, shall  
7277 bear such registration privileges, and shall be substantially in  
7278 such form, all as shall be determined by resolution of the  
7279 commission.

7280 (4) The bonds authorized by this section shall be signed by  
7281 the chairman of the commission, or by his facsimile signature, and  
7282 the official seal of the commission shall be affixed thereto,



7283 attested by the secretary of the commission. The interest  
7284 coupons, if any, to be attached to such bonds may be executed by  
7285 the facsimile signatures of such officers. Whenever any such  
7286 bonds shall have been signed by the officials designated to sign  
7287 the bonds who were in office at the time of such signing but who  
7288 may have ceased to be such officers before the sale and delivery  
7289 of such bonds, or who may not have been in office on the date such  
7290 bonds may bear, the signatures of such officers upon such bonds  
7291 and coupons shall nevertheless be valid and sufficient for all  
7292 purposes and have the same effect as if the person so officially  
7293 signing such bonds had remained in office until their delivery to  
7294 the purchaser, or had been in office on the date such bonds may  
7295 bear. However, notwithstanding anything herein to the contrary,  
7296 such bonds may be issued as provided in the Registered Bond Act of  
7297 the State of Mississippi.

7298 (5) All bonds and interest coupons issued under the  
7299 provisions of this section have all the qualities and incidents of  
7300 negotiable instruments under the provisions of the Uniform  
7301 Commercial Code, and in exercising the powers granted by this  
7302 section, the commission shall not be required to and need not  
7303 comply with the provisions of the Uniform Commercial Code.

7304 (6) The commission shall act as issuing agent for the bonds  
7305 authorized under this section, prescribe the form of the bonds,  
7306 determine the appropriate method for sale of the bonds, advertise  
7307 for and accept bids or negotiate the sale of the bonds, issue and  
7308 sell the bonds so authorized to be sold, pay all fees and costs  
7309 incurred in such issuance and sale, and do any and all other  
7310 things necessary and advisable in connection with the issuance and  
7311 sale of such bonds. The commission is authorized and empowered to  
7312 pay the costs that are incident to the sale, issuance and delivery  
7313 of the bonds authorized under this section from the proceeds  
7314 derived from the sale of such bonds. The commission may sell such  
7315 bonds on sealed bids at public sale or may negotiate the sale of



7316 the bonds for such price as it may determine to be for the best  
7317 interest of the State of Mississippi. All interest accruing on  
7318 such bonds so issued shall be payable semiannually or annually.

7319 If such bonds are sold by sealed bids at public sale, notice  
7320 of the sale shall be published at least one time, not less than  
7321 ten (10) days before the date of sale, and shall be so published  
7322 in one or more newspapers published or having a general  
7323 circulation in the City of Jackson, Mississippi, selected by the  
7324 commission.

7325 The commission, when issuing any bonds under the authority of  
7326 this section, may provide that bonds, at the option of the State  
7327 of Mississippi, may be called in for payment and redemption at the  
7328 call price named therein and accrued interest on such date or  
7329 dates named therein.

7330 (7) The bonds issued under the provisions of this section  
7331 are general obligations of the State of Mississippi, and for the  
7332 payment thereof the full faith and credit of the State of  
7333 Mississippi is irrevocably pledged. If the funds appropriated by  
7334 the Legislature are insufficient to pay the principal of and the  
7335 interest on such bonds as they become due, then the deficiency  
7336 shall be paid by the State Treasurer from any funds in the State  
7337 Treasury not otherwise appropriated. All such bonds shall contain  
7338 recitals on their faces substantially covering the provisions of  
7339 this subsection.

7340 (8) Upon the issuance and sale of bonds under the provisions  
7341 of this section, the commission shall transfer the proceeds of any  
7342 such sale or sales to the Mississippi School District Emergency  
7343 Bridge Loan Fund created in Section 47 of this act. The proceeds  
7344 of such bonds shall be disbursed solely upon the order of the  
7345 Department of Finance and Administration under such restrictions,  
7346 if any, as may be contained in the resolution providing for the  
7347 issuance of the bonds.



7348           (9) The bonds authorized under this section may be issued  
7349 without any other proceedings or the happening of any other  
7350 conditions or things other than those proceedings, conditions and  
7351 things which are specified or required by this section. Any  
7352 resolution providing for the issuance of bonds under the  
7353 provisions of this section shall become effective immediately upon  
7354 its adoption by the commission, and any such resolution may be  
7355 adopted at any regular or special meeting of the commission by a  
7356 majority of its members.

7357           (10) The bonds authorized under the authority of this  
7358 section may be validated in the Chancery Court of the First  
7359 Judicial District of Hinds County, Mississippi, in the manner and  
7360 with the force and effect provided by Chapter 13, Title 31,  
7361 Mississippi Code of 1972, for the validation of county, municipal,  
7362 school district and other bonds. The notice to taxpayers required  
7363 by such statutes shall be published in a newspaper published or  
7364 having a general circulation in the City of Jackson, Mississippi.

7365           (11) Any holder of bonds issued under the provisions of this  
7366 section or of any of the interest coupons pertaining thereto may,  
7367 either at law or in equity, by suit, action, mandamus or other  
7368 proceeding, protect and enforce any and all rights granted under  
7369 this section, or under such resolution, and may enforce and compel  
7370 performance of all duties required by this section to be  
7371 performed, in order to provide for the payment of bonds and  
7372 interest thereon.

7373           (12) All bonds issued under the provisions of this section  
7374 shall be legal investments for trustees and other fiduciaries, and  
7375 for savings banks, trust companies and insurance companies  
7376 organized under the laws of the State of Mississippi, and such  
7377 bonds shall be legal securities which may be deposited with and  
7378 shall be received by all public officers and bodies of this state  
7379 and all municipalities and political subdivisions for the purpose  
7380 of securing the deposit of public funds.



7381 (13) Bonds issued under the provisions of this section and  
7382 income therefrom shall be exempt from all taxation in the State of  
7383 Mississippi.

7384 (14) The proceeds of the bonds issued under this section  
7385 shall be used solely for the purposes therein provided, including  
7386 the costs incident to the issuance and sale of such bonds.

7387 (15) The State Treasurer is authorized, without further  
7388 process of law, to certify to the Department of Finance and  
7389 Administration the necessity for warrants, and the Department of  
7390 Finance and Administration is authorized and directed to issue  
7391 such warrants, in such amounts as may be necessary to pay when due  
7392 the principal of, premium, if any, and interest on, or the  
7393 accreted value of, all bonds issued under this section; and the  
7394 State Treasurer shall forward the necessary amount to the  
7395 designated place or places of payment of such bonds in ample time  
7396 to discharge such bonds, or the interest thereon, on the due dates  
7397 thereof.

7398 (16) This section shall be deemed to be full and complete  
7399 authority for the exercise of the powers therein granted, but this  
7400 section shall not be deemed to repeal or to be in derogation of  
7401 any existing law of this state.

7402 **SECTION 49.** Chapter 465, Laws of 1999, is amended as  
7403 follows:

7404 Section 1. As used in this act, the following words shall  
7405 have the meanings ascribed herein unless the context clearly  
7406 requires otherwise:

7407 (a) "Accreted value" of any bond means, as of any date  
7408 of computation, an amount equal to the sum of (i) the stated  
7409 initial value of such bond, plus (ii) the interest accrued thereon  
7410 from the issue date to the date of computation at the rate,  
7411 compounded semiannually, that is necessary to produce the  
7412 approximate yield to maturity shown for bonds of the same  
7413 maturity.





7414 (b) "State" means the State of Mississippi.

7415 (c) "Commission" means the State Bond Commission.

7416 Section 2. (1) The Mississippi Development Authority shall  
7417 utilize the proceeds of the bonds issued pursuant to this act to  
7418 loan or grant funds to the appropriate planning and development  
7419 district to establish a program whereby the planning and  
7420 development district may make loans, at a rate not to exceed one  
7421 percent (1%) less than the federal discount rate, to persons or  
7422 entities to assist in the development of commercial property and  
7423 culturally significant property in the Farish Street Historic  
7424 District. The proceeds of the loans may be used to pay costs  
7425 incurred by such persons or entities for acquisition;  
7426 construction; demolition; design, engineering, architectural,  
7427 consulting and other services; and other costs approved by the  
7428 Mississippi Development Authority.

7429 (2) Money received by the Mississippi Development Authority  
7430 for the repayment of any loans made pursuant to the program  
7431 established pursuant to subsection (1) of this section shall be  
7432 paid to the State Treasurer to be deposited into a sinking fund  
7433 hereby created in the State Treasury. The money in the sinking  
7434 fund shall be expended upon legislative appropriation to pay the  
7435 interest on and principal of bonds issued pursuant to this act.  
7436 Unexpended amounts remaining in the sinking fund at the end of the  
7437 fiscal year shall not lapse into the State General Fund, and any  
7438 interest earned on amounts in the sinking fund shall be deposited  
7439 to the credit of the sinking fund.

7440 (3) (a) A special fund, to be designated as the "Farish  
7441 Street Historic District Fund," is created within the State  
7442 Treasury, which shall consist of money deposited into the fund  
7443 pursuant to this act. The fund shall be maintained by the State  
7444 Treasurer as a separate and special fund, separate and apart from  
7445 the General Fund of the state. Money remaining in the fund at the  
7446 end of a fiscal year shall not lapse into the General Fund and



7447 investment earnings on amounts in the fund shall be deposited into  
7448 such fund. Money in the fund may not be used or expended for any  
7449 purpose except as authorized under this act.

7450 (b) Monies deposited into the Farish Street Historic  
7451 District Fund shall be disbursed by the Mississippi Development  
7452 Authority to provide funds for the purposes authorized in  
7453 subsection (1) of this section.

7454 Section 3. (1) In administering the provisions of this act,  
7455 the Mississippi Development Authority shall have the following  
7456 powers and duties:

7457 (a) To supervise the use of all funds made available  
7458 under this act for the loans authorized in Section 2 of this act;

7459 (b) To review all loans for which funds are authorized  
7460 to be made available under this act;

7461 (c) To requisition monies in the Farish Street Historic  
7462 District Fund and distribute those monies in accordance with the  
7463 provisions of this act;

7464 (d) To maintain an accurate record of all loans made  
7465 available under this act; and

7466 (e) To adopt and promulgate such rules and regulations  
7467 as may be necessary or desirable for the purpose of implementing  
7468 the provisions of this act.

7469 (2) Any person or other entity desiring a loan authorized  
7470 under Section 2 of this act shall submit an application along with  
7471 plans for the proposed project, for which a loan is sought, to the  
7472 Department of Archives and History for review. The Department of  
7473 Archives and History shall review the proposed project and  
7474 determine whether or not the proposed work conforms with the  
7475 "Secretary of the Interior's Standards for Rehabilitation and  
7476 Guidelines for Rehabilitating Historic Buildings." \* \* \* If the  
7477 Department of Archives and History determines that a proposed  
7478 project conforms with the "Secretary of the Interior's Standards  
7479 for Rehabilitation and Guidelines for Rehabilitating Historic



7480 Buildings" \* \* \*, the Department of Archives and History shall  
7481 advise the applicant of its review assessment and shall return the  
7482 application to the applicant. New construction within the Farish  
7483 Street Neighborhood Historic District and rehabilitation of  
7484 historic buildings within the district shall be compatible in  
7485 size, scale, massing, materials and setback in relation to the  
7486 district's historic buildings.

7487 Section 4. (1) The commission, at one time, or from time to  
7488 time, may declare by resolution the necessity for issuance of  
7489 general obligation bonds of the State of Mississippi to provide  
7490 funds for all costs incurred or to be incurred for the purposes  
7491 described in Section 2 of this act. Upon the adoption of a  
7492 resolution by the Department of Finance and Administration,  
7493 declaring the necessity for the issuance of any part or all of the  
7494 general obligation bonds authorized by this section, the  
7495 Department of Finance and Administration shall deliver a certified  
7496 copy of its resolution or resolutions to the commission. Upon  
7497 receipt of such resolution, the commission, in its discretion, may  
7498 act as the issuing agent, prescribe the form of the bonds,  
7499 determine the appropriate method for sale of the bonds, advertise  
7500 for and accept bids or negotiate the sale of the bonds, issue and  
7501 sell the bonds so authorized to be sold and do any and all other  
7502 things necessary and advisable in connection with the issuance and  
7503 sale of such bonds. The total amount of bonds issued under this  
7504 act shall not exceed Nine Million Dollars (\$9,000,000.00).

7505 (2) Proceeds from the sale of the bonds issued under this  
7506 act shall be deposited in the special fund created in Section 2(3)  
7507 of this act. Any investment earnings on amounts deposited into  
7508 the special fund created in Section 2(3) of this act shall be used  
7509 to pay debt service on bonds issued under this act, in accordance  
7510 with the proceedings authorizing issuance of such bonds.

7511 Section 5. The principal of and interest on the bonds  
7512 authorized under this act shall be payable in the manner provided



7513 in this section. Such bonds shall bear such date or dates, be in  
7514 such denomination or denominations, bear interest at such rate or  
7515 rates (not to exceed the limits set forth in Section 75-17-101,  
7516 Mississippi Code of 1972), be payable at such place or places  
7517 within or without the State of Mississippi, shall mature  
7518 absolutely at such time or times not to exceed twenty-five (25)  
7519 years from date of issue, be redeemable before maturity at such  
7520 time or times and upon such terms, with or without premium, shall  
7521 bear such registration privileges, and shall be substantially in  
7522 such form, all as shall be determined by resolution of the  
7523 commission.

7524 Section 6. The bonds authorized by this act shall be signed  
7525 by the chairman of the commission, or by his facsimile signature,  
7526 and the official seal of the commission shall be affixed thereto,  
7527 attested by the secretary of the commission. The interest  
7528 coupons, if any, to be attached to such bonds may be executed by  
7529 the facsimile signatures of such officers. Whenever any such  
7530 bonds shall have been signed by the officials designated to sign  
7531 the bonds who were in office at the time of such signing but who  
7532 may have ceased to be such officers before the sale and delivery  
7533 of such bonds, or who may not have been in office on the date such  
7534 bonds may bear, the signatures of such officers upon such bonds  
7535 and coupons shall nevertheless be valid and sufficient for all  
7536 purposes and have the same effect as if the person so officially  
7537 signing such bonds had remained in office until their delivery to  
7538 the purchaser, or had been in office on the date such bonds may  
7539 bear. However, notwithstanding anything herein to the contrary,  
7540 such bonds may be issued as provided in the Registered Bond Act of  
7541 the State of Mississippi.

7542 Section 7. All bonds and interest coupons issued under the  
7543 provisions of this act have all the qualities and incidents of  
7544 negotiable instruments under the provisions of the \* \* \* Uniform  
7545 Commercial Code, and in exercising the powers granted by this act,



7546 the commission shall not be required to and need not comply with  
7547 the provisions of the \* \* \* Uniform Commercial Code.

7548 Section 8. The commission shall act as the issuing agent for  
7549 the bonds authorized under this act, prescribe the form of the  
7550 bonds, determine the appropriate method for sale of the bonds,  
7551 advertise for and accept bids or negotiate the sale of the bonds,  
7552 issue and sell the bonds so authorized to be sold, pay all fees  
7553 and costs incurred in such issuance and sale, and do any and all  
7554 other things necessary and advisable in connection with the  
7555 issuance and sale of such bonds. The commission is authorized and  
7556 empowered to pay the costs that are incident to the sale, issuance  
7557 and delivery of the bonds authorized under this act from the  
7558 proceeds derived from the sale of such bonds. The commission may  
7559 sell such bonds on sealed bids at public sale or may negotiate the  
7560 sale of the bonds, and for such price as it may determine to be  
7561 for the best interest of the State of Mississippi \* \* \*. All  
7562 interest accruing on such bonds so issued shall be payable  
7563 semiannually or annually \* \* \*.

7564 If such bonds are sold by sealed bids at public sale, notice  
7565 of the sale of any such bonds shall be published at least one  
7566 time, not less than ten (10) days before the date of sale, and  
7567 shall be so published in one or more newspapers published or  
7568 having a general circulation in the City of Jackson,  
7569 Mississippi, \* \* \* selected by the commission.

7570 The commission, when issuing any bonds under the authority of  
7571 this act, may provide that bonds, at the option of the State of  
7572 Mississippi, may be called in for payment and redemption at the  
7573 call price named therein and accrued interest on such date or  
7574 dates named therein.

7575 Section 9. The bonds issued under the provisions of this act  
7576 are general obligations of the State of Mississippi, and for the  
7577 payment thereof the full faith and credit of the State of  
7578 Mississippi is irrevocably pledged. If the funds appropriated by



7579 the Legislature are insufficient to pay the principal of and the  
7580 interest on such bonds as they become due, then the deficiency  
7581 shall be paid by the State Treasurer from any funds in the State  
7582 Treasury not otherwise appropriated. All such bonds shall contain  
7583 recitals on their faces substantially covering the provisions of  
7584 this section.

7585 Section 10. Upon the issuance and sale of bonds under the  
7586 provisions of this act, the commission shall transfer the proceeds  
7587 of any such sale or sales to the special fund created in Section  
7588 2(3) of this act. The proceeds of such bonds shall be disbursed  
7589 solely upon the order of the Mississippi Development Authority  
7590 under such restrictions, if any, as may be contained in the  
7591 resolution providing for the issuance of the bonds.

7592 Section 11. The bonds authorized under this act may be  
7593 issued without any other proceedings or the happening of any other  
7594 conditions or things other than those proceedings, conditions and  
7595 things which are specified or required by this act. Any  
7596 resolution providing for the issuance of bonds under the  
7597 provisions of this act shall become effective immediately upon its  
7598 adoption by the commission, and any such resolution may be adopted  
7599 at any regular or special meeting of the commission by a majority  
7600 of its members.

7601 Section 12. The bonds authorized under the authority of this  
7602 act may be validated in the Chancery Court of the First Judicial  
7603 District of Hinds County, Mississippi, in the manner and with the  
7604 force and effect provided by Chapter 13, Title 31, Mississippi  
7605 Code of 1972, for the validation of county, municipal, school  
7606 district and other bonds. The notice to taxpayers required by  
7607 such statutes shall be published in a newspaper published or  
7608 having a general circulation in the City of Jackson, Mississippi.

7609 Section 13. Any holder of bonds issued under the provisions  
7610 of this act or of any of the interest coupons pertaining thereto  
7611 may, either at law or in equity, by suit, action, mandamus or



7612 other proceeding, protect and enforce any and all rights granted  
7613 under this act, or under such resolution, and may enforce and  
7614 compel performance of all duties required by this act to be  
7615 performed, in order to provide for the payment of bonds and  
7616 interest thereon.

7617       Section 14. All bonds issued under the provisions of this  
7618 act shall be legal investments for trustees and other fiduciaries,  
7619 and for savings banks, trust companies and insurance companies  
7620 organized under the laws of the State of Mississippi, and such  
7621 bonds shall be legal securities which may be deposited with and  
7622 shall be received by all public officers and bodies of this state  
7623 and all municipalities and political subdivisions for the purpose  
7624 of securing the deposit of public funds.

7625       Section 15. Bonds issued under the provisions of this act  
7626 and income therefrom shall be exempt from all taxation in the  
7627 State of Mississippi.

7628       Section 16. The proceeds of the bonds issued under this act  
7629 shall be used solely for the purposes herein provided, including  
7630 the costs incident to the issuance and sale of such bonds.

7631       Section 17. The State Treasurer is authorized, without  
7632 further process of law, to certify to the Department of Finance  
7633 and Administration the necessity for warrants, and the Department  
7634 of Finance and Administration is authorized and directed to issue  
7635 such warrants, in such amounts as may be necessary to pay when due  
7636 the principal of, premium, if any, and interest on, or the  
7637 accreted value of, all bonds issued under this act; and the State  
7638 Treasurer shall forward the necessary amount to the designated  
7639 place or places of payment of such bonds in ample time to  
7640 discharge such bonds, or the interest thereon, on the due dates  
7641 thereof.

7642       Section 18. This act shall be deemed to be full and complete  
7643 authority for the exercise of the powers herein granted, but this



7644 act shall not be deemed to repeal or to be in derogation of any  
7645 existing law of this state.

7646         **SECTION 50.** (1) (a) The Mississippi Development Authority  
7647 (MDA) is authorized to provide one or more interest-free loans to  
7648 the Jackson Redevelopment Authority (JRA). The proceeds of the  
7649 loan shall be used by the JRA to provide funds to assist the City  
7650 of Jackson in paying the costs associated with making repairs,  
7651 upgrades and improvements to portions of the city's water and  
7652 sewer systems infrastructure located in the areas within and in  
7653 close proximity to the state grounds and lands described in  
7654 Sections 29-5-2 and 29-5-81, Mississippi Code of 1972. The  
7655 aggregate amount of all loans made under this section shall not  
7656 exceed Six Million Dollars (\$6,000,000.00), and the time allowed  
7657 for repayment of a loan shall not exceed seven (7) years.

7658             (b) The JRA must submit an application to the MDA. The  
7659 application must include a description of the purpose for which  
7660 assistance is requested, the amount of assistance requested and  
7661 any other information required by the MDA.

7662             (c) The MDA shall have all powers necessary to  
7663 implement and administer the loan authorized under this section,  
7664 and the MDA shall promulgate rules and regulations, in accordance  
7665 with the Mississippi Administrative Procedures Law, necessary for  
7666 the implementation of this section.

7667         (2) There is created in the State Treasury a special fund to  
7668 be designated as the "2010 Jackson Redevelopment Authority Loan  
7669 Fund," which shall consist of the proceeds of general obligation  
7670 bonds authorized to be issued by this section and funds from any  
7671 other source designated for deposit into the fund. Unexpended  
7672 amounts remaining in the fund at the end of a fiscal year shall  
7673 not lapse into the State General Fund, and any investment earnings  
7674 or interest earned on amounts in the fund shall be deposited to  
7675 the credit of the fund. Monies in the fund shall be used by the  
7676 MDA for the purposes described in this section.





7677 (3) As used in this section, the following words shall have  
7678 the meanings ascribed herein unless the context clearly requires  
7679 otherwise:

7680 (a) "Accreted value" of any bonds means, as of any date  
7681 of computation, an amount equal to the sum of (i) the stated  
7682 initial value of such bond, plus (ii) the interest accrued thereon  
7683 from the issue date to the date of computation at the rate,  
7684 compounded semiannually, that is necessary to produce the  
7685 approximate yield to maturity shown for bonds of the same  
7686 maturity.

7687 (b) "State" means the State of Mississippi.

7688 (c) "Commission" means the State Bond Commission.

7689 (4) (a) The Mississippi Development Authority, at one time,  
7690 or from time to time, may declare by resolution the necessity for  
7691 issuance of general obligation bonds of the State of Mississippi  
7692 to provide funds for the loans authorized in this section. Upon  
7693 the adoption of a resolution by the Mississippi Development  
7694 Authority, declaring the necessity for the issuance of any part or  
7695 all of the general obligation bonds authorized by this subsection,  
7696 the Mississippi Development Authority shall deliver a certified  
7697 copy of its resolution or resolutions to the commission. Upon  
7698 receipt of such resolution, the commission, in its discretion, may  
7699 act as the issuing agent, prescribe the form of the bonds,  
7700 determine the appropriate method for sale of the bonds, advertise  
7701 for and accept bids or negotiate the sale of the bonds, issue and  
7702 sell the bonds so authorized to be sold and do any and all other  
7703 things necessary and advisable in connection with the issuance and  
7704 sale of such bonds. The total amount of bonds issued under this  
7705 section shall not exceed Six Million Dollars (\$6,000,000.00). No  
7706 bonds authorized under this section shall be issued after July 1,  
7707 2013.

7708 (b) The proceeds of bonds issued pursuant to this  
7709 section shall be deposited into the 2010 Jackson Redevelopment



7710 Authority Loan Fund created pursuant to subsection (2) of this  
7711 section. Any investment earnings on bonds issued pursuant to this  
7712 section shall be used to pay debt service on bonds issued under  
7713 this section, in accordance with the proceedings authorizing  
7714 issuance of such bonds.

7715 (5) The principal of and interest on the bonds authorized  
7716 under this section shall be payable in the manner provided in this  
7717 subsection. Such bonds shall bear such date or dates, be in such  
7718 denomination or denominations, bear interest at such rate or rates  
7719 (not to exceed the limits set forth in Section 75-17-101,  
7720 Mississippi Code of 1972), be payable at such place or places  
7721 within or without the State of Mississippi, shall mature  
7722 absolutely at such time or times not to exceed twenty-five (25)  
7723 years from date of issue, be redeemable before maturity at such  
7724 time or times and upon such terms, with or without premium, shall  
7725 bear such registration privileges, and shall be substantially in  
7726 such form, all as shall be determined by resolution of the  
7727 commission.

7728 (6) The bonds authorized by this section shall be signed by  
7729 the chairman of the commission, or by his facsimile signature, and  
7730 the official seal of the commission shall be affixed thereto,  
7731 attested by the secretary of the commission. The interest  
7732 coupons, if any, to be attached to such bonds may be executed by  
7733 the facsimile signatures of such officers. Whenever any such  
7734 bonds shall have been signed by the officials designated to sign  
7735 the bonds who were in office at the time of such signing but who  
7736 may have ceased to be such officers before the sale and delivery  
7737 of such bonds, or who may not have been in office on the date such  
7738 bonds may bear, the signatures of such officers upon such bonds  
7739 and coupons shall nevertheless be valid and sufficient for all  
7740 purposes and have the same effect as if the person so officially  
7741 signing such bonds had remained in office until their delivery to  
7742 the purchaser, or had been in office on the date such bonds may



7743 bear. However, notwithstanding anything herein to the contrary,  
7744 such bonds may be issued as provided in the Registered Bond Act of  
7745 the State of Mississippi.

7746 (7) All bonds and interest coupons issued under the  
7747 provisions of this section have all the qualities and incidents of  
7748 negotiable instruments under the provisions of the Uniform  
7749 Commercial Code, and in exercising the powers granted by this  
7750 section, the commission shall not be required to and need not  
7751 comply with the provisions of the Uniform Commercial Code.

7752 (8) The commission shall act as issuing agent for the bonds  
7753 authorized under this section, prescribe the form of the bonds,  
7754 determine the appropriate method for sale of the bonds, advertise  
7755 for and accept bids or negotiate the sale of the bonds, issue and  
7756 sell the bonds so authorized to be sold, pay all fees and costs  
7757 incurred in such issuance and sale, and do any and all other  
7758 things necessary and advisable in connection with the issuance and  
7759 sale of such bonds. The commission is authorized and empowered to  
7760 pay the costs that are incident to the sale, issuance and delivery  
7761 of the bonds authorized under this section from the proceeds  
7762 derived from the sale of such bonds. The commission may sell such  
7763 bonds on sealed bids at public sale or may negotiate the sale of  
7764 the bonds for such price as it may determine to be for the best  
7765 interest of the State of Mississippi. All interest accruing on  
7766 such bonds so issued shall be payable semiannually or annually.

7767 If such bonds are sold by sealed bids at public sale, notice  
7768 of the sale shall be published at least one time, not less than  
7769 ten (10) days before the date of sale, and shall be so published  
7770 in one or more newspapers published or having a general  
7771 circulation in the City of Jackson, Mississippi, selected by the  
7772 commission.

7773 The commission, when issuing any bonds under the authority of  
7774 this section, may provide that bonds, at the option of the State  
7775 of Mississippi, may be called in for payment and redemption at the



7776 call price named therein and accrued interest on such date or  
7777 dates named therein.

7778 (9) The bonds issued under the provisions of this section  
7779 are general obligations of the State of Mississippi, and for the  
7780 payment thereof the full faith and credit of the State of  
7781 Mississippi is irrevocably pledged. If the funds appropriated by  
7782 the Legislature are insufficient to pay the principal of and the  
7783 interest on such bonds as they become due, then the deficiency  
7784 shall be paid by the State Treasurer from any funds in the State  
7785 Treasury not otherwise appropriated. All such bonds shall contain  
7786 recitals on their faces substantially covering the provisions of  
7787 this subsection.

7788 (10) Upon the issuance and sale of bonds under the  
7789 provisions of this section, the commission shall transfer the  
7790 proceeds of any such sale or sales to the 2010 Jackson  
7791 Redevelopment Authority Loan Fund created in subsection (2) of  
7792 this section. The proceeds of such bonds shall be disbursed  
7793 solely upon the order of the Mississippi Development Authority  
7794 under such restrictions, if any, as may be contained in the  
7795 resolution providing for the issuance of the bonds.

7796 (11) The bonds authorized under this section may be issued  
7797 without any other proceedings or the happening of any other  
7798 conditions or things other than those proceedings, conditions and  
7799 things which are specified or required by this section. Any  
7800 resolution providing for the issuance of bonds under the  
7801 provisions of this section shall become effective immediately upon  
7802 its adoption by the commission, and any such resolution may be  
7803 adopted at any regular or special meeting of the commission by a  
7804 majority of its members.

7805 (12) The bonds authorized under the authority of this  
7806 section may be validated in the Chancery Court of the First  
7807 Judicial District of Hinds County, Mississippi, in the manner and  
7808 with the force and effect provided by Chapter 13, Title 31,



7809 Mississippi Code of 1972, for the validation of county, municipal,  
7810 school district and other bonds. The notice to taxpayers required  
7811 by such statutes shall be published in a newspaper published or  
7812 having a general circulation in the City of Jackson, Mississippi.

7813 (13) Any holder of bonds issued under the provisions of this  
7814 section or of any of the interest coupons pertaining thereto may,  
7815 either at law or in equity, by suit, action, mandamus or other  
7816 proceeding, protect and enforce any and all rights granted under  
7817 this section, or under such resolution, and may enforce and compel  
7818 performance of all duties required by this section to be  
7819 performed, in order to provide for the payment of bonds and  
7820 interest thereon.

7821 (14) All bonds issued under the provisions of this section  
7822 shall be legal investments for trustees and other fiduciaries, and  
7823 for savings banks, trust companies and insurance companies  
7824 organized under the laws of the State of Mississippi, and such  
7825 bonds shall be legal securities which may be deposited with and  
7826 shall be received by all public officers and bodies of this state  
7827 and all municipalities and political subdivisions for the purpose  
7828 of securing the deposit of public funds.

7829 (15) Bonds issued under the provisions of this section and  
7830 income therefrom shall be exempt from all taxation in the State of  
7831 Mississippi.

7832 (16) The proceeds of the bonds issued under this section  
7833 shall be used solely for the purposes therein provided, including  
7834 the costs incident to the issuance and sale of such bonds.

7835 (17) The State Treasurer is authorized, without further  
7836 process of law, to certify to the Department of Finance and  
7837 Administration the necessity for warrants, and the Department of  
7838 Finance and Administration is authorized and directed to issue  
7839 such warrants, in such amounts as may be necessary to pay when due  
7840 the principal of, premium, if any, and interest on, or the  
7841 accreted value of, all bonds issued under this section; and the



7842 State Treasurer shall forward the necessary amount to the  
7843 designated place or places of payment of such bonds in ample time  
7844 to discharge such bonds, or the interest thereon, on the due dates  
7845 thereof.

7846 (18) This section shall be deemed to be full and complete  
7847 authority for the exercise of the powers therein granted, but this  
7848 section shall not be deemed to repeal or to be in derogation of  
7849 any existing law of this state.

7850 **SECTION 51.** Sections 12 through 23 of this act shall take  
7851 effect and be in force from and after July 1, 2010, Section 37 of  
7852 this act shall take effect and be in force from and after January  
7853 1, 2010, and the remainder of this act shall take effect and be in  
7854 force from and after its passage.

