

By: Senator(s) Fillingane, Dearing

To: Highways and
Transportation; Finance

SENATE BILL NO. 2921

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS FOR THE PURPOSE OF GENERAL REPAIRS AND RENOVATIONS OF
3 FACILITIES AT STATE INSTITUTIONS OF HIGHER LEARNING; TO AUTHORIZE
4 THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF
5 MAKING CAPITAL IMPROVEMENTS FOR COMMUNITY AND JUNIOR COLLEGES; TO
6 AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE
7 AMOUNT OF \$1,000,000.00 FOR THE ACE FUND; TO AUTHORIZE THE
8 ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF
9 \$1,000,000.00 FOR THE MISSISSIPPI DEVELOPMENT AUTHORITY WORKFORCE
10 TRAINING FUND; TO AMEND SECTION 57-61-25, MISSISSIPPI CODE OF
11 1972, TO INCREASE BY \$1,000,000.00 THE AMOUNT OF GENERAL
12 OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI BUSINESS
13 INVESTMENT ACT; TO AMEND SECTION 57-61-36, MISSISSIPPI CODE OF
14 1972, TO INCREASE THE AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI
15 DEVELOPMENT AUTHORITY MAY UTILIZE UNDER THE MISSISSIPPI BUSINESS
16 INVESTMENT ACT TO MAKE GRANTS OR LOANS TO COUNTIES AND
17 MUNICIPALITIES THROUGH AN EQUIPMENT AND PUBLIC FACILITIES GRANT
18 AND LOAN FUND TO AID IN INFRASTRUCTURE-RELATED IMPROVEMENTS, THE
19 PURCHASE OF EQUIPMENT AND IN THE PURCHASE, CONSTRUCTION OR REPAIR
20 AND RENOVATION OF FACILITIES; TO AMEND SECTION 57-75-15,
21 MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 1, FIRST
22 EXTRAORDINARY SESSION OF 2016, TO INCREASE FROM \$63,000,000.00 TO
23 \$64,000,000.00 THE AMOUNT OF GENERAL OBLIGATION BONDS THAT MAY BE
24 ISSUED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT FOR
25 PROJECTS DESIGNED TO ENHANCE FACILITIES THAT ARE AT RISK FOR
26 CLOSURE PURSUANT TO THE BASE CLOSURE AND REALIGNMENT ACT OF 1991
27 OR OTHER APPLICABLE FEDERAL LAW; TO AMEND SECTION 65-4-25,
28 MISSISSIPPI CODE OF 1972, TO INCREASE BY \$1,000,000.00 THE AMOUNT
29 OF BONDS THAT MAY BE ISSUED UNDER THE ECONOMIC DEVELOPMENT HIGHWAY
30 ACT; TO BRING FORWARD SECTIONS 27-7-5, 27-7-18, 27-13-5,
31 MISSISSIPPI CODE OF 1972, 27-13-7, 27-19-43, 27-55-11, 27-55-519,
32 27-55-521, 27-59-11, 27-65-17, 27-65-75, 27-65-231, 27-70-5,
33 27-103-302, 57-43-15, 65-18-9, 65-18-11 AND 75-76-129, MISSISSIPPI



34 CODE OF 1972; TO BRING FORWARD SECTION 1, CHAPTER 479, LAWS OF
35 2015; AND FOR RELATED PURPOSES.

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

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

40 (a) "Accreted value" of any bond means, as of any date
41 of computation, an amount equal to the sum of (i) the stated
42 initial value of such bond, plus (ii) the interest accrued thereon
43 from the issue date to the date of computation at the rate,
44 compounded semiannually, that is necessary to produce the
45 approximate yield to maturity shown for bonds of the same
46 maturity.

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

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

49 (2) (a) (i) A special fund, to be designated as the "2016
50 IHL Repair and Renovation Fund," is created within the State
51 Treasury. The fund shall be maintained by the State Treasurer as
52 a separate and special fund, separate and apart from the General
53 Fund of the state. Unexpended amounts remaining in the fund at
54 the end of a fiscal year shall not lapse into the State General
55 Fund, and any interest earned or investment earnings on amounts in
56 the fund shall be deposited into such fund.

57 (ii) Monies deposited into the fund shall be
58 disbursed, in the discretion of the Department of Finance and
59 Administration, with the approval of the Board of Trustees of



60 State Institutions of Higher Learning on those projects related to
 61 the universities under its management and control to pay the costs
 62 of general repair and renovation of existing facilities at
 63 institutions of higher learning allocated as follows:

	AMOUNT
NAME	ALLOCATED
66 Alcorn State University.....	\$ 1,000,000.00
67 Jackson State University	\$ 1,000,000.00
68 Mississippi University for Women.....	\$ 1,000,000.00
69 Mississippi State University.....	\$ 1,000,000.00
70 Mississippi State University/Division of Agriculture, 71 Forestry and Veterinary Medicine.....	\$ 1,000,000.00
72 Mississippi Valley State University.....	\$ 1,000,000.00
73 University of Mississippi.....	\$ 1,000,000.00
74 University of Southern Mississippi.....	\$ 1,000,000.00
75 TOTAL.....	\$ 8,000,000.00

76 (b) (i) Amounts deposited into the special fund shall
 77 be disbursed to pay the costs of general repair and renovation of
 78 existing facilities at institutions of higher learning. If any
 79 money in the special fund is not used within four (4) years after
 80 the date the proceeds of the bonds authorized under this section
 81 are deposited into the special fund, then the institution of
 82 higher learning for which any unused monies are allocated under
 83 paragraph (a) of this subsection shall provide an accounting of
 84 such unused money to the commission. Promptly after the



85 commission has certified, by resolution duly adopted, that
86 pursuant to an accounting provided by an institution of higher
87 learning under this subparagraph (i) that there is unused money in
88 the special fund, any such amounts remaining in such special fund
89 shall be applied to pay debt service on the bonds issued under
90 this section, in accordance with the proceedings authorizing the
91 issuance of such bonds and as directed by the commission.

92 (ii) Monies in the special fund may be used to
93 reimburse reasonable actual and necessary costs incurred by the
94 Department of Finance and Administration, acting through the
95 Bureau of Building, Grounds and Real Property Management, in
96 administering or providing assistance directly related to general
97 repair and renovation of existing facilities at institutions of
98 higher learning utilizing the funds allocated in paragraph (a) of
99 this subsection. An accounting of actual costs incurred for which
100 reimbursement is sought shall be maintained for each project by
101 the Department of Finance and Administration, Bureau of Building,
102 Grounds and Real Property Management. Reimbursement of reasonable
103 actual and necessary costs shall not exceed two percent (2%) of
104 the proceeds of bonds issued for an institution of higher learning
105 under this section.

106 (c) The Department of Finance and Administration,
107 acting through the Bureau of Building, Grounds and Real Property
108 Management, is expressly authorized and empowered to receive and
109 expend any local or other source funds in connection with the



110 expenditure of funds provided for in this subsection. The
111 expenditure of monies deposited into the special fund shall be
112 under the direction of the Department of Finance and
113 Administration, and such funds shall be paid by the State
114 Treasurer upon warrants issued by such department, which warrants
115 shall be issued upon requisitions signed by the Executive Director
116 of the Department of Finance and Administration, or his designee.

117 (3) (a) The commission, at one time, or from time to time,
118 may declare by resolution the necessity for issuance of general
119 obligation bonds of the State of Mississippi to provide funds for
120 all costs incurred or to be incurred for the purposes described in
121 subsection (2) of this section. Upon the adoption of a resolution
122 by the Department of Finance and Administration declaring the
123 necessity for the issuance of any part or all of the general
124 obligation bonds authorized by this section, the Department of
125 Finance and Administration shall deliver a certified copy of its
126 resolution or resolutions to the commission. Upon receipt of such
127 resolution, the commission, in its discretion, may act as issuing
128 agent, prescribe the form of the bonds, determine the appropriate
129 method for sale of the bonds, advertise for and accept bids or
130 negotiate the sale of the bonds, issue and sell the bonds so
131 authorized to be sold, and do any and all other things necessary
132 and advisable in connection with the issuance and sale of such
133 bonds. The total amount of bonds issued under this section shall



134 not exceed Eight Million Dollars (\$8,000,000.00). No bonds shall
135 be issued under this section after July 1, 2020.

136 (b) Any investment earnings on amounts deposited into
137 the special fund created in subsection (2) of this section shall
138 be used to pay debt service on bonds issued under this section, in
139 accordance with the proceedings authorizing issuance of such
140 bonds.

141 (4) The principal of and interest on the bonds authorized
142 under this section shall be payable in the manner provided in this
143 subsection. Such bonds shall bear such date or dates, be in such
144 denomination or denominations, bear interest at such rate or rates
145 (not to exceed the limits set forth in Section 75-17-101,
146 Mississippi Code of 1972), be payable at such place or places
147 within or without the State of Mississippi, shall mature
148 absolutely at such time or times not to exceed twenty-five (25)
149 years from date of issue, be redeemable before maturity at such
150 time or times and upon such terms, with or without premium, shall
151 bear such registration privileges, and shall be substantially in
152 such form, all as shall be determined by resolution of the
153 commission.

154 (5) The bonds authorized by this section shall be signed by
155 the chairman of the commission, or by his facsimile signature, and
156 the official seal of the commission shall be affixed thereto,
157 attested by the secretary of the commission. The interest
158 coupons, if any, to be attached to such bonds may be executed by



159 the facsimile signatures of such officers. Whenever any such
160 bonds shall have been signed by the officials designated to sign
161 the bonds who were in office at the time of such signing but who
162 may have ceased to be such officers before the sale and delivery
163 of such bonds, or who may not have been in office on the date such
164 bonds may bear, the signatures of such officers upon such bonds
165 and coupons shall nevertheless be valid and sufficient for all
166 purposes and have the same effect as if the person so officially
167 signing such bonds had remained in office until their delivery to
168 the purchaser, or had been in office on the date such bonds may
169 bear. However, notwithstanding anything herein to the contrary,
170 such bonds may be issued as provided in the Registered Bond Act of
171 the State of Mississippi.

172 (6) All bonds and interest coupons issued under the
173 provisions of this section have all the qualities and incidents of
174 negotiable instruments under the provisions of the Uniform
175 Commercial Code, and in exercising the powers granted by this
176 section, the commission shall not be required to and need not
177 comply with the provisions of the Uniform Commercial Code.

178 (7) The commission shall act as issuing agent for the bonds
179 authorized under this section, prescribe the form of the bonds,
180 determine the appropriate method for sale of the bonds, advertise
181 for and accept bids or negotiate the sale of the bonds, issue and
182 sell the bonds, pay all fees and costs incurred in such issuance
183 and sale, and do any and all other things necessary and advisable



184 in connection with the issuance and sale of such bonds. The
185 commission is authorized and empowered to pay the costs that are
186 incident to the sale, issuance and delivery of the bonds
187 authorized under this section from the proceeds derived from the
188 sale of such bonds. The commission may sell such bonds on sealed
189 bids at public sale or may negotiate the sale of the bonds for
190 such price as it may determine to be for the best interest of the
191 State of Mississippi. All interest accruing on such bonds so
192 issued shall be payable semiannually or annually.

193 If such bonds are sold by sealed bids at public sale, notice
194 of the sale shall be published at least one time, not less than
195 ten (10) days before the date of sale, and shall be so published
196 in one or more newspapers published or having a general
197 circulation in the City of Jackson, Mississippi, selected by the
198 commission.

199 The commission, when issuing any bonds under the authority of
200 this section, may provide that bonds, at the option of the State
201 of Mississippi, may be called in for payment and redemption at the
202 call price named therein and accrued interest on such date or
203 dates named therein.

204 (8) The bonds issued under the provisions of this section
205 are general obligations of the State of Mississippi, and for the
206 payment thereof the full faith and credit of the State of
207 Mississippi is irrevocably pledged. If the funds appropriated by
208 the Legislature are insufficient to pay the principal of and the



209 interest on such bonds as they become due, then the deficiency
210 shall be paid by the State Treasurer from any funds in the State
211 Treasury not otherwise appropriated. All such bonds shall contain
212 recitals on their faces substantially covering the provisions of
213 this subsection.

214 (9) Upon the issuance and sale of bonds under the provisions
215 of this section, the commission shall transfer the proceeds of any
216 such sale or sales to the special fund created in subsection (2)
217 of this section. The proceeds of such bonds shall be disbursed
218 solely upon the order of the Department of Finance and
219 Administration under such restrictions, if any, as may be
220 contained in the resolution providing for the issuance of the
221 bonds.

222 (10) The bonds authorized under this section may be issued
223 without any other proceedings or the happening of any other
224 conditions or things other than those proceedings, conditions and
225 things which are specified or required by this section. Any
226 resolution providing for the issuance of bonds under the
227 provisions of this section shall become effective immediately upon
228 its adoption by the commission, and any such resolution may be
229 adopted at any regular or special meeting of the commission by a
230 majority of its members.

231 (11) The bonds authorized under the authority of this
232 section may be validated in the Chancery Court of the First
233 Judicial District of Hinds County, Mississippi, in the manner and



234 with the force and effect provided by Chapter 13, Title 31,
235 Mississippi Code of 1972, for the validation of county, municipal,
236 school district and other bonds. The notice to taxpayers required
237 by such statutes shall be published in a newspaper published or
238 having a general circulation in the City of Jackson, Mississippi.

239 (12) Any holder of bonds issued under the provisions of this
240 section or of any of the interest coupons pertaining thereto may,
241 either at law or in equity, by suit, action, mandamus or other
242 proceeding, protect and enforce any and all rights granted under
243 this section, or under such resolution, and may enforce and compel
244 performance of all duties required by this section to be
245 performed, in order to provide for the payment of bonds and
246 interest thereon.

247 (13) All bonds issued under the provisions of this section
248 shall be legal investments for trustees and other fiduciaries, and
249 for savings banks, trust companies and insurance companies
250 organized under the laws of the State of Mississippi, and such
251 bonds shall be legal securities which may be deposited with and
252 shall be received by all public officers and bodies of this state
253 and all municipalities and political subdivisions for the purpose
254 of securing the deposit of public funds.

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



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

261 (16) The State Treasurer is authorized, without further
262 process of law, to certify to the Department of Finance and
263 Administration the necessity for warrants, and the Department of
264 Finance and Administration is authorized and directed to issue
265 such warrants, in such amounts as may be necessary to pay when due
266 the principal of, premium, if any, and interest on, or the
267 accreted value of, all bonds issued under this section; and the
268 State Treasurer shall forward the necessary amount to the
269 designated place or places of payment of such bonds in ample time
270 to discharge such bonds, or the interest thereon, on the due dates
271 thereof.

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

276 **SECTION 2.** (1) As used in this section, the following words
277 shall have the meanings ascribed herein unless the context clearly
278 requires otherwise:

279 (a) "Accreted value" of any bond means, as of any date
280 of computation, an amount equal to the sum of (i) the stated
281 initial value of such bond, plus (ii) the interest accrued thereon
282 from the issue date to the date of computation at the rate,



283 compounded semiannually, that is necessary to produce the
284 approximate yield to maturity shown for bonds of the same
285 maturity.

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

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

288 (2) (a) (i) A special fund, to be designated as the "2016
289 Community and Junior Colleges Capital Improvements Fund," is
290 created within the State Treasury. The fund shall be maintained
291 by the State Treasurer as a separate and special fund, separate
292 and apart from the General Fund of the state. Unexpended amounts
293 remaining in the fund at the end of a fiscal year shall not lapse
294 into the State General Fund, and any interest earned or investment
295 earnings on amounts in the fund shall be deposited to the credit
296 of the fund. Monies in the fund may not be used or expended for
297 any purpose except as authorized under this act.

298 (ii) Monies deposited into the fund shall be
299 disbursed, in the discretion of the Department of Finance and
300 Administration, to pay the costs of acquisition of real property,
301 construction of new facilities, equipping and furnishing
302 facilities, including furniture and technology equipment and
303 infrastructure, and addition to or renovation of existing
304 facilities for community and junior college campuses as
305 recommended by the Mississippi Community College Board. The
306 amount to be expended at each community and junior college is as
307 follows:



308	Coahoma.....	\$	46,274.00
309	Copiah-Lincoln.....		54,184.00
310	East Central.....		52,399.00
311	East Mississippi.....		63,051.00
312	Hinds.....		111,893.00
313	Holmes.....		73,517.00
314	Itawamba.....		73,004.00
315	Jones.....		67,082.00
316	Meridian.....		55,130.00
317	Mississippi Delta.....		52,675.00
318	Mississippi Gulf Coast.....		98,729.00
319	Northeast Mississippi.....		56,604.00
320	Northwest Mississippi.....		84,969.00
321	Pearl River.....		63,277.00
322	Southwest Mississippi.....		47,212.00
323	GRAND TOTAL.....	\$	1,000,000.00

324 (b) Amounts deposited into such special fund shall be
325 disbursed to pay the costs of projects described in paragraph (a)
326 of this subsection. If any monies in such special fund are not
327 used within four (4) years after the date the proceeds of the
328 bonds authorized under this section are deposited into the special
329 fund, then the community college or junior college for which any
330 such monies are allocated under paragraph (a) of this subsection
331 shall provide an accounting of such unused monies to the
332 commission. Promptly after the commission has certified, by



333 resolution duly adopted, that the projects described in paragraph
334 (a) of this section shall have been completed, abandoned, or
335 cannot be completed in a timely fashion, any amounts remaining in
336 such special fund shall be applied to pay debt service on the
337 bonds issued under this section, in accordance with the
338 proceedings authorizing the issuance of such bonds and as directed
339 by the commission.

340 (c) The Department of Finance and Administration,
341 acting through the Bureau of Building, Grounds and Real Property
342 Management, is expressly authorized and empowered to receive and
343 expend any local or other source funds in connection with the
344 expenditure of funds provided for in this section. The
345 expenditure of monies deposited into the special fund shall be
346 under the direction of the Department of Finance and
347 Administration, and such funds shall be paid by the State
348 Treasurer upon warrants issued by such department, which warrants
349 shall be issued upon requisitions signed by the Executive Director
350 of the Department of Finance and Administration, or his designee.

351 (3) (a) The commission, at one time, or from time to time,
352 may declare by resolution the necessity for issuance of general
353 obligation bonds of the State of Mississippi to provide funds for
354 all costs incurred or to be incurred for the purposes described in
355 subsection (2) of this section. Upon the adoption of a resolution
356 by the Department of Finance and Administration declaring the
357 necessity for the issuance of any part or all of the general



358 obligation bonds authorized by this section, the Department of
359 Finance and Administration shall deliver a certified copy of its
360 resolution or resolutions to the commission. Upon receipt of such
361 resolution, the commission, in its discretion, may act as issuing
362 agent, prescribe the form of the bonds, determine the appropriate
363 method for sale of the bonds, advertise for and accept bids or
364 negotiate the sale of the bonds, issue and sell the bonds so
365 authorized to be sold, and do any and all other things necessary
366 and advisable in connection with the issuance and sale of such
367 bonds. The total amount of bonds issued under this section shall
368 not exceed One Million Dollars (\$1,000,000.00). No bonds shall be
369 issued under this section after July 1, 2019.

370 (b) Any investment earnings on amounts deposited into
371 the special fund created in subsection (2) of this section shall
372 be used to pay debt service on bonds issued under this section, in
373 accordance with the proceedings authorizing issuance of such
374 bonds.

375 (4) The principal of and interest on the bonds authorized
376 under this section shall be payable in the manner provided in this
377 subsection. Such bonds shall bear such date or dates, be in such
378 denomination or denominations, bear interest at such rate or rates
379 (not to exceed the limits set forth in Section 75-17-101,
380 Mississippi Code of 1972), be payable at such place or places
381 within or without the State of Mississippi, shall mature
382 absolutely at such time or times not to exceed twenty-five (25)



383 years from date of issue, be redeemable before maturity at such
384 time or times and upon such terms, with or without premium, shall
385 bear such registration privileges, and shall be substantially in
386 such form, all as shall be determined by resolution of the
387 commission.

388 (5) The bonds authorized by this section shall be signed by
389 the chairman of the commission, or by his facsimile signature, and
390 the official seal of the commission shall be affixed thereto,
391 attested by the secretary of the commission. The interest
392 coupons, if any, to be attached to such bonds may be executed by
393 the facsimile signatures of such officers. Whenever any such
394 bonds shall have been signed by the officials designated to sign
395 the bonds who were in office at the time of such signing but who
396 may have ceased to be such officers before the sale and delivery
397 of such bonds, or who may not have been in office on the date such
398 bonds may bear, the signatures of such officers upon such bonds
399 and coupons shall nevertheless be valid and sufficient for all
400 purposes and have the same effect as if the person so officially
401 signing such bonds had remained in office until their delivery to
402 the purchaser, or had been in office on the date such bonds may
403 bear. However, notwithstanding anything herein to the contrary,
404 such bonds may be issued as provided in the Registered Bond Act of
405 the State of Mississippi.

406 (6) All bonds and interest coupons issued under the
407 provisions of this section have all the qualities and incidents of



408 negotiable instruments under the provisions of the Uniform
409 Commercial Code, and in exercising the powers granted by this
410 section, the commission shall not be required to and need not
411 comply with the provisions of the Uniform Commercial Code.

412 (7) The commission shall act as issuing agent for the bonds
413 authorized under this section, prescribe the form of the bonds,
414 determine the appropriate method for sale of the bonds, advertise
415 for and accept bids or negotiate the sale of the bonds, issue and
416 sell the bonds, pay all fees and costs incurred in such issuance
417 and sale, and do any and all other things necessary and advisable
418 in connection with the issuance and sale of such bonds. The
419 commission is authorized and empowered to pay the costs that are
420 incident to the sale, issuance and delivery of the bonds
421 authorized under this section from the proceeds derived from the
422 sale of such bonds. The commission may sell such bonds on sealed
423 bids at public sale or may negotiate the sale of the bonds for
424 such price as it may determine to be for the best interest of the
425 State of Mississippi. All interest accruing on such bonds so
426 issued shall be payable semiannually or annually.

427 If such bonds are sold by sealed bids at public sale, notice
428 of the sale shall be published at least one time, not less than
429 ten (10) days before the date of sale, and shall be so published
430 in one or more newspapers published or having a general
431 circulation in the City of Jackson, Mississippi, selected by the
432 commission.



433 The commission, when issuing any bonds under the authority of
434 this section, may provide that bonds, at the option of the State
435 of Mississippi, may be called in for payment and redemption at the
436 call price named therein and accrued interest on such date or
437 dates named therein.

438 (8) The bonds issued under the provisions of this section
439 are general obligations of the State of Mississippi, and for the
440 payment thereof the full faith and credit of the State of
441 Mississippi is irrevocably pledged. If the funds appropriated by
442 the Legislature are insufficient to pay the principal of and the
443 interest on such bonds as they become due, then the deficiency
444 shall be paid by the State Treasurer from any funds in the State
445 Treasury not otherwise appropriated. All such bonds shall contain
446 recitals on their faces substantially covering the provisions of
447 this subsection.

448 (9) Upon the issuance and sale of bonds under the provisions
449 of this section, the commission shall transfer the proceeds of any
450 such sale or sales to the special fund created in subsection (2)
451 of this section. The proceeds of such bonds shall be disbursed
452 solely upon the order of the Department of Finance and
453 Administration under such restrictions, if any, as may be
454 contained in the resolution providing for the issuance of the
455 bonds.

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



458 conditions or things other than those proceedings, conditions and
459 things which are specified or required by this section. Any
460 resolution providing for the issuance of bonds under the
461 provisions of this section shall become effective immediately upon
462 its adoption by the commission, and any such resolution may be
463 adopted at any regular or special meeting of the commission by a
464 majority of its members.

465 (11) The bonds authorized under the authority of this
466 section may be validated in the Chancery Court of the First
467 Judicial District of Hinds County, Mississippi, in the manner and
468 with the force and effect provided by Chapter 13, Title 31,
469 Mississippi Code of 1972, for the validation of county, municipal,
470 school district and other bonds. The notice to taxpayers required
471 by such statutes shall be published in a newspaper published or
472 having a general circulation in the City of Jackson, Mississippi.

473 (12) Any holder of bonds issued under the provisions of this
474 section or of any of the interest coupons pertaining thereto may,
475 either at law or in equity, by suit, action, mandamus or other
476 proceeding, protect and enforce any and all rights granted under
477 this section, or under such resolution, and may enforce and compel
478 performance of all duties required by this section to be
479 performed, in order to provide for the payment of bonds and
480 interest thereon.

481 (13) All bonds issued under the provisions of this section
482 shall be legal investments for trustees and other fiduciaries, and



483 for savings banks, trust companies and insurance companies
484 organized under the laws of the State of Mississippi, and such
485 bonds shall be legal securities which may be deposited with and
486 shall be received by all public officers and bodies of this state
487 and all municipalities and political subdivisions for the purpose
488 of securing the deposit of public funds.

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

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

495 (16) The State Treasurer is authorized, without further
496 process of law, to certify to the Department of Finance and
497 Administration the necessity for warrants, and the Department of
498 Finance and Administration is authorized and directed to issue
499 such warrants, in such amounts as may be necessary to pay when due
500 the principal of, premium, if any, and interest on, or the
501 accreted value of, all bonds issued under this section; and the
502 State Treasurer shall forward the necessary amount to the
503 designated place or places of payment of such bonds in ample time
504 to discharge such bonds, or the interest thereon, on the due dates
505 thereof.

506 (17) This section shall be deemed to be full and complete
507 authority for the exercise of the powers herein granted, but this



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

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

513 (a) "Accreted value" of any bonds means, as of any date
514 of computation, an amount equal to the sum of (i) the stated
515 initial value of such bond, plus (ii) the interest accrued thereon
516 from the issue date to the date of computation at the rate,
517 compounded semiannually, that is necessary to produce the
518 approximate yield to maturity shown for bonds of the same
519 maturity.

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

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

522 (2) (a) The Mississippi Development Authority, at one time,
523 or from time to time, may declare by resolution the necessity for
524 issuance of general obligation bonds of the State of Mississippi
525 to provide funds for the program authorized in Section 57-1-16.
526 Upon the adoption of a resolution by the Mississippi Development
527 Authority declaring the necessity for the issuance of any part or
528 all of the general obligation bonds authorized by this subsection,
529 the Mississippi Development Authority shall deliver a certified
530 copy of its resolution or resolutions to the commission. Upon
531 receipt of such resolution, the commission, in its discretion, may
532 act as the issuing agent, prescribe the form of the bonds,



533 determine the appropriate method for sale of the bonds, advertise
534 for and accept bids or negotiate the sale of the bonds, issue and
535 sell the bonds so authorized to be sold, and do any and all other
536 things necessary and advisable in connection with the issuance and
537 sale of such bonds. The total amount of bonds issued under this
538 section shall not exceed One Million Dollars (\$1,000,000.00). No
539 bonds authorized under this section shall be issued after July 1,
540 2020.

541 (b) The proceeds of bonds issued pursuant to this
542 section shall be deposited into the ACE Fund created pursuant to
543 Section 57-1-16. Any investment earnings on bonds issued pursuant
544 to this section shall be used to pay debt service on bonds issued
545 under this section, in accordance with the proceedings authorizing
546 issuance of such bonds.

547 (3) The principal of and interest on the bonds authorized
548 under this section shall be payable in the manner provided in this
549 subsection. Such bonds shall bear such date or dates, be in such
550 denomination or denominations, bear interest at such rate or rates
551 (not to exceed the limits set forth in Section 75-17-101,
552 Mississippi Code of 1972), be payable at such place or places
553 within or without the State of Mississippi, shall mature
554 absolutely at such time or times not to exceed twenty-five (25)
555 years from date of issue, be redeemable before maturity at such
556 time or times and upon such terms, with or without premium, shall
557 bear such registration privileges, and shall be substantially in



558 such form, all as shall be determined by resolution of the
559 commission.

560 (4) The bonds authorized by this section shall be signed by
561 the chairman of the commission, or by his facsimile signature, and
562 the official seal of the commission shall be affixed thereto,
563 attested by the secretary of the commission. The interest
564 coupons, if any, to be attached to such bonds may be executed by
565 the facsimile signatures of such officers. Whenever any such
566 bonds shall have been signed by the officials designated to sign
567 the bonds who were in office at the time of such signing but who
568 may have ceased to be such officers before the sale and delivery
569 of such bonds, or who may not have been in office on the date such
570 bonds may bear, the signatures of such officers upon such bonds
571 and coupons shall nevertheless be valid and sufficient for all
572 purposes and have the same effect as if the person so officially
573 signing such bonds had remained in office until their delivery to
574 the purchaser, or had been in office on the date such bonds may
575 bear. However, notwithstanding anything herein to the contrary,
576 such bonds may be issued as provided in the Registered Bond Act of
577 the State of Mississippi.

578 (5) All bonds and interest coupons issued under the
579 provisions of this section have all the qualities and incidents of
580 negotiable instruments under the provisions of the Uniform
581 Commercial Code, and in exercising the powers granted by this



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

584 (6) The commission shall act as the issuing agent for the
585 bonds authorized under this section, prescribe the form of the
586 bonds, determine the appropriate method for sale of the bonds,
587 advertise for and accept bids or negotiate the sale of the bonds,
588 issue and sell the bonds so authorized to be sold, pay all fees
589 and costs incurred in such issuance and sale, and do any and all
590 other things necessary and advisable in connection with the
591 issuance and sale of such bonds. The commission is authorized and
592 empowered to pay the costs that are incident to the sale, issuance
593 and delivery of the bonds authorized under this section from the
594 proceeds derived from the sale of such bonds. The commission
595 shall sell such bonds on sealed bids at public sale or may
596 negotiate the sale of the bonds for such price as it may determine
597 to be for the best interest of the State of Mississippi. All
598 interest accruing on such bonds so issued shall be payable
599 semiannually or annually.

600 If the bonds are to be sold on sealed bids at public sale,
601 notice of the sale of any such bonds shall be published at least
602 one time, not less than ten (10) days before the date of sale, and
603 shall be so published in one or more newspapers published or
604 having a general circulation in the City of Jackson, Mississippi,
605 selected by the commission.



606 The commission, when issuing any bonds under the authority of
607 this section, may provide that bonds, at the option of the State
608 of Mississippi, may be called in for payment and redemption at the
609 call price named therein and accrued interest on such date or
610 dates named therein.

611 (7) The bonds issued under the provisions of this section
612 are general obligations of the State of Mississippi, and for the
613 payment thereof the full faith and credit of the State of
614 Mississippi is irrevocably pledged. If the funds appropriated by
615 the Legislature are insufficient to pay the principal of and the
616 interest on such bonds as they become due, then the deficiency
617 shall be paid by the State Treasurer from any funds in the State
618 Treasury not otherwise appropriated. All such bonds shall contain
619 recitals on their faces substantially covering the provisions of
620 this subsection.

621 (8) Upon the issuance and sale of bonds under the provisions
622 of this section, the commission shall transfer the proceeds of any
623 such sale or sales to the ACE Fund created in Section 57-1-16.
624 The proceeds of such bonds shall be disbursed solely upon the
625 order of the Mississippi Development Authority under such
626 restrictions, if any, as may be contained in the resolution
627 providing for the issuance of the bonds.

628 (9) The bonds authorized under this section may be issued
629 without any other proceedings or the happening of any other
630 conditions or things other than those proceedings, conditions and



631 things which are specified or required by this section. Any
632 resolution providing for the issuance of bonds under the
633 provisions of this section shall become effective immediately upon
634 its adoption by the commission, and any such resolution may be
635 adopted at any regular or special meeting of the commission by a
636 majority of its members.

637 (10) The bonds authorized under the authority of this
638 section may be validated in the Chancery Court of the First
639 Judicial District of Hinds County, Mississippi, in the manner and
640 with the force and effect provided by Chapter 13, Title 31,
641 Mississippi Code of 1972, for the validation of county, municipal,
642 school district and other bonds. The notice to taxpayers required
643 by such statutes shall be published in a newspaper published or
644 having a general circulation in the City of Jackson, Mississippi.

645 (11) Any holder of bonds issued under the provisions of this
646 section or of any of the interest coupons pertaining thereto may,
647 either at law or in equity, by suit, action, mandamus or other
648 proceeding, protect and enforce any and all rights granted under
649 this section, or under such resolution, and may enforce and compel
650 performance of all duties required by this section to be
651 performed, in order to provide for the payment of bonds and
652 interest thereon.

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



656 organized under the laws of the State of Mississippi, and such
657 bonds shall be legal securities which may be deposited with and
658 shall be received by all public officers and bodies of this state
659 and all municipalities and political subdivisions for the purpose
660 of securing the deposit of public funds.

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

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

667 (15) The State Treasurer is authorized, without further
668 process of law, to certify to the Department of Finance and
669 Administration the necessity for warrants, and the Department of
670 Finance and Administration is authorized and directed to issue
671 such warrants, in such amounts as may be necessary to pay when due
672 the principal of, premium, if any, and interest on, or the
673 accreted value of, all bonds issued under this section; and the
674 State Treasurer shall forward the necessary amount to the
675 designated place or places of payment of such bonds in ample time
676 to discharge such bonds, or the interest thereon, on the due dates
677 thereof.

678 (16) This section shall be deemed to be full and complete
679 authority for the exercise of the powers therein granted, but this



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

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

685 (a) "Accreted value" of any bonds means, as of any date
686 of computation, an amount equal to the sum of (i) the stated
687 initial value of such bond, plus (ii) the interest accrued thereon
688 from the issue date to the date of computation at the rate,
689 compounded semiannually, that is necessary to produce the
690 approximate yield to maturity shown for bonds of the same
691 maturity.

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

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

694 (d) "Department" means the Department of Finance and
695 Administration.

696 (2) (a) The Department of Finance and Administration, at
697 one time, or from time to time, may declare by resolution the
698 necessity for issuance of general obligation bonds of the State of
699 Mississippi to provide funds for the Mississippi Development
700 Authority Workforce Training Fund created under Section 57-1-401.
701 Upon the adoption of a resolution by the department declaring the
702 necessity for the issuance of any part or all of the general
703 obligation bonds authorized by this subsection, the department
704 shall deliver a certified copy of its resolution or resolutions to



705 the commission. Upon receipt of the resolution, the commission,
706 in its discretion, may act as the issuing agent, prescribe the
707 form of the bonds, determine the appropriate method for sale of
708 the bonds, advertise for and accept bids or negotiate the sale of
709 the bonds, issue and sell the bonds so authorized to be sold, and
710 do any and all other things necessary and advisable in connection
711 with the issuance and sale of such bonds. The total amount of
712 bonds issued under this section shall not exceed One Million
713 Dollars (\$1,000,000.00). No bonds authorized under this section
714 shall be issued after July 1, 2020.

715 (b) The proceeds of bonds issued under this section
716 shall be deposited into the Mississippi Development Authority
717 Workforce Training Fund created under Section 57-1-401. Any
718 investment earnings on bonds issued under this section shall be
719 used to pay debt service on those bonds, in accordance with the
720 proceedings authorizing issuance of the bonds.

721 (3) The principal of and interest on the bonds authorized
722 under this section shall be payable in the manner provided in this
723 subsection. The bonds shall bear such date or dates; be in such
724 denomination or denominations; bear interest at such rate or rates
725 (not to exceed the limits set forth in Section 75-17-101,
726 Mississippi Code of 1972); be payable at such place or places
727 within or without the State of Mississippi; mature absolutely at
728 such time or times not to exceed twenty-five (25) years from date
729 of issue; be redeemable before maturity at such time or times and



730 upon such terms, with or without premium; bear such registration
731 privileges; and be substantially in such form, all as shall be
732 determined by resolution of the commission.

733 (4) The bonds authorized by this section shall be signed by
734 the chairman of the commission, or by his facsimile signature, and
735 the official seal of the commission shall be affixed thereto,
736 attested by the secretary of the commission. The interest
737 coupons, if any, to be attached to such bonds may be executed by
738 the facsimile signatures of such officers. Whenever any such
739 bonds shall have been signed by the officials designated to sign
740 the bonds who were in office at the time of such signing but who
741 may have ceased to be such officers before the sale and delivery
742 of such bonds, or who may not have been in office on the date such
743 bonds may bear, the signatures of such officers upon such bonds
744 and coupons shall nevertheless be valid and sufficient for all
745 purposes and have the same effect as if the person so officially
746 signing such bonds had remained in office until their delivery to
747 the purchaser, or had been in office on the date such bonds may
748 bear. However, notwithstanding anything herein to the contrary,
749 such bonds may be issued as provided in the Registered Bond Act of
750 the State of Mississippi.

751 (5) All bonds and interest coupons issued under the
752 provisions of this section have all the qualities and incidents of
753 negotiable instruments under the provisions of the Uniform
754 Commercial Code, and in exercising the powers granted by this



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

757 (6) The commission shall act as issuing agent for the bonds
758 authorized under this section, prescribe the form of the bonds,
759 determine the appropriate method for sale of the bonds, advertise
760 for and accept bids or negotiate the sale of the bonds, issue and
761 sell the bonds so authorized to be sold, pay all fees and costs
762 incurred in such issuance and sale, and do any and all other
763 things necessary and advisable in connection with the issuance and
764 sale of such bonds. The commission is authorized and empowered to
765 pay the costs that are incident to the sale, issuance and delivery
766 of the bonds authorized under this section from the proceeds
767 derived from the sale of such bonds. The commission may sell such
768 bonds on sealed bids at public sale or may negotiate the sale of
769 the bonds for such price as it may determine to be for the best
770 interest of the State of Mississippi. All interest accruing on
771 such bonds so issued shall be payable semiannually or annually.

772 If such bonds are sold by sealed bids at public sale, notice
773 of the sale shall be published at least one time, not less than
774 ten (10) days before the date of sale, and shall be so published
775 in one or more newspapers published or having a general
776 circulation in the City of Jackson, Mississippi, selected by the
777 commission.

778 The commission, when issuing any bonds under the authority of
779 this section, may provide that bonds, at the option of the State



780 of Mississippi, may be called in for payment and redemption at the
781 call price named therein and accrued interest on such date or
782 dates named therein.

783 (7) The bonds issued under the provisions of this section
784 are general obligations of the State of Mississippi, and for the
785 payment thereof the full faith and credit of the State of
786 Mississippi is irrevocably pledged. If the funds appropriated by
787 the Legislature are insufficient to pay the principal of and the
788 interest on such bonds as they become due, then the deficiency
789 shall be paid by the State Treasurer from any funds in the State
790 Treasury not otherwise appropriated. All such bonds shall contain
791 recitals on their faces substantially covering the provisions of
792 this subsection.

793 (8) Upon the issuance and sale of bonds under the provisions
794 of this section, the commission shall transfer the proceeds of any
795 such sale or sales to the Mississippi Development Authority
796 Workforce Training Fund created under Section 57-1-401. The
797 proceeds of such bonds shall be disbursed solely upon the order of
798 the Mississippi Development Authority under such restrictions, if
799 any, as may be contained in the resolution providing for the
800 issuance of the bonds.

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



805 resolution providing for the issuance of bonds under the
806 provisions of this section shall become effective immediately upon
807 its adoption by the commission, and any such resolution may be
808 adopted at any regular or special meeting of the commission by a
809 majority of its members.

810 (10) The bonds authorized under the authority of this
811 section may be validated in the Chancery Court of the First
812 Judicial District of Hinds County, Mississippi, in the manner and
813 with the force and effect provided by Chapter 13, Title 31,
814 Mississippi Code of 1972, for the validation of county, municipal,
815 school district and other bonds. The notice to taxpayers required
816 by such statutes shall be published in a newspaper published or
817 having a general circulation in the City of Jackson, Mississippi.

818 (11) Any holder of bonds issued under the provisions of this
819 section or of any of the interest coupons pertaining thereto may,
820 either at law or in equity, by suit, action, mandamus or other
821 proceeding, protect and enforce any and all rights granted under
822 this section, or under such resolution, and may enforce and compel
823 performance of all duties required by this section to be
824 performed, in order to provide for the payment of bonds and
825 interest thereon.

826 (12) All bonds issued under the provisions of this section
827 shall be legal investments for trustees and other fiduciaries, and
828 for savings banks, trust companies and insurance companies
829 organized under the laws of the State of Mississippi, and such



830 bonds shall be legal securities which may be deposited with and
831 shall be received by all public officers and bodies of this state
832 and all municipalities and political subdivisions for the purpose
833 of securing the deposit of public funds.

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

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

840 (15) The State Treasurer is authorized, without further
841 process of law, to certify to the Department of Finance and
842 Administration the necessity for warrants, and the Department of
843 Finance and Administration is authorized and directed to issue
844 such warrants, in such amounts as may be necessary to pay when due
845 the principal of, premium, if any, and interest on, or the
846 accreted value of, all bonds issued under this section; and the
847 State Treasurer shall forward the necessary amount to the
848 designated place or places of payment of such bonds in ample time
849 to discharge such bonds, or the interest thereon, on the due dates
850 thereof.

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



855 **SECTION 5.** Section 57-61-25, Mississippi Code of 1972, is
856 amended as follows:

857 57-61-25. (1) The seller is authorized to borrow, on the
858 credit of the state upon receipt of a resolution from the
859 Mississippi Development Authority requesting the same, money not
860 exceeding the aggregate sum of * * * Three Hundred Forty-seven
861 Million Five Hundred Thousand Dollars (\$347,500,000.00), not
862 including money borrowed to refund outstanding bonds, notes or
863 replacement notes, as may be necessary to carry out the purposes
864 of this chapter. The rate of interest on any such bonds or notes
865 which are not subject to taxation shall not exceed the rates set
866 forth in Section 75-17-101, Mississippi Code of 1972, for general
867 obligation bonds.

868 (2) As evidence of indebtedness authorized in this chapter,
869 general or limited obligation bonds of the state shall be issued
870 from time to time to provide monies necessary to carry out the
871 purposes of this chapter for such total amounts, in such form, in
872 such denominations payable in such currencies (either domestic or
873 foreign, or both) and subject to such terms and conditions of
874 issue, redemption and maturity, rate of interest and time of
875 payment of interest as the seller directs, except that such bonds
876 shall mature or otherwise be retired in annual installments
877 beginning not more than five (5) years from date thereof and
878 extending not more than thirty (30) years from date thereof.



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

883 (4) All bonds and notes issued under authority of this
884 chapter may be general or limited obligations of the state, and
885 the full faith and credit of the State of Mississippi as to
886 general obligation bonds, or the revenues derived from projects
887 assisted as to limited obligation bonds, are hereby pledged for
888 the payment of the principal of and interest on such bonds and
889 notes.

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

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

896 (7) The seller is authorized to provide, by resolution, for
897 the issuance of refunding bonds for the purpose of refunding any
898 debt issued under the provisions of this chapter and then
899 outstanding, either by voluntary exchange with the holders of the
900 outstanding debt or to provide funds to redeem and the costs of
901 issuance and retirement of the debt, at maturity or at any call
902 date. The issuance of the refunding bonds, the maturities and
903 other details thereof, the rights of the holders thereof and the



904 duties of the issuing officials in respect to the same shall be
905 governed by the provisions of this section, insofar as they may be
906 applicable.

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

911 (9) The proceeds of bonds issued under this chapter after
912 April 9, 2002, may be used to reimburse reasonable actual and
913 necessary costs incurred by the Mississippi Development Authority
914 in administering a program or providing assistance related to a
915 project, or both, for which funding is provided from the use of
916 proceeds of such bonds. An accounting of actual costs incurred
917 for which reimbursement is sought shall be maintained for each
918 project by the Mississippi Development Authority. Reimbursement
919 of reasonable actual and necessary costs for a program or project
920 shall not exceed three percent (3%) of the proceeds of bonds
921 issued for such program or project. Monies authorized for a
922 particular program or project may not be used to reimburse
923 administrative costs for unrelated programs or projects.
924 Reimbursements under this subsection shall satisfy any applicable
925 federal tax law requirements.

926 **SECTION 6.** Section 57-61-36, Mississippi Code of 1972, is
927 amended as follows:



928 57-61-36. (1) Notwithstanding any provision of this chapter
929 to the contrary, the Mississippi Development Authority shall
930 utilize not more than Twelve Million Five Hundred Thousand Dollars
931 (\$12,500,000.00) out of the proceeds of bonds authorized to be
932 issued in this chapter for the purpose of making grants to
933 municipalities through a Development Infrastructure Grant Fund to
934 complete infrastructure related to new or expanded industry.

935 (2) [Repealed]

936 (3) Notwithstanding any provision of this chapter to the
937 contrary, the Mississippi Development Authority shall utilize the
938 money transferred from the Housing Development Revolving Loan Fund
939 and not more than * * * Fifty-six Million One Hundred Thousand
940 Dollars (\$56,100,000.00) out of the proceeds of bonds authorized
941 to be issued in this chapter for the purpose of making grants or
942 loans to municipalities through an equipment and public facilities
943 grant and loan fund to aid in infrastructure-related improvements
944 as determined by the Mississippi Development Authority, the
945 purchase of equipment and in the purchase, construction or repair
946 and renovation of public facilities. Any bonds previously issued
947 for the Development Infrastructure Revolving Loan Program which
948 have not been loaned or applied for are eligible to be
949 administered as grants or loans. In making grants and loans under
950 this section, the Mississippi Development Authority shall attempt
951 to provide for an equitable distribution of such grants and loans



952 among each of the congressional districts of this state in order
953 to promote economic development across the entire state.

954 The requirements of Section 57-61-9 shall not apply to any
955 grant made under this subsection. The Mississippi Development
956 Authority may establish criteria and guidelines to govern grants
957 made pursuant to this subsection.

958 (4) [Repealed]

959 (5) (a) The Mississippi Development Authority may establish
960 a Capital Access Program and may contract with any financial
961 institution to participate in the program upon such terms and
962 conditions as the authority shall consider necessary and proper.
963 The Mississippi Development Authority may establish loss reserve
964 accounts at financial institutions that participate in the program
965 and require payments by the financial institution and the borrower
966 to such loss reserve accounts. All money in such loss reserve
967 accounts is the property of the Mississippi Development Authority.

968 (b) Under the Capital Access Program a participating
969 financial institution may make a loan to any borrower the
970 Mississippi Development Authority determines to be qualified under
971 rules and regulations adopted by the authority and be protected
972 against losses from such loans as provided in the program. Under
973 such rules and regulations as may be adopted by the Mississippi
974 Development Authority, a participating financial institution may
975 submit claims for the reimbursement for losses incurred as a
976 result of default on loans by qualified borrowers.



977 (c) Under the Capital Access Program a participating
978 financial institution may make a loan that is secured by the
979 assignment of the proceeds of a contract between the borrower and
980 a public entity if the Mississippi Development Authority
981 determines the loan to be qualified under the rules and
982 regulations adopted by the authority. Under such rules and
983 regulations as may be adopted by the Mississippi Development
984 Authority, a participating financial institution may submit an
985 application to the authority requesting that a loan secured
986 pursuant to this paragraph be funded under the Capital Access
987 Program.

988 (d) Notwithstanding any provision of this chapter to
989 the contrary, the Mississippi Development Authority may utilize
990 not more than One Million Five Hundred Fifty Thousand Dollars
991 (\$1,550,000.00) out of the proceeds of bonds authorized to be
992 issued in this chapter for the purpose of making payments to loan
993 loss reserve accounts established at financial institutions that
994 participate in the Capital Access Program established by the
995 Mississippi Development Authority; however, any portion of the
996 bond proceeds authorized to be utilized by this paragraph that are
997 not utilized for making payments to loss reserve accounts may be
998 utilized by the Mississippi Development Authority to advance funds
999 to financial institutions that participate in the Capital Access
1000 Program pursuant to paragraph (c) of this subsection.



1001 (6) Notwithstanding any provision of this chapter to the
1002 contrary, the Mississippi Development Authority shall utilize not
1003 more than Two Hundred Thousand Dollars (\$200,000.00) out of the
1004 proceeds of bonds authorized to be issued in this chapter for the
1005 purpose of assisting Warren County, Mississippi, in the
1006 continuation and completion of the study for the proposed Kings
1007 Point Levee.

1008 (7) Notwithstanding any provision of this chapter to the
1009 contrary, the Mississippi Development Authority shall utilize not
1010 more than One Hundred Thousand Dollars (\$100,000.00) out of the
1011 proceeds of bonds authorized to be issued in this chapter for the
1012 purpose of developing a long-range plan for coordinating the
1013 resources of the state institutions of higher learning, the
1014 community and junior colleges, the Mississippi Development
1015 Authority and other state agencies in order to promote economic
1016 development in the state.

1017 (8) Notwithstanding any other provision of this chapter to
1018 the contrary, the Mississippi Development Authority shall use not
1019 more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of
1020 the proceeds of bonds authorized to be issued in this chapter for
1021 the purpose of providing assistance to municipalities that have
1022 received Community Development Block Grant funds for repair,
1023 renovation and other improvements to buildings for use as
1024 community centers. Assistance provided to a municipality under
1025 this subsection shall be used by the municipality to match such



1026 Community Development Block Grant funds. The maximum amount of
1027 assistance that may be provided to a municipality under this
1028 subsection shall not exceed Seventy-five Thousand Dollars
1029 (\$75,000.00) in the aggregate.

1030 (9) Notwithstanding any provision of this chapter to the
1031 contrary, the Mississippi Development Authority shall utilize not
1032 more than Two Million Dollars (\$2,000,000.00) out of the proceeds
1033 of bonds authorized to be issued in this chapter for the purpose
1034 of assisting in paying the costs of constructing a new spillway
1035 and related bridge and dam structures at Lake Mary in Wilkinson
1036 County, Mississippi, including construction of a temporary dam and
1037 diversion canal, removing existing structures, removing and
1038 stockpiling riprap, spillway construction, dam embankment
1039 construction, road access, constructing bridges and related
1040 structures, design and construction engineering and field testing.

1041 (10) Notwithstanding any provision of this chapter to the
1042 contrary, the Mississippi Development Authority shall utilize not
1043 more than One Hundred Thousand Dollars (\$100,000.00) out of the
1044 proceeds of bonds authorized to be issued in this chapter for the
1045 purpose of assisting the City of Holly Springs, Mississippi, in
1046 providing water and sewer and other infrastructure services in the
1047 Marshall, Benton and Tippah Counties area.

1048 **SECTION 7.** Section 57-75-15, Mississippi Code of 1972, as
1049 amended by House Bill No. 1, First Extraordinary Session of 2016,
1050 is amended as follows:



1051 **[Through June 30, 2018, this section shall read as follows:]**

1052 57-75-15. (1) Upon notification to the authority by the
1053 enterprise that the state has been finally selected as the site
1054 for the project, the State Bond Commission shall have the power
1055 and is hereby authorized and directed, upon receipt of a
1056 declaration from the authority as hereinafter provided, to borrow
1057 money and issue general obligation bonds of the state in one or
1058 more series for the purposes herein set out. Upon such
1059 notification, the authority may thereafter from time to time
1060 declare the necessity for the issuance of general obligation bonds
1061 as authorized by this section and forward such declaration to the
1062 State Bond Commission, provided that before such notification, the
1063 authority may enter into agreements with the United States
1064 government, private companies and others that will commit the
1065 authority to direct the State Bond Commission to issue bonds for
1066 eligible undertakings set out in subsection (4) of this section,
1067 conditioned on the siting of the project in the state.

1068 (2) Upon receipt of any such declaration from the authority,
1069 the State Bond Commission shall verify that the state has been
1070 selected as the site of the project and shall act as the issuing
1071 agent for the series of bonds directed to be issued in such
1072 declaration pursuant to authority granted in this section.

1073 (3) (a) Bonds issued under the authority of this section
1074 for projects as defined in Section 57-75-5(f) (i) shall not exceed



1075 an aggregate principal amount in the sum of Sixty-seven Million
1076 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

1077 (b) Bonds issued under the authority of this section
1078 for projects as defined in Section 57-75-5(f)(ii) shall not
1079 exceed * * * Sixty-four Million Dollars (\$64,000,000.00). The
1080 authority, with the express direction of the State Bond
1081 Commission, is authorized to expend any remaining proceeds of
1082 bonds issued under the authority of this act prior to January 1,
1083 1998, for the purpose of financing projects as then defined in
1084 Section 57-75-5(f)(ii) or for any other projects as defined in
1085 Section 57-75-5(f)(ii), as it may be amended from time to time.
1086 No bonds shall be issued under this paragraph (b) until the State
1087 Bond Commission by resolution adopts a finding that the issuance
1088 of such bonds will improve, expand or otherwise enhance the
1089 military installation, its support areas or military operations,
1090 or will provide employment opportunities to replace those lost by
1091 closure or reductions in operations at the military installation
1092 or will support critical studies or investigations authorized by
1093 Section 57-75-5(f)(ii).

1094 (c) Bonds issued under the authority of this section
1095 for projects as defined in Section 57-75-5(f)(iii) shall not
1096 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
1097 issued under this paragraph after December 31, 1996.

1098 (d) Bonds issued under the authority of this section
1099 for projects defined in Section 57-75-5(f)(iv) shall not exceed



1100 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
1101 additional amount of bonds in an amount not to exceed Twelve
1102 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
1103 issued under the authority of this section for the purpose of
1104 defraying costs associated with the construction of surface water
1105 transmission lines for a project defined in Section 57-75-5(f) (iv)
1106 or for any facility related to the project. No bonds shall be
1107 issued under this paragraph after June 30, 2005.

1108 (e) Bonds issued under the authority of this section
1109 for projects defined in Section 57-75-5(f) (v) and for facilities
1110 related to such projects shall not exceed Thirty-eight Million
1111 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
1112 issued under this paragraph after April 1, 2005.

1113 (f) Bonds issued under the authority of this section
1114 for projects defined in Section 57-75-5(f) (vii) shall not exceed
1115 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1116 under this paragraph after June 30, 2006.

1117 (g) Bonds issued under the authority of this section
1118 for projects defined in Section 57-75-5(f) (viii) shall not exceed
1119 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
1120 bonds shall be issued under this paragraph after June 30, 2008.

1121 (h) Bonds issued under the authority of this section
1122 for projects defined in Section 57-75-5(f) (ix) shall not exceed
1123 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1124 under this paragraph after June 30, 2007.



1125 (i) Bonds issued under the authority of this section
1126 for projects defined in Section 57-75-5(f) (x) shall not exceed
1127 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1128 under this paragraph after April 1, 2005.

1129 (j) Bonds issued under the authority of this section
1130 for projects defined in Section 57-75-5(f) (xii) shall not exceed
1131 Thirty-three Million Dollars (\$33,000,000.00). The amount of
1132 bonds that may be issued under this paragraph for projects defined
1133 in Section 57-75-5(f) (xii) may be reduced by the amount of any
1134 federal or local funds made available for such projects. No bonds
1135 shall be issued under this paragraph until local governments in or
1136 near the county in which the project is located have irrevocably
1137 committed funds to the project in an amount of not less than Two
1138 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
1139 aggregate; however, this irrevocable commitment requirement may be
1140 waived by the authority upon a finding that due to the unforeseen
1141 circumstances created by Hurricane Katrina, the local governments
1142 are unable to comply with such commitment. No bonds shall be
1143 issued under this paragraph after June 30, 2008.

1144 (k) Bonds issued under the authority of this section
1145 for projects defined in Section 57-75-5(f) (xiii) shall not exceed
1146 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
1147 under this paragraph after June 30, 2009.

1148 (l) Bonds issued under the authority of this section
1149 for projects defined in Section 57-75-5(f) (xiv) shall not exceed



1150 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
1151 issued under this paragraph until local governments in the county
1152 in which the project is located have irrevocably committed funds
1153 to the project in an amount of not less than Two Million Dollars
1154 (\$2,000,000.00). No bonds shall be issued under this paragraph
1155 after June 30, 2009.

1156 (m) Bonds issued under the authority of this section
1157 for projects defined in Section 57-75-5(f) (xv) shall not exceed
1158 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
1159 issued under this paragraph after June 30, 2009.

1160 (n) Bonds issued under the authority of this section
1161 for projects defined in Section 57-75-5(f) (xvi) shall not exceed
1162 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
1163 under this paragraph after June 30, 2011.

1164 (o) Bonds issued under the authority of this section
1165 for projects defined in Section 57-75-5(f) (xvii) shall not exceed
1166 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
1167 bonds shall be issued under this paragraph after June 30, 2010.

1168 (p) Bonds issued under the authority of this section
1169 for projects defined in Section 57-75-5(f) (xviii) shall not exceed
1170 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
1171 issued under this paragraph after June 30, 2011.

1172 (q) Bonds issued under the authority of this section
1173 for projects defined in Section 57-75-5(f) (xix) shall not exceed



1174 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
1175 issued under this paragraph after June 30, 2012.

1176 (r) Bonds issued under the authority of this section
1177 for projects defined in Section 57-75-5(f)(xx) shall not exceed
1178 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
1179 issued under this paragraph after April 25, 2013.

1180 (s) Bonds issued under the authority of this section
1181 for projects defined in Section 57-75-5(f)(xxi) shall not exceed
1182 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
1183 (\$293,900,000.00). No bonds shall be issued under this paragraph
1184 after July 1, 2020.

1185 (t) Bonds issued under the authority of this section
1186 for Tier One suppliers shall not exceed Thirty Million Dollars
1187 (\$30,000,000.00). No bonds shall be issued under this paragraph
1188 after July 1, 2020.

1189 (u) Bonds issued under the authority of this section
1190 for projects defined in Section 57-75-5(f)(xxii) shall not exceed
1191 Forty-eight Million Four Hundred Thousand Dollars
1192 (\$48,400,000.00). No bonds shall be issued under this paragraph
1193 after July 1, 2020.

1194 (v) Bonds issued under the authority of this section
1195 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed
1196 Eighty-eight Million Two Hundred Fifty Thousand Dollars
1197 (\$88,250,000.00). No bonds shall be issued under this paragraph
1198 after July 1, 2009.



1199 (w) Bonds issued under the authority of this section
1200 for projects defined in Section 57-75-5(f) (xxiv) shall not exceed
1201 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
1202 issued under this paragraph after July 1, 2020.

1203 (x) Bonds issued under the authority of this section
1204 for projects defined in Section 57-75-5(f) (xxv) shall not exceed
1205 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
1206 issued under this paragraph after July 1, 2017.

1207 (y) Bonds issued under the authority of this section
1208 for projects defined in Section 57-75-5(f) (xxvi) shall not exceed
1209 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
1210 No bonds shall be issued under this paragraph after July 1, 2021.

1211 (z) Bonds issued under the authority of this section
1212 for projects defined in Section 57-75-5(f) (xxvii) shall not exceed
1213 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
1214 under this paragraph after April 25, 2013.

1215 (aa) Bonds issued under the authority of this section
1216 for projects defined in Section 57-75-5(f) (xxviii) shall not
1217 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
1218 bonds shall be issued under this paragraph after July 1, 2023.

1219 (bb) Bonds issued under the authority of this section
1220 for projects defined in Section 57-75-5(f) (xxix) shall not exceed
1221 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No
1222 bonds shall be issued under this paragraph after July 1, 2034.



1223 (cc) Bonds issued under the authority of this section
1224 for projects defined in Section 57-75-5(f) (xxx) shall not exceed
1225 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued
1226 under this paragraph after July 1, 2025.

1227 (4) (a) The proceeds from the sale of the bonds issued
1228 under this section may be applied for the following purposes:

1229 (i) Defraying all or any designated portion of the
1230 costs incurred with respect to acquisition, planning, design,
1231 construction, installation, rehabilitation, improvement,
1232 relocation and with respect to state-owned property, operation and
1233 maintenance of the project and any facility related to the project
1234 located within the project area, including costs of design and
1235 engineering, all costs incurred to provide land, easements and
1236 rights-of-way, relocation costs with respect to the project and
1237 with respect to any facility related to the project located within
1238 the project area, and costs associated with mitigation of
1239 environmental impacts and environmental impact studies;

1240 (ii) Defraying the cost of providing for the
1241 recruitment, screening, selection, training or retraining of
1242 employees, candidates for employment or replacement employees of
1243 the project and any related activity;

1244 (iii) Reimbursing the Mississippi Development
1245 Authority for expenses it incurred in regard to projects defined
1246 in Section 57-75-5(f) (iv) prior to November 6, 2000. The
1247 Mississippi Development Authority shall submit an itemized list of



1248 expenses it incurred in regard to such projects to the Chairmen of
1249 the Finance and Appropriations Committees of the Senate and the
1250 Chairmen of the Ways and Means and Appropriations Committees of
1251 the House of Representatives;

1252 (iv) Providing grants to enterprises operating
1253 projects defined in Section 57-75-5(f)(iv)1;

1254 (v) Paying any warranty made by the authority
1255 regarding site work for a project defined in Section
1256 57-75-5(f)(iv)1;

1257 (vi) Defraying the cost of marketing and promotion
1258 of a project as defined in Section 57-75-5(f)(iv)1, Section
1259 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall
1260 submit an itemized list of costs incurred for marketing and
1261 promotion of such project to the Chairmen of the Finance and
1262 Appropriations Committees of the Senate and the Chairmen of the
1263 Ways and Means and Appropriations Committees of the House of
1264 Representatives;

1265 (vii) Providing for the payment of interest on the
1266 bonds;

1267 (viii) Providing debt service reserves;

1268 (ix) Paying underwriters' discount, original issue
1269 discount, accountants' fees, engineers' fees, attorneys' fees,
1270 rating agency fees and other fees and expenses in connection with
1271 the issuance of the bonds;



1272 (x) For purposes authorized in paragraphs (b),
1273 (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this
1274 subsection (4);

1275 (xi) Providing grants to enterprises operating
1276 projects defined in Section 57-75-5(f) (v), or, in connection with
1277 a facility related to such a project, for any purposes deemed by
1278 the authority in its sole discretion to be necessary and
1279 appropriate;

1280 (xii) Providing grant funds or loans to a public
1281 agency or an enterprise owning, leasing or operating a project
1282 defined in Section 57-75-5(f) (ii);

1283 (xiii) Providing grant funds or loans to an
1284 enterprise owning, leasing or operating a project defined in
1285 Section 57-75-5(f) (xiv);

1286 (xiv) Providing grants, loans and payments to or
1287 for the benefit of an enterprise owning or operating a project
1288 defined in Section 57-75-5(f) (xviii);

1289 (xv) Purchasing equipment for a project defined in
1290 Section 57-75-5(f) (viii) subject to such terms and conditions as
1291 the authority considers necessary and appropriate;

1292 (xvi) Providing grant funds to an enterprise
1293 developing or owning a project defined in Section 57-75-5(f) (xx);

1294 (xvii) Providing grants and loans for projects as
1295 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in
1296 connection with a facility related to such a project, for any



1297 purposes deemed by the authority in its sole discretion to be
1298 necessary and appropriate;

1299 (xviii) Providing grants for projects as
1300 authorized in Section 57-75-11(pp) for any purposes deemed by the
1301 authority in its sole discretion to be necessary and appropriate;

1302 (xix) Providing grants and loans for projects as
1303 authorized in Section 57-75-11(qq);

1304 (xx) Providing grants for projects as authorized
1305 in Section 57-75-11(rr);

1306 (xxi) Providing grants, loans and payments as
1307 authorized in Section 57-75-11(ss);

1308 (xxii) Providing grants and loans as authorized in
1309 Section 57-75-11(tt); and

1310 (xxiii) Providing grants as authorized in Section
1311 57-75-11(wv) for any purposes deemed by the authority in its sole
1312 discretion to be necessary and appropriate.

1313 Such bonds shall be issued from time to time and in such
1314 principal amounts as shall be designated by the authority, not to
1315 exceed in aggregate principal amounts the amount authorized in
1316 subsection (3) of this section. Proceeds from the sale of the
1317 bonds issued under this section may be invested, subject to
1318 federal limitations, pending their use, in such securities as may
1319 be specified in the resolution authorizing the issuance of the
1320 bonds or the trust indenture securing them, and the earning on



1321 such investment applied as provided in such resolution or trust
1322 indenture.

1323 (b) (i) The proceeds of bonds issued after June 21,
1324 2002, under this section for projects described in Section
1325 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1326 necessary costs incurred by the Mississippi Development Authority
1327 in providing assistance related to a project for which funding is
1328 provided from the use of proceeds of such bonds. The Mississippi
1329 Development Authority shall maintain an accounting of actual costs
1330 incurred for each project for which reimbursements are sought.
1331 Reimbursements under this paragraph (b) (i) shall not exceed Three
1332 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
1333 Reimbursements under this paragraph (b) (i) shall satisfy any
1334 applicable federal tax law requirements.

1335 (ii) The proceeds of bonds issued after June 21,
1336 2002, under this section for projects described in Section
1337 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1338 necessary costs incurred by the Department of Audit in providing
1339 services related to a project for which funding is provided from
1340 the use of proceeds of such bonds. The Department of Audit shall
1341 maintain an accounting of actual costs incurred for each project
1342 for which reimbursements are sought. The Department of Audit may
1343 escalate its budget and expend such funds in accordance with rules
1344 and regulations of the Department of Finance and Administration in
1345 a manner consistent with the escalation of federal funds.



1346 Reimbursements under this paragraph (b) (ii) shall not exceed One
1347 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

1348 Reimbursements under this paragraph (b) (ii) shall satisfy any
1349 applicable federal tax law requirements.

1350 (c) (i) Except as otherwise provided in this
1351 subsection, the proceeds of bonds issued under this section for a
1352 project described in Section 57-75-5(f) may be used to reimburse
1353 reasonable actual and necessary costs incurred by the Mississippi
1354 Development Authority in providing assistance related to the
1355 project for which funding is provided for the use of proceeds of
1356 such bonds. The Mississippi Development Authority shall maintain
1357 an accounting of actual costs incurred for each project for which
1358 reimbursements are sought. Reimbursements under this paragraph
1359 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
1360 each project.

1361 (ii) Except as otherwise provided in this
1362 subsection, the proceeds of bonds issued under this section for a
1363 project described in Section 57-75-5(f) may be used to reimburse
1364 reasonable actual and necessary costs incurred by the Department
1365 of Audit in providing services related to the project for which
1366 funding is provided from the use of proceeds of such bonds. The
1367 Department of Audit shall maintain an accounting of actual costs
1368 incurred for each project for which reimbursements are sought.
1369 The Department of Audit may escalate its budget and expend such
1370 funds in accordance with rules and regulations of the Department



1371 of Finance and Administration in a manner consistent with the
1372 escalation of federal funds. Reimbursements under this paragraph
1373 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
1374 each project. Reimbursements under this paragraph shall satisfy
1375 any applicable federal tax law requirements.

1376 (5) The principal of and the interest on the bonds shall be
1377 payable in the manner hereinafter set forth. The bonds shall bear
1378 date or dates; be in such denomination or denominations; bear
1379 interest at such rate or rates; be payable at such place or places
1380 within or without the state; mature absolutely at such time or
1381 times; be redeemable before maturity at such time or times and
1382 upon such terms, with or without premium; bear such registration
1383 privileges; and be substantially in such form; all as shall be
1384 determined by resolution of the State Bond Commission except that
1385 such bonds shall mature or otherwise be retired in annual
1386 installments beginning not more than five (5) years from the date
1387 thereof and extending not more than twenty-five (25) years from
1388 the date thereof. The bonds shall be signed by the Chairman of
1389 the State Bond Commission, or by his facsimile signature, and the
1390 official seal of the State Bond Commission shall be imprinted on
1391 or affixed thereto, attested by the manual or facsimile signature
1392 of the Secretary of the State Bond Commission. Whenever any such
1393 bonds have been signed by the officials herein designated to sign
1394 the bonds, who were in office at the time of such signing but who
1395 may have ceased to be such officers before the sale and delivery



1396 of such bonds, or who may not have been in office on the date such
1397 bonds may bear, the signatures of such officers upon such bonds
1398 shall nevertheless be valid and sufficient for all purposes and
1399 have the same effect as if the person so officially signing such
1400 bonds had remained in office until the delivery of the same to the
1401 purchaser, or had been in office on the date such bonds may bear.

1402 (6) All bonds issued under the provisions of this section
1403 shall be and are hereby declared to have all the qualities and
1404 incidents of negotiable instruments under the provisions of the
1405 Uniform Commercial Code and in exercising the powers granted by
1406 this chapter, the State Bond Commission shall not be required to
1407 and need not comply with the provisions of the Uniform Commercial
1408 Code.

1409 (7) The State Bond Commission shall act as issuing agent for
1410 the bonds, prescribe the form of the bonds, determine the
1411 appropriate method for sale of the bonds, advertise for and accept
1412 bids or negotiate the sale of the bonds, issue and sell the bonds,
1413 pay all fees and costs incurred in such issuance and sale, and do
1414 any and all other things necessary and advisable in connection
1415 with the issuance and sale of the bonds. The State Bond
1416 Commission may sell such bonds on sealed bids at public sale or
1417 may negotiate the sale of the bonds for such price as it may
1418 determine to be for the best interest of the State of Mississippi.
1419 The bonds shall bear interest at such rate or rates not exceeding
1420 the limits set forth in Section 75-17-101 as shall be fixed by the



1421 State Bond Commission. All interest accruing on such bonds so
1422 issued shall be payable semiannually or annually.

1423 If the bonds are to be sold on sealed bids at public sale,
1424 notice of the sale of any bonds shall be published at least one
1425 time, the first of which shall be made not less than ten (10) days
1426 prior to the date of sale, and shall be so published in one or
1427 more newspapers having a general circulation in the City of
1428 Jackson, Mississippi, selected by the State Bond Commission.

1429 The State Bond Commission, when issuing any bonds under the
1430 authority of this section, may provide that the bonds, at the
1431 option of the state, may be called in for payment and redemption
1432 at the call price named therein and accrued interest on such date
1433 or dates named therein.

1434 (8) State bonds issued under the provisions of this section
1435 shall be the general obligations of the state and backed by the
1436 full faith and credit of the state. The Legislature shall
1437 appropriate annually an amount sufficient to pay the principal of
1438 and the interest on such bonds as they become due. All bonds
1439 shall contain recitals on their faces substantially covering the
1440 foregoing provisions of this section.

1441 (9) The State Treasurer is authorized to certify to the
1442 Department of Finance and Administration the necessity for
1443 warrants, and the Department of Finance and Administration is
1444 authorized and directed to issue such warrants payable out of any
1445 funds appropriated by the Legislature under this section for such



1446 purpose, in such amounts as may be necessary to pay when due the
1447 principal of and interest on all bonds issued under the provisions
1448 of this section. The State Treasurer shall forward the necessary
1449 amount to the designated place or places of payment of such bonds
1450 in ample time to discharge such bonds, or the interest thereon, on
1451 the due dates thereof.

1452 (10) The bonds may be issued without any other proceedings
1453 or the happening of any other conditions or things other than
1454 those proceedings, conditions and things which are specified or
1455 required by this chapter. Any resolution providing for the
1456 issuance of general obligation bonds under the provisions of this
1457 section shall become effective immediately upon its adoption by
1458 the State Bond Commission, and any such resolution may be adopted
1459 at any regular or special meeting of the State Bond Commission by
1460 a majority of its members.

1461 (11) In anticipation of the issuance of bonds hereunder, the
1462 State Bond Commission is authorized to negotiate and enter into
1463 any purchase, loan, credit or other agreement with any bank, trust
1464 company or other lending institution or to issue and sell interim
1465 notes for the purpose of making any payments authorized under this
1466 section. All borrowings made under this provision shall be
1467 evidenced by notes of the state which shall be issued from time to
1468 time, for such amounts not exceeding the amount of bonds
1469 authorized herein, in such form and in such denomination and
1470 subject to such terms and conditions of sale and issuance,



1471 prepayment or redemption and maturity, rate or rates of interest
1472 not to exceed the maximum rate authorized herein for bonds, and
1473 time of payment of interest as the State Bond Commission shall
1474 agree to in such agreement. Such notes shall constitute general
1475 obligations of the state and shall be backed by the full faith and
1476 credit of the state. Such notes may also be issued for the
1477 purpose of refunding previously issued notes. No note shall
1478 mature more than three (3) years following the date of its
1479 issuance. The State Bond Commission is authorized to provide for
1480 the compensation of any purchaser of the notes by payment of a
1481 fixed fee or commission and for all other costs and expenses of
1482 issuance and service, including paying agent costs. Such costs
1483 and expenses may be paid from the proceeds of the notes.

1484 (12) The bonds and interim notes authorized under the
1485 authority of this section may be validated in the Chancery Court
1486 of the First Judicial District of Hinds County, Mississippi, in
1487 the manner and with the force and effect provided now or hereafter
1488 by Chapter 13, Title 31, Mississippi Code of 1972, for the
1489 validation of county, municipal, school district and other bonds.
1490 The necessary papers for such validation proceedings shall be
1491 transmitted to the State Bond Attorney, and the required notice
1492 shall be published in a newspaper published in the City of
1493 Jackson, Mississippi.

1494 (13) Any bonds or interim notes issued under the provisions
1495 of this chapter, a transaction relating to the sale or securing of



1496 such bonds or interim notes, their transfer and the income
1497 therefrom shall at all times be free from taxation by the state or
1498 any local unit or political subdivision or other instrumentality
1499 of the state, excepting inheritance and gift taxes.

1500 (14) All bonds issued under this chapter shall be legal
1501 investments for trustees, other fiduciaries, savings banks, trust
1502 companies and insurance companies organized under the laws of the
1503 State of Mississippi; and such bonds shall be legal securities
1504 which may be deposited with and shall be received by all public
1505 officers and bodies of the state and all municipalities and other
1506 political subdivisions thereof for the purpose of securing the
1507 deposit of public funds.

1508 (15) The Attorney General of the State of Mississippi shall
1509 represent the State Bond Commission in issuing, selling and
1510 validating bonds herein provided for, and the Bond Commission is
1511 hereby authorized and empowered to expend from the proceeds
1512 derived from the sale of the bonds authorized hereunder all
1513 necessary administrative, legal and other expenses incidental and
1514 related to the issuance of bonds authorized under this chapter.

1515 (16) There is hereby created a special fund in the State
1516 Treasury to be known as the Mississippi Major Economic Impact
1517 Authority Fund wherein shall be deposited the proceeds of the
1518 bonds issued under this chapter and all monies received by the
1519 authority to carry out the purposes of this chapter. Expenditures
1520 authorized herein shall be paid by the State Treasurer upon



1521 warrants drawn from the fund, and the Department of Finance and
1522 Administration shall issue warrants upon requisitions signed by
1523 the director of the authority.

1524 (17) (a) There is hereby created the Mississippi Economic
1525 Impact Authority Sinking Fund from which the principal of and
1526 interest on such bonds shall be paid by appropriation. All monies
1527 paid into the sinking fund not appropriated to pay accruing bonds
1528 and interest shall be invested by the State Treasurer in such
1529 securities as are provided by law for the investment of the
1530 sinking funds of the state.

1531 (b) In the event that all or any part of the bonds and
1532 notes are purchased, they shall be cancelled and returned to the
1533 loan and transfer agent as cancelled and paid bonds and notes and
1534 thereafter all payments of interest thereon shall cease and the
1535 cancelled bonds, notes and coupons, together with any other
1536 cancelled bonds, notes and coupons, shall be destroyed as promptly
1537 as possible after cancellation but not later than two (2) years
1538 after cancellation. A certificate evidencing the destruction of
1539 the cancelled bonds, notes and coupons shall be provided by the
1540 loan and transfer agent to the seller.

1541 (c) The State Treasurer shall determine and report to
1542 the Department of Finance and Administration and Legislative
1543 Budget Office by September 1 of each year the amount of money
1544 necessary for the payment of the principal of and interest on
1545 outstanding obligations for the following fiscal year and the



1546 times and amounts of the payments. It shall be the duty of the
1547 Governor to include in every executive budget submitted to the
1548 Legislature full information relating to the issuance of bonds and
1549 notes under the provisions of this chapter and the status of the
1550 sinking fund for the payment of the principal of and interest on
1551 the bonds and notes.

1552 (d) Any monies repaid to the state from loans
1553 authorized in Section 57-75-11(hh) shall be deposited into the
1554 Mississippi Major Economic Impact Authority Sinking Fund unless
1555 the State Bond Commission, at the request of the authority, shall
1556 determine that such loan repayments are needed to provide
1557 additional loans as authorized under Section 57-75-11(hh). For
1558 purposes of providing additional loans, there is hereby created
1559 the Mississippi Major Economic Impact Authority Revolving Loan
1560 Fund and loan repayments shall be deposited into the fund. The
1561 fund shall be maintained for such period as determined by the
1562 State Bond Commission for the sole purpose of making additional
1563 loans as authorized by Section 57-75-11(hh). Unexpended amounts
1564 remaining in the fund at the end of a fiscal year shall not lapse
1565 into the State General Fund and any interest earned on amounts in
1566 such fund shall be deposited to the credit of the fund.

1567 (e) Any monies repaid to the state from loans
1568 authorized in Section 57-75-11(ii) shall be deposited into the
1569 Mississippi Major Economic Impact Authority Sinking Fund.



1570 (f) Any monies repaid to the state from loans
1571 authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall
1572 be deposited into the Mississippi Major Economic Impact Authority
1573 Sinking Fund.

1574 (18) (a) Upon receipt of a declaration by the authority
1575 that it has determined that the state is a potential site for a
1576 project, the State Bond Commission is authorized and directed to
1577 authorize the State Treasurer to borrow money from any special
1578 fund in the State Treasury not otherwise appropriated to be
1579 utilized by the authority for the purposes provided for in this
1580 subsection.

1581 (b) The proceeds of the money borrowed under this
1582 subsection may be utilized by the authority for the purpose of
1583 defraying all or a portion of the costs incurred by the authority
1584 with respect to acquisition options and planning, design and
1585 environmental impact studies with respect to a project defined in
1586 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority
1587 may escalate its budget and expend the proceeds of the money
1588 borrowed under this subsection in accordance with rules and
1589 regulations of the Department of Finance and Administration in a
1590 manner consistent with the escalation of federal funds.

1591 (c) The authority shall request an appropriation or
1592 additional authority to issue general obligation bonds to repay
1593 the borrowed funds and establish a date for the repayment of the
1594 funds so borrowed.



1595 (d) Borrowings made under the provisions of this
1596 subsection shall not exceed Five Hundred Thousand Dollars
1597 (\$500,000.00) at any one time.

1598 **[From and after July 1, 2018, this section shall read as**
1599 **follows:]**

1600 57-75-15. (1) Upon notification to the authority by the
1601 enterprise that the state has been finally selected as the site
1602 for the project, the State Bond Commission shall have the power
1603 and is hereby authorized and directed, upon receipt of a
1604 declaration from the authority as hereinafter provided, to borrow
1605 money and issue general obligation bonds of the state in one or
1606 more series for the purposes herein set out. Upon such
1607 notification, the authority may thereafter from time to time
1608 declare the necessity for the issuance of general obligation bonds
1609 as authorized by this section and forward such declaration to the
1610 State Bond Commission, provided that before such notification, the
1611 authority may enter into agreements with the United States
1612 government, private companies and others that will commit the
1613 authority to direct the State Bond Commission to issue bonds for
1614 eligible undertakings set out in subsection (4) of this section,
1615 conditioned on the siting of the project in the state.

1616 (2) Upon receipt of any such declaration from the authority,
1617 the State Bond Commission shall verify that the state has been
1618 selected as the site of the project and shall act as the issuing



1619 agent for the series of bonds directed to be issued in such
1620 declaration pursuant to authority granted in this section.

1621 (3) (a) Bonds issued under the authority of this section
1622 for projects as defined in Section 57-75-5(f) (i) shall not exceed
1623 an aggregate principal amount in the sum of Sixty-seven Million
1624 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

1625 (b) Bonds issued under the authority of this section
1626 for projects as defined in Section 57-75-5(f) (ii) shall not
1627 exceed * * * Sixty-four Million Dollars (\$64,000,000.00). The
1628 authority, with the express direction of the State Bond
1629 Commission, is authorized to expend any remaining proceeds of
1630 bonds issued under the authority of this act prior to January 1,
1631 1998, for the purpose of financing projects as then defined in
1632 Section 57-75-5(f) (ii) or for any other projects as defined in
1633 Section 57-75-5(f) (ii), as it may be amended from time to time.
1634 No bonds shall be issued under this paragraph (b) until the State
1635 Bond Commission by resolution adopts a finding that the issuance
1636 of such bonds will improve, expand or otherwise enhance the
1637 military installation, its support areas or military operations,
1638 or will provide employment opportunities to replace those lost by
1639 closure or reductions in operations at the military installation
1640 or will support critical studies or investigations authorized by
1641 Section 57-75-5(f) (ii).

1642 (c) Bonds issued under the authority of this section
1643 for projects as defined in Section 57-75-5(f) (iii) shall not



1644 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
1645 issued under this paragraph after December 31, 1996.

1646 (d) Bonds issued under the authority of this section
1647 for projects defined in Section 57-75-5(f)(iv) shall not exceed
1648 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
1649 additional amount of bonds in an amount not to exceed Twelve
1650 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
1651 issued under the authority of this section for the purpose of
1652 defraying costs associated with the construction of surface water
1653 transmission lines for a project defined in Section 57-75-5(f)(iv)
1654 or for any facility related to the project. No bonds shall be
1655 issued under this paragraph after June 30, 2005.

1656 (e) Bonds issued under the authority of this section
1657 for projects defined in Section 57-75-5(f)(v) and for facilities
1658 related to such projects shall not exceed Thirty-eight Million
1659 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
1660 issued under this paragraph after April 1, 2005.

1661 (f) Bonds issued under the authority of this section
1662 for projects defined in Section 57-75-5(f)(vii) shall not exceed
1663 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1664 under this paragraph after June 30, 2006.

1665 (g) Bonds issued under the authority of this section
1666 for projects defined in Section 57-75-5(f)(viii) shall not exceed
1667 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
1668 bonds shall be issued under this paragraph after June 30, 2008.



1669 (h) Bonds issued under the authority of this section
1670 for projects defined in Section 57-75-5(f)(ix) shall not exceed
1671 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1672 under this paragraph after June 30, 2007.

1673 (i) Bonds issued under the authority of this section
1674 for projects defined in Section 57-75-5(f)(x) shall not exceed
1675 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1676 under this paragraph after April 1, 2005.

1677 (j) Bonds issued under the authority of this section
1678 for projects defined in Section 57-75-5(f)(xii) shall not exceed
1679 Thirty-three Million Dollars (\$33,000,000.00). The amount of
1680 bonds that may be issued under this paragraph for projects defined
1681 in Section 57-75-5(f)(xii) may be reduced by the amount of any
1682 federal or local funds made available for such projects. No bonds
1683 shall be issued under this paragraph until local governments in or
1684 near the county in which the project is located have irrevocably
1685 committed funds to the project in an amount of not less than Two
1686 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
1687 aggregate; however, this irrevocable commitment requirement may be
1688 waived by the authority upon a finding that due to the unforeseen
1689 circumstances created by Hurricane Katrina, the local governments
1690 are unable to comply with such commitment. No bonds shall be
1691 issued under this paragraph after June 30, 2008.

1692 (k) Bonds issued under the authority of this section
1693 for projects defined in Section 57-75-5(f)(xiii) shall not exceed



1694 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
1695 under this paragraph after June 30, 2009.

1696 (l) Bonds issued under the authority of this section
1697 for projects defined in Section 57-75-5(f) (xiv) shall not exceed
1698 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
1699 issued under this paragraph until local governments in the county
1700 in which the project is located have irrevocably committed funds
1701 to the project in an amount of not less than Two Million Dollars
1702 (\$2,000,000.00). No bonds shall be issued under this paragraph
1703 after June 30, 2009.

1704 (m) Bonds issued under the authority of this section
1705 for projects defined in Section 57-75-5(f) (xv) shall not exceed
1706 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
1707 issued under this paragraph after June 30, 2009.

1708 (n) Bonds issued under the authority of this section
1709 for projects defined in Section 57-75-5(f) (xvi) shall not exceed
1710 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
1711 under this paragraph after June 30, 2011.

1712 (o) Bonds issued under the authority of this section
1713 for projects defined in Section 57-75-5(f) (xvii) shall not exceed
1714 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
1715 bonds shall be issued under this paragraph after June 30, 2010.

1716 (p) Bonds issued under the authority of this section
1717 for projects defined in Section 57-75-5(f) (xviii) shall not exceed



1718 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
1719 issued under this paragraph after June 30, 2016.

1720 (q) Bonds issued under the authority of this section
1721 for projects defined in Section 57-75-5(f) (xix) shall not exceed
1722 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
1723 issued under this paragraph after June 30, 2012.

1724 (r) Bonds issued under the authority of this section
1725 for projects defined in Section 57-75-5(f) (xx) shall not exceed
1726 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
1727 issued under this paragraph after April 25, 2013.

1728 (s) Bonds issued under the authority of this section
1729 for projects defined in Section 57-75-5(f) (xxi) shall not exceed
1730 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
1731 (\$293,900,000.00). No bonds shall be issued under this paragraph
1732 after July 1, 2020.

1733 (t) Bonds issued under the authority of this section
1734 for Tier One suppliers shall not exceed Thirty Million Dollars
1735 (\$30,000,000.00). No bonds shall be issued under this paragraph
1736 after July 1, 2020.

1737 (u) Bonds issued under the authority of this section
1738 for projects defined in Section 57-75-5(f) (xxii) shall not exceed
1739 Forty-eight Million Four Hundred Thousand Dollars
1740 (\$48,400,000.00). No bonds shall be issued under this paragraph
1741 after July 1, 2020.



1742 (v) Bonds issued under the authority of this section
1743 for projects defined in Section 57-75-5(f) (xxiii) shall not exceed
1744 Eighty-eight Million Two Hundred Fifty Thousand Dollars
1745 (\$88,250,000.00). No bonds shall be issued under this paragraph
1746 after July 1, 2009.

1747 (w) Bonds issued under the authority of this section
1748 for projects defined in Section 57-75-5(f) (xxiv) shall not exceed
1749 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
1750 issued under this paragraph after July 1, 2020.

1751 (x) Bonds issued under the authority of this section
1752 for projects defined in Section 57-75-5(f) (xxv) shall not exceed
1753 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
1754 issued under this paragraph after July 1, 2017.

1755 (y) Bonds issued under the authority of this section
1756 for projects defined in Section 57-75-5(f) (xxvi) shall not exceed
1757 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
1758 No bonds shall be issued under this paragraph after July 1, 2021.

1759 (z) Bonds issued under the authority of this section
1760 for projects defined in Section 57-75-5(f) (xxvii) shall not exceed
1761 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
1762 under this paragraph after April 25, 2013.

1763 (aa) Bonds issued under the authority of this section
1764 for projects defined in Section 57-75-5(f) (xxviii) shall not
1765 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
1766 bonds shall be issued under this paragraph after July 1, 2023.



1767 (bb) Bonds issued under the authority of this section
1768 for projects defined in Section 57-75-5(f) (xxix) shall not exceed
1769 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No
1770 bonds shall be issued under this paragraph after July 1, 2034.

1771 (cc) Bonds issued under the authority of this section
1772 for projects defined in Section 57-75-5(f) (xxx) shall not exceed
1773 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued
1774 under this paragraph after July 1, 2025.

1775 (4) (a) The proceeds from the sale of the bonds issued
1776 under this section may be applied for the following purposes:

1777 (i) Defraying all or any designated portion of the
1778 costs incurred with respect to acquisition, planning, design,
1779 construction, installation, rehabilitation, improvement,
1780 relocation and with respect to state-owned property, operation and
1781 maintenance of the project and any facility related to the project
1782 located within the project area, including costs of design and
1783 engineering, all costs incurred to provide land, easements and
1784 rights-of-way, relocation costs with respect to the project and
1785 with respect to any facility related to the project located within
1786 the project area, and costs associated with mitigation of
1787 environmental impacts and environmental impact studies;

1788 (ii) Defraying the cost of providing for the
1789 recruitment, screening, selection, training or retraining of
1790 employees, candidates for employment or replacement employees of
1791 the project and any related activity;



1792 (iii) Reimbursing the Mississippi Development
1793 Authority for expenses it incurred in regard to projects defined
1794 in Section 57-75-5(f) (iv) prior to November 6, 2000. The
1795 Mississippi Development Authority shall submit an itemized list of
1796 expenses it incurred in regard to such projects to the Chairmen of
1797 the Finance and Appropriations Committees of the Senate and the
1798 Chairmen of the Ways and Means and Appropriations Committees of
1799 the House of Representatives;

1800 (iv) Providing grants to enterprises operating
1801 projects defined in Section 57-75-5(f) (iv)1;

1802 (v) Paying any warranty made by the authority
1803 regarding site work for a project defined in Section
1804 57-75-5(f) (iv)1;

1805 (vi) Defraying the cost of marketing and promotion
1806 of a project as defined in Section 57-75-5(f) (iv)1, Section
1807 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii). The authority shall
1808 submit an itemized list of costs incurred for marketing and
1809 promotion of such project to the Chairmen of the Finance and
1810 Appropriations Committees of the Senate and the Chairmen of the
1811 Ways and Means and Appropriations Committees of the House of
1812 Representatives;

1813 (vii) Providing for the payment of interest on the
1814 bonds;

1815 (viii) Providing debt service reserves;



1816 (ix) Paying underwriters' discount, original issue
1817 discount, accountants' fees, engineers' fees, attorneys' fees,
1818 rating agency fees and other fees and expenses in connection with
1819 the issuance of the bonds;

1820 (x) For purposes authorized in paragraphs (b),
1821 (c), (d), (e) and (f) of this subsection (4);

1822 (xi) Providing grants to enterprises operating
1823 projects defined in Section 57-75-5(f)(v), or, in connection with
1824 a facility related to such a project, for any purposes deemed by
1825 the authority in its sole discretion to be necessary and
1826 appropriate;

1827 (xii) Providing grant funds or loans to a public
1828 agency or an enterprise owning, leasing or operating a project
1829 defined in Section 57-75-5(f)(ii);

1830 (xiii) Providing grant funds or loans to an
1831 enterprise owning, leasing or operating a project defined in
1832 Section 57-75-5(f)(xiv);

1833 (xiv) Providing grants, loans and payments to or
1834 for the benefit of an enterprise owning or operating a project
1835 defined in Section 57-75-5(f)(xviii);

1836 (xv) Purchasing equipment for a project defined in
1837 Section 57-75-5(f)(viii) subject to such terms and conditions as
1838 the authority considers necessary and appropriate;

1839 (xvi) Providing grant funds to an enterprise
1840 developing or owning a project defined in Section 57-75-5(f)(xx);



1841 (xvii) Providing grants and loans for projects as
1842 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in
1843 connection with a facility related to such a project, for any
1844 purposes deemed by the authority in its sole discretion to be
1845 necessary and appropriate;

1846 (xviii) Providing grants for projects as
1847 authorized in Section 57-75-11(pp) for any purposes deemed by the
1848 authority in its sole discretion to be necessary and appropriate;

1849 (xix) Providing grants and loans for projects as
1850 authorized in Section 57-75-11(qq);

1851 (xx) Providing grants for projects as authorized
1852 in Section 57-75-11(rr);

1853 (xxi) Providing grants, loans and payments as
1854 authorized in Section 57-75-11(ss);

1855 (xxii) Providing loans as authorized in Section
1856 57-75-11(tt); and

1857 (xxiii) Providing grants as authorized in Section
1858 57-75-11(wv) for any purposes deemed by the authority in its sole
1859 discretion to be necessary and appropriate.

1860 Such bonds shall be issued from time to time and in such
1861 principal amounts as shall be designated by the authority, not to
1862 exceed in aggregate principal amounts the amount authorized in
1863 subsection (3) of this section. Proceeds from the sale of the
1864 bonds issued under this section may be invested, subject to
1865 federal limitations, pending their use, in such securities as may



1866 be specified in the resolution authorizing the issuance of the
1867 bonds or the trust indenture securing them, and the earning on
1868 such investment applied as provided in such resolution or trust
1869 indenture.

1870 (b) (i) The proceeds of bonds issued after June 21,
1871 2002, under this section for projects described in Section
1872 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1873 necessary costs incurred by the Mississippi Development Authority
1874 in providing assistance related to a project for which funding is
1875 provided from the use of proceeds of such bonds. The Mississippi
1876 Development Authority shall maintain an accounting of actual costs
1877 incurred for each project for which reimbursements are sought.
1878 Reimbursements under this paragraph (b) (i) shall not exceed Three
1879 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
1880 Reimbursements under this paragraph (b) (i) shall satisfy any
1881 applicable federal tax law requirements.

1882 (ii) The proceeds of bonds issued after June 21,
1883 2002, under this section for projects described in Section
1884 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1885 necessary costs incurred by the Department of Audit in providing
1886 services related to a project for which funding is provided from
1887 the use of proceeds of such bonds. The Department of Audit shall
1888 maintain an accounting of actual costs incurred for each project
1889 for which reimbursements are sought. The Department of Audit may
1890 escalate its budget and expend such funds in accordance with rules



1891 and regulations of the Department of Finance and Administration in
1892 a manner consistent with the escalation of federal funds.
1893 Reimbursements under this paragraph (b) (ii) shall not exceed One
1894 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
1895 Reimbursements under this paragraph (b) (ii) shall satisfy any
1896 applicable federal tax law requirements.

1897 (c) (i) Except as otherwise provided in this
1898 subsection, the proceeds of bonds issued under this section for a
1899 project described in Section 57-75-5(f) may be used to reimburse
1900 reasonable actual and necessary costs incurred by the Mississippi
1901 Development Authority in providing assistance related to the
1902 project for which funding is provided for the use of proceeds of
1903 such bonds. The Mississippi Development Authority shall maintain
1904 an accounting of actual costs incurred for each project for which
1905 reimbursements are sought. Reimbursements under this paragraph
1906 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
1907 each project.

1908 (ii) Except as otherwise provided in this
1909 subsection, the proceeds of bonds issued under this section for a
1910 project described in Section 57-75-5(f) may be used to reimburse
1911 reasonable actual and necessary costs incurred by the Department
1912 of Audit in providing services related to the project for which
1913 funding is provided from the use of proceeds of such bonds. The
1914 Department of Audit shall maintain an accounting of actual costs
1915 incurred for each project for which reimbursements are sought.



1916 The Department of Audit may escalate its budget and expend such
1917 funds in accordance with rules and regulations of the Department
1918 of Finance and Administration in a manner consistent with the
1919 escalation of federal funds. Reimbursements under this paragraph
1920 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
1921 each project. Reimbursements under this paragraph shall satisfy
1922 any applicable federal tax law requirements.

1923 (5) The principal of and the interest on the bonds shall be
1924 payable in the manner hereinafter set forth. The bonds shall bear
1925 date or dates; be in such denomination or denominations; bear
1926 interest at such rate or rates; be payable at such place or places
1927 within or without the state; mature absolutely at such time or
1928 times; be redeemable before maturity at such time or times and
1929 upon such terms, with or without premium; bear such registration
1930 privileges; and be substantially in such form; all as shall be
1931 determined by resolution of the State Bond Commission except that
1932 such bonds shall mature or otherwise be retired in annual
1933 installments beginning not more than five (5) years from the date
1934 thereof and extending not more than twenty-five (25) years from
1935 the date thereof. The bonds shall be signed by the Chairman of
1936 the State Bond Commission, or by his facsimile signature, and the
1937 official seal of the State Bond Commission shall be imprinted on
1938 or affixed thereto, attested by the manual or facsimile signature
1939 of the Secretary of the State Bond Commission. Whenever any such
1940 bonds have been signed by the officials herein designated to sign



1941 the bonds, who were in office at the time of such signing but who
1942 may have ceased to be such officers before the sale and delivery
1943 of such bonds, or who may not have been in office on the date such
1944 bonds may bear, the signatures of such officers upon such bonds
1945 shall nevertheless be valid and sufficient for all purposes and
1946 have the same effect as if the person so officially signing such
1947 bonds had remained in office until the delivery of the same to the
1948 purchaser, or had been in office on the date such bonds may bear.

1949 (6) All bonds issued under the provisions of this section
1950 shall be and are hereby declared to have all the qualities and
1951 incidents of negotiable instruments under the provisions of the
1952 Uniform Commercial Code and in exercising the powers granted by
1953 this chapter, the State Bond Commission shall not be required to
1954 and need not comply with the provisions of the Uniform Commercial
1955 Code.

1956 (7) The State Bond Commission shall act as issuing agent for
1957 the bonds, prescribe the form of the bonds, advertise for and
1958 accept bids, issue and sell the bonds on sealed bids at public
1959 sale, pay all fees and costs incurred in such issuance and sale,
1960 and do any and all other things necessary and advisable in
1961 connection with the issuance and sale of the bonds. The State
1962 Bond Commission may sell such bonds on sealed bids at public sale
1963 for such price as it may determine to be for the best interest of
1964 the State of Mississippi, but no such sale shall be made at a
1965 price less than par plus accrued interest to date of delivery of



1966 the bonds to the purchaser. The bonds shall bear interest at such
1967 rate or rates not exceeding the limits set forth in Section
1968 75-17-101 as shall be fixed by the State Bond Commission. All
1969 interest accruing on such bonds so issued shall be payable
1970 semiannually or annually; provided that the first interest payment
1971 may be for any period of not more than one (1) year.

1972 Notice of the sale of any bonds shall be published at least
1973 one time, the first of which shall be made not less than ten (10)
1974 days prior to the date of sale, and shall be so published in one
1975 or more newspapers having a general circulation in the City of
1976 Jackson, Mississippi, selected by the State Bond Commission.

1977 The State Bond Commission, when issuing any bonds under the
1978 authority of this section, may provide that the bonds, at the
1979 option of the state, may be called in for payment and redemption
1980 at the call price named therein and accrued interest on such date
1981 or dates named therein.

1982 (8) State bonds issued under the provisions of this section
1983 shall be the general obligations of the state and backed by the
1984 full faith and credit of the state. The Legislature shall
1985 appropriate annually an amount sufficient to pay the principal of
1986 and the interest on such bonds as they become due. All bonds
1987 shall contain recitals on their faces substantially covering the
1988 foregoing provisions of this section.

1989 (9) The State Treasurer is authorized to certify to the
1990 Department of Finance and Administration the necessity for



1991 warrants, and the Department of Finance and Administration is
1992 authorized and directed to issue such warrants payable out of any
1993 funds appropriated by the Legislature under this section for such
1994 purpose, in such amounts as may be necessary to pay when due the
1995 principal of and interest on all bonds issued under the provisions
1996 of this section. The State Treasurer shall forward the necessary
1997 amount to the designated place or places of payment of such bonds
1998 in ample time to discharge such bonds, or the interest thereon, on
1999 the due dates thereof.

2000 (10) The bonds may be issued without any other proceedings
2001 or the happening of any other conditions or things other than
2002 those proceedings, conditions and things which are specified or
2003 required by this chapter. Any resolution providing for the
2004 issuance of general obligation bonds under the provisions of this
2005 section shall become effective immediately upon its adoption by
2006 the State Bond Commission, and any such resolution may be adopted
2007 at any regular or special meeting of the State Bond Commission by
2008 a majority of its members.

2009 (11) In anticipation of the issuance of bonds hereunder, the
2010 State Bond Commission is authorized to negotiate and enter into
2011 any purchase, loan, credit or other agreement with any bank, trust
2012 company or other lending institution or to issue and sell interim
2013 notes for the purpose of making any payments authorized under this
2014 section. All borrowings made under this provision shall be
2015 evidenced by notes of the state which shall be issued from time to



2016 time, for such amounts not exceeding the amount of bonds
2017 authorized herein, in such form and in such denomination and
2018 subject to such terms and conditions of sale and issuance,
2019 prepayment or redemption and maturity, rate or rates of interest
2020 not to exceed the maximum rate authorized herein for bonds, and
2021 time of payment of interest as the State Bond Commission shall
2022 agree to in such agreement. Such notes shall constitute general
2023 obligations of the state and shall be backed by the full faith and
2024 credit of the state. Such notes may also be issued for the
2025 purpose of refunding previously issued notes. No note shall
2026 mature more than three (3) years following the date of its
2027 issuance. The State Bond Commission is authorized to provide for
2028 the compensation of any purchaser of the notes by payment of a
2029 fixed fee or commission and for all other costs and expenses of
2030 issuance and service, including paying agent costs. Such costs
2031 and expenses may be paid from the proceeds of the notes.

2032 (12) The bonds and interim notes authorized under the
2033 authority of this section may be validated in the Chancery Court
2034 of the First Judicial District of Hinds County, Mississippi, in
2035 the manner and with the force and effect provided now or hereafter
2036 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2037 validation of county, municipal, school district and other bonds.
2038 The necessary papers for such validation proceedings shall be
2039 transmitted to the State Bond Attorney, and the required notice



2040 shall be published in a newspaper published in the City of
2041 Jackson, Mississippi.

2042 (13) Any bonds or interim notes issued under the provisions
2043 of this chapter, a transaction relating to the sale or securing of
2044 such bonds or interim notes, their transfer and the income
2045 therefrom shall at all times be free from taxation by the state or
2046 any local unit or political subdivision or other instrumentality
2047 of the state, excepting inheritance and gift taxes.

2048 (14) All bonds issued under this chapter shall be legal
2049 investments for trustees, other fiduciaries, savings banks, trust
2050 companies and insurance companies organized under the laws of the
2051 State of Mississippi; and such bonds shall be legal securities
2052 which may be deposited with and shall be received by all public
2053 officers and bodies of the state and all municipalities and other
2054 political subdivisions thereof for the purpose of securing the
2055 deposit of public funds.

2056 (15) The Attorney General of the State of Mississippi shall
2057 represent the State Bond Commission in issuing, selling and
2058 validating bonds herein provided for, and the Bond Commission is
2059 hereby authorized and empowered to expend from the proceeds
2060 derived from the sale of the bonds authorized hereunder all
2061 necessary administrative, legal and other expenses incidental and
2062 related to the issuance of bonds authorized under this chapter.

2063 (16) There is hereby created a special fund in the State
2064 Treasury to be known as the Mississippi Major Economic Impact



2065 Authority Fund wherein shall be deposited the proceeds of the
2066 bonds issued under this chapter and all monies received by the
2067 authority to carry out the purposes of this chapter. Expenditures
2068 authorized herein shall be paid by the State Treasurer upon
2069 warrants drawn from the fund, and the Department of Finance and
2070 Administration shall issue warrants upon requisitions signed by
2071 the director of the authority.

2072 (17) (a) There is hereby created the Mississippi Economic
2073 Impact Authority Sinking Fund from which the principal of and
2074 interest on such bonds shall be paid by appropriation. All monies
2075 paid into the sinking fund not appropriated to pay accruing bonds
2076 and interest shall be invested by the State Treasurer in such
2077 securities as are provided by law for the investment of the
2078 sinking funds of the state.

2079 (b) In the event that all or any part of the bonds and
2080 notes are purchased, they shall be cancelled and returned to the
2081 loan and transfer agent as cancelled and paid bonds and notes and
2082 thereafter all payments of interest thereon shall cease and the
2083 cancelled bonds, notes and coupons, together with any other
2084 cancelled bonds, notes and coupons, shall be destroyed as promptly
2085 as possible after cancellation but not later than two (2) years
2086 after cancellation. A certificate evidencing the destruction of
2087 the cancelled bonds, notes and coupons shall be provided by the
2088 loan and transfer agent to the seller.



2089 (c) The State Treasurer shall determine and report to
2090 the Department of Finance and Administration and Legislative
2091 Budget Office by September 1 of each year the amount of money
2092 necessary for the payment of the principal of and interest on
2093 outstanding obligations for the following fiscal year and the
2094 times and amounts of the payments. It shall be the duty of the
2095 Governor to include in every executive budget submitted to the
2096 Legislature full information relating to the issuance of bonds and
2097 notes under the provisions of this chapter and the status of the
2098 sinking fund for the payment of the principal of and interest on
2099 the bonds and notes.

2100 (d) Any monies repaid to the state from loans
2101 authorized in Section 57-75-11(hh) shall be deposited into the
2102 Mississippi Major Economic Impact Authority Sinking Fund unless
2103 the State Bond Commission, at the request of the authority, shall
2104 determine that such loan repayments are needed to provide
2105 additional loans as authorized under Section 57-75-11(hh). For
2106 purposes of providing additional loans, there is hereby created
2107 the Mississippi Major Economic Impact Authority Revolving Loan
2108 Fund and loan repayments shall be deposited into the fund. The
2109 fund shall be maintained for such period as determined by the
2110 State Bond Commission for the sole purpose of making additional
2111 loans as authorized by Section 57-75-11(hh). Unexpended amounts
2112 remaining in the fund at the end of a fiscal year shall not lapse



2113 into the State General Fund and any interest earned on amounts in
2114 such fund shall be deposited to the credit of the fund.

2115 (e) Any monies repaid to the state from loans
2116 authorized in Section 57-75-11(ii) shall be deposited into the
2117 Mississippi Major Economic Impact Authority Sinking Fund.

2118 (f) Any monies repaid to the state from loans
2119 authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall
2120 be deposited into the Mississippi Major Economic Impact Authority
2121 Sinking Fund.

2122 (18) (a) Upon receipt of a declaration by the authority
2123 that it has determined that the state is a potential site for a
2124 project, the State Bond Commission is authorized and directed to
2125 authorize the State Treasurer to borrow money from any special
2126 fund in the State Treasury not otherwise appropriated to be
2127 utilized by the authority for the purposes provided for in this
2128 subsection.

2129 (b) The proceeds of the money borrowed under this
2130 subsection may be utilized by the authority for the purpose of
2131 defraying all or a portion of the costs incurred by the authority
2132 with respect to acquisition options and planning, design and
2133 environmental impact studies with respect to a project defined in
2134 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority
2135 may escalate its budget and expend the proceeds of the money
2136 borrowed under this subsection in accordance with rules and



2137 regulations of the Department of Finance and Administration in a
2138 manner consistent with the escalation of federal funds.

2139 (c) The authority shall request an appropriation or
2140 additional authority to issue general obligation bonds to repay
2141 the borrowed funds and establish a date for the repayment of the
2142 funds so borrowed.

2143 (d) Borrowings made under the provisions of this
2144 subsection shall not exceed Five Hundred Thousand Dollars
2145 (\$500,000.00) at any one time.

2146 **SECTION 8.** Section 65-4-25, Mississippi Code of 1972, is
2147 amended as follows:

2148 65-4-25. The Mississippi Development Authority, acting
2149 through its executive director, is authorized, at one time or from
2150 time to time, to declare by resolution the necessity for issuance
2151 of negotiable general obligation bonds of the State of Mississippi
2152 to provide funds for the Economic Development Highway Fund
2153 established in Section 65-4-15, Mississippi Code of 1972. Upon
2154 the adoption of a resolution by the Executive Director of the
2155 Mississippi Development Authority, declaring the necessity for the
2156 issuance of any part or all of the general obligation bonds
2157 authorized by Sections 65-4-25 through 65-4-45, Mississippi Code
2158 of 1972, the executive director shall deliver a certified copy of
2159 his resolution or resolutions to the State Bond Commission. Upon
2160 receipt of the resolution, the State Bond Commission, in its
2161 discretion, shall act as the issuing agent, prescribe the form of



2162 the bonds, determine the appropriate method for the sale of the
2163 bonds, advertise for and accept bids or negotiate the sale of the
2164 bonds, issue and sell the bonds so authorized to be sold, and do
2165 any and all other things necessary and advisable in connection
2166 with the issuance and sale of such bonds. The principal amount of
2167 bonds issued under Sections 65-4-25 through 65-4-45, Mississippi
2168 Code of 1972, shall not exceed * * * Three Hundred Sixty-eight
2169 Million Five Hundred Thousand Dollars (\$368,500,000.00) in the
2170 aggregate. However, an additional amount of bonds may be issued
2171 under Sections 65-4-25 through 65-4-45, Mississippi Code of 1972,
2172 in an amount not to exceed Seven Million Dollars (\$7,000,000.00),
2173 and the proceeds of any such additional bonds issued shall be used
2174 to provide funding for a high economic benefit project as defined
2175 in Section 65-4-5(1)(c)(vi), Mississippi Code of 1972.

2176 **SECTION 9.** Section 27-7-5, Mississippi Code of 1972, is
2177 brought forward as follows:

2178 27-7-5. (1) There is hereby assessed and levied, to be
2179 collected and paid as hereinafter provided, for the calendar year
2180 1983 and fiscal years ending during the calendar year 1983 and all
2181 taxable years thereafter, upon the entire net income of every
2182 resident individual, corporation, association, trust or estate, in
2183 excess of the credits provided, a tax at the following rates:

2184 On the first Five Thousand Dollars (\$5,000.00) of taxable
2185 income, or any part thereof, at the rate of three percent (3%);



2186 On the next Five Thousand Dollars (\$5,000.00) of taxable
2187 income, or any part thereof, at the rate of four percent (4%); and
2188 On all taxable income in excess of Ten Thousand Dollars
2189 (\$10,000.00), at the rate of five percent (5%).

2190 (2) An S corporation, as defined in Section 27-8-3(1)(g),
2191 shall not be subject to the income tax imposed under this section.

2192 (3) A like tax is hereby imposed to be assessed, collected
2193 and paid annually, except as hereinafter provided, at the rate
2194 specified in this section and as hereinafter provided, upon and
2195 with respect to the entire net income, from all property owned or
2196 sold, and from every business, trade or occupation carried on in
2197 this state by individuals, corporations, partnerships, trusts or
2198 estates, not residents of the State of Mississippi.

2199 (4) In the case of taxpayers having a fiscal year beginning
2200 in the calendar year 1982 and ending after the first day of
2201 January 1983, the tax due for that taxable year shall be
2202 determined by:

2203 (a) Computing for the full fiscal year the amount of
2204 tax that would be due under the rates in effect for the calendar
2205 year 1982; and

2206 (b) Computing for the full fiscal year the amount of
2207 tax that would be due under the rates in effect for the calendar
2208 year 1983; and

2209 (c) Applying to the tax computed under paragraph (a)
2210 the ratio which the number of months falling within the earlier



2211 calendar year bears to the total number of months in the fiscal
2212 year; and

2213 (d) Applying to the tax computed under paragraph (b)
2214 the ratio which the number of months falling within the later
2215 calendar year bears to the total number of months within the
2216 fiscal year; and

2217 (e) Adding to the tax determined under paragraph (c)
2218 the tax determined under paragraph (d) the sum of which shall be
2219 the amount of tax due for the fiscal year.

2220 **SECTION 10.** Section 27-7-18, Mississippi Code of 1972, is
2221 brought forward as follows:

2222 27-7-18. (1) Alimony payments. In the case of a person
2223 described in Section 27-7-15(2) (e), there shall be allowed as a
2224 deduction from gross income amounts paid as periodic payments to
2225 the extent of such amounts as are includible in the gross income
2226 of the spouse as provided in Section 27-7-15(2) (e), payment of
2227 which is made within the person's taxable year.

2228 (2) Unreimbursed moving expenses incurred after December 31,
2229 1994, are deductible as an adjustment to gross income in
2230 accordance with provisions of the United States Internal Revenue
2231 Code, and rules, regulations and revenue procedures thereunder
2232 relating to moving expenses, not in direct conflict with the
2233 provisions of the Mississippi Income Tax Law.

2234 (3) Amounts paid after December 31, 1998, by a self-employed
2235 individual for insurance which constitute medical care for the



2236 taxpayer, his spouse and dependents, are deductible as an
2237 adjustment to gross income in accordance with provisions of the
2238 United States Internal Revenue Code, and rules, regulations and
2239 revenue procedures thereunder relating to such payments, not in
2240 direct conflict with the provisions of the Mississippi Income Tax
2241 Law.

2242 (4) Contributions or payments to a Mississippi Affordable
2243 College Savings (MACS) Program account are deductible from gross
2244 income as provided in Section 37-155-113. Payments made under a
2245 prepaid tuition contract entered into under the Mississippi
2246 Prepaid Affordable College Tuition Program are deductible as
2247 provided in Section 37-155-17.

2248 (5) (a) Unreimbursed travel expenses, lodging expenses and
2249 lost wages an individual incurred as a result of, and related to,
2250 the donation, while living, of one or more of his or her organs
2251 for human organ transplantation, are deductible from gross income.
2252 The deduction from gross income authorized by this subsection may
2253 be claimed for only once and may not exceed Ten Thousand Dollars
2254 (\$10,000.00).

2255 (b) As used in this subsection, "organ" means all or
2256 part of a liver, pancreas, kidney, intestine, lung or bone marrow.

2257 **SECTION 11.** Section 27-13-5, Mississippi Code of 1972, is
2258 brought forward as follows:

2259 27-13-5. (1) **Franchise tax levy.** Except as otherwise
2260 provided in subsections (3), (4), (5) and (7) of this section,



2261 there is hereby imposed, to be paid and collected as hereinafter
2262 provided, a franchise or excise tax upon every corporation,
2263 association or joint-stock company or partnership treated as a
2264 corporation under the income tax laws or regulations, organized or
2265 created for pecuniary gain, having privileges not possessed by
2266 individuals, and having authorized capital stock now existing in
2267 this state, or hereafter organized, created or established, under
2268 and by virtue of the laws of the State of Mississippi, equal to
2269 Two Dollars and Fifty Cents (\$2.50) for each One Thousand Dollars
2270 (\$1,000.00), or fraction thereof, of the value of the capital
2271 used, invested or employed in the exercise of any power, privilege
2272 or right enjoyed by such organization within this state, except as
2273 hereinafter provided. In no case shall the franchise tax due for
2274 the accounting period be less than Twenty-five Dollars (\$25.00).
2275 It is the purpose of this section to require the payment to the
2276 State of Mississippi of this tax for the right granted by the laws
2277 of this state to exist as such organization, and to enjoy, under
2278 the protection of the laws of this state, the powers, rights,
2279 privileges and immunities derived from the state by the form of
2280 such existence.

2281 (2) **Annual report of domestic corporations.** Each domestic
2282 corporation shall file an annual report as required by the
2283 provisions of Section 79-4-16.22.

2284 (3) A corporation that has negotiated a fee-in-lieu as
2285 defined in Section 57-75-5 shall not be subject to the tax levied



2286 by this section on such project; provided, however, that the
2287 fee-in-lieu payment shall be otherwise treated in the same manner
2288 as the payment of franchise taxes.

2289 (4) An approved business enterprise as defined in the Growth
2290 and Prosperity Act shall not be subject to the tax levied by this
2291 section on the value of capital used, invested or employed by the
2292 approved business enterprise in a growth and prosperity county or
2293 supervisors district as provided in the Growth and Prosperity Act.

2294 (5) A business enterprise operating a project as defined in
2295 Section 57-64-33, in a county that is a member of a regional
2296 economic development alliance created under the Regional Economic
2297 Development Act shall not be subject to the tax levied by this
2298 section on the value of capital used, invested or employed by the
2299 business enterprise in such a county as provided in Section
2300 57-64-33.

2301 (6) The tax levied by this chapter and paid by a business
2302 enterprise located in a redevelopment project area under Sections
2303 57-91-1 through 57-91-11 shall be deposited into the Redevelopment
2304 Project Incentive Fund created in Section 57-91-9.

2305 (7) A business enterprise as defined in Section 57-113-1
2306 that is exempt from certain state taxes under Section 57-113-5
2307 shall not be subject to the tax levied by this section on the
2308 value of capital used, invested or employed by the business
2309 enterprise.



2310 **SECTION 12.** Section 27-13-7, Mississippi Code of 1972, is
2311 brought forward as follows:

2312 27-13-7. (1) **Franchise tax levy.** Except as otherwise
2313 provided in subsections (3), (4), (5) and (7) of this section,
2314 there is hereby imposed, levied and assessed upon every
2315 corporation, association or joint-stock company, or partnership
2316 treated as a corporation under the income tax laws or regulations
2317 as hereinbefore defined, organized and existing under and by
2318 virtue of the laws of some other state, territory or country, or
2319 organized and existing without any specific statutory authority,
2320 now or hereafter doing business or exercising any power, privilege
2321 or right within this state, as hereinbefore defined, a franchise
2322 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each
2323 One Thousand Dollars (\$1,000.00), or fraction thereof, of the
2324 value of capital used, invested or employed within this state,
2325 except as hereinafter provided. In no case shall the franchise
2326 tax due for the accounting period be less than Twenty-five Dollars
2327 (\$25.00). It is the purpose of this section to require the
2328 payment of a tax by all organizations not organized under the laws
2329 of this state, measured by the amount of capital or its
2330 equivalent, for which such organization receives the benefit and
2331 protection of the government and laws of the state.

2332 (2) **Annual report of foreign corporations.** Each foreign
2333 corporation authorized to transact business in this state shall



2334 file an annual report as required by the provisions of Section
2335 79-4-16.22.

2336 (3) A corporation that has negotiated a fee-in-lieu as
2337 defined in Section 57-75-5 shall not be subject to the tax levied
2338 by this section on such project; provided, however, that the
2339 fee-in-lieu payment shall be otherwise treated in the same manner
2340 as the payment of franchise taxes.

2341 (4) An approved business enterprise as defined in the Growth
2342 and Prosperity Act shall not be subject to the tax levied by this
2343 section on the value of capital used, invested or employed by the
2344 approved business enterprise in a growth and prosperity county or
2345 supervisors district as provided in the Growth and Prosperity Act.

2346 (5) A business enterprise operating a project as defined in
2347 Section 57-64-33, in a county that is a member of a regional
2348 economic development alliance created under the Regional Economic
2349 Development Act shall not be subject to the tax levied by this
2350 section on the value of capital used, invested or employed by the
2351 business enterprise in such a county as provided in Section
2352 57-64-33.

2353 (6) The tax levied by this chapter and paid by a business
2354 enterprise located in a redevelopment project area under Sections
2355 57-91-1 through 57-91-11 shall be deposited into the Redevelopment
2356 Project Incentive Fund created in Section 57-91-9.

2357 (7) A business enterprise as defined in Section 57-113-1
2358 that is exempt from certain state taxes under Section 57-113-5



2359 shall not be subject to the tax levied by this section on the
2360 value of capital used, invested or employed by the business
2361 enterprise.

2362 **SECTION 13.** Section 27-19-43, Mississippi Code of 1972, is
2363 brought forward as follows:

2364 27-19-43. (1) License tags, substitute tags and decals for
2365 individual fleets and for private carriers of passengers, school
2366 buses (excluding school buses owned by a school district in the
2367 state), church buses, taxicabs, ambulances, hearses, motorcycles
2368 and private carriers of property, and private commercial carriers
2369 of property of a gross weight of ten thousand (10,000) pounds and
2370 less, shall be sold and issued by the tax collectors of the
2371 several counties.

2372 (2) Applications for license tags for motor vehicles in a
2373 corporate fleet registered under Section 27-19-66 and trailers in
2374 a fleet registered under Section 27-19-66.1, and applications for
2375 all other license tags, substitute tags and decals shall be filed
2376 with the department or the local tax collector of the respective
2377 counties and forwarded to the department for issuance to the
2378 applicant. All tags and decals for vehicles owned by the state or
2379 any agency or instrumentality thereof, and vehicles owned by a
2380 fire protection district, school district or a county or
2381 municipality, and all vehicles owned by a road, drainage or levee
2382 district shall be issued by the department.



2383 (3) In addition to the privilege taxes levied herein, there
2384 shall be collected the following registration or tag fee:

2385 (a) For the issuance of both a license tag and two (2)
2386 decals, a fee of Five Dollars (\$5.00).

2387 (b) For the issuance of up to two (2) decals only, a
2388 fee of Three Dollars and Seventy-five Cents (\$3.75).

2389 (c) Additionally, the tax collector or the department,
2390 as the case may be, shall assess and collect a fee of Four Dollars
2391 (\$4.00) upon each set of license tags and two (2) decals issued,
2392 or upon each set of two (2) decals issued, and that sum shall be
2393 deposited in the Mississippi Trauma Care Systems Fund established
2394 in Section 41-59-75, to be used for the purposes set out in that
2395 section.

2396 No tag or decal shall be issued either by a tax collector or
2397 by the department without the collection of such registration fee
2398 except substitute tags and decals and license tags for vehicles
2399 owned by the State of Mississippi.

2400 Beginning July 1, 1987, and until the date specified in
2401 Section 65-39-35, there shall be levied a registration fee of Five
2402 Dollars (\$5.00) in addition to the regular registration fee
2403 imposed in paragraphs (a) and (b) of this subsection. Such
2404 additional registration fee shall be levied in the same manner as
2405 the regular registration fee.

2406 **SECTION 14.** Section 27-55-11, Mississippi Code of 1972, is
2407 brought forward as follows:



2408 27-55-11. Any person in business as a distributor of
2409 gasoline or who acts as a distributor of gasoline, as defined in
2410 this article, shall pay for the privilege of engaging in such
2411 business or acting as such distributor an excise tax equal to
2412 Eighteen Cents (18¢) per gallon until the date specified in
2413 Section 65-39-35, and Fourteen and Four-tenths Cents (14.4¢) per
2414 gallon thereafter, on all gasoline and blend stock stored, sold,
2415 distributed, manufactured, refined, distilled, blended or
2416 compounded in this state or received in this state for sale, use
2417 on the highways, storage, distribution, or for any purpose.

2418 Any person in business as a distributor of aviation gasoline,
2419 or who acts as a distributor of aviation gasoline, shall pay for
2420 the privilege of engaging in such business or acting as such
2421 distributor an excise tax equal to Six and Four-tenths Cents
2422 (6.4¢) per gallon on all aviation gasoline stored, sold,
2423 distributed, manufactured, refined, distilled, blended or
2424 compounded in this state or received in this state for sale,
2425 storage, distribution or for any purpose.

2426 The excise taxes collected under this section shall be paid
2427 and distributed in accordance with Section 27-5-101.

2428 The tax herein imposed and assessed shall be collected and
2429 paid to the State of Mississippi but once in respect to any
2430 gasoline. The basis for determining the tax liability shall be
2431 the correct invoiced gallons, adjusted to sixty (60) degrees
2432 Fahrenheit at the refinery or point of origin of shipment when



2433 such shipment is made by tank car or by motor carrier. The point
2434 of origin of shipment of gasoline transported into this state by
2435 pipelines shall be deemed to be that point in this state where
2436 such gasoline is withdrawn from the pipeline for storage or
2437 distribution, and adjustment to sixty (60) degrees Fahrenheit
2438 shall there be made. The basis for determining the tax liability
2439 on gasoline shipped into this state in barge cargoes and by
2440 pipeline shall be the actual number of gallons adjusted to sixty
2441 (60) degrees Fahrenheit unloaded into storage tanks or other
2442 containers in this state, such gallonage to be determined by
2443 measurement and/or gauge of storage tank or tanks or by any other
2444 method authorized by the commission. The tank or tanks into which
2445 barge cargoes of gasoline are discharged, or into which gasoline
2446 transported by pipeline is discharged, shall have correct gauge
2447 tables listing capacity, such gauge tables to be prepared by some
2448 recognized calibrating agency and to be approved by the
2449 commission.

2450 The tax levied herein shall accrue at the time gasoline is
2451 withdrawn from a refinery in this state except when withdrawal is
2452 by pipeline, barge, ship or vessel. The refiner shall pay to the
2453 commission the tax levied herein when gasoline is sold or
2454 delivered to persons who do not hold gasoline distributor permits.
2455 The refiner shall report to the commission all sales and
2456 deliveries of gasoline to bonded distributors of gasoline. The
2457 bonded distributor of gasoline who purchases, receives or acquires



2458 gasoline from a refinery in this state shall report such gasoline
2459 and pay the tax levied herein.

2460 Gasoline imported by common carrier shall be deemed to be
2461 received by the distributor of gasoline, and the tax levied herein
2462 shall accrue, when the car or tank truck containing such gasoline
2463 is unloaded by the carrier.

2464 With respect to distributors or other persons who bring,
2465 ship, have transported, or have brought into this state gasoline
2466 by means other than through a common carrier, the tax accrues and
2467 the tax liability attaches on the distributor or other person for
2468 each gallon of gasoline brought into the state at the time when
2469 and at the point where such gasoline is brought into the state.

2470 The tax levied herein shall accrue on blend stock at the time
2471 it is blended with gasoline. The blender shall pay to the
2472 commission the tax levied herein when blend stock is sold or
2473 delivered to persons who do not hold gasoline distributor permits.
2474 The blender shall report to the commission all sales and
2475 deliveries of blend stock to bonded distributors of gasoline. The
2476 bonded distributor of gasoline who purchases, receives or acquires
2477 blend stock from a blender in this state shall report blend stock
2478 and pay the tax levied herein.

2479 **SECTION 15.** Section 27-55-519, Mississippi Code of 1972, is
2480 brought forward as follows:

2481 27-55-519. (1) Any person engaged in business as a
2482 distributor of special fuel or who acts as a distributor of



2483 special fuel, as defined in this article, shall pay for the
2484 privilege of engaging in such business or acting as such
2485 distributor an excise tax on all special fuel stored, used, sold,
2486 distributed, manufactured, refined, distilled, blended or
2487 compounded in this state or received in this state for sale,
2488 storage, distribution or for any purpose, adjusted to sixty (60)
2489 degrees Fahrenheit.

2490 The excise tax shall become due and payable when:

2491 (a) Special fuel is withdrawn from storage at a
2492 refinery, marine or pipeline terminal, except when withdrawal is
2493 by barge or pipeline.

2494 (b) Special fuel imported by a common carrier is
2495 unloaded by that carrier unless the special fuel is unloaded
2496 directly into the storage tanks of a refinery, marine or pipeline
2497 terminal.

2498 (c) Special fuel imported by any person other than a
2499 common carrier enters the State of Mississippi unless the special
2500 fuel is unloaded directly into the storage tanks of a refinery,
2501 marine or pipeline terminal.

2502 (d) Special fuel is blended in this state unless such
2503 blending occurs in a refinery, marine or pipeline terminal.

2504 (e) Special fuel is acquired tax free.

2505 (2) The special fuel excise tax shall be as follows:



2506 (a) Eighteen Cents (18¢) per gallon on undyed diesel
2507 fuel until the date specified in Section 65-39-35 and Fourteen and
2508 Three-fourths Cents (14.75¢) per gallon thereafter;

2509 (b) Five and Three-fourths Cents (5.75¢) per gallon on
2510 all special fuel except undyed diesel fuel and special fuel used
2511 as fuels in aircraft; and

2512 (c) Five and One-fourth Cents (5.25¢) per gallon on
2513 special fuel used as fuel in aircraft.

2514 **SECTION 16.** Section 27-55-521, Mississippi Code of 1972, is
2515 brought forward as follows:

2516 27-55-521. (1) An excise tax at the rate of Eighteen Cents
2517 (18¢) per gallon until the date specified in Section 65-39-35,
2518 Mississippi Code of 1972, and Fourteen and Three-fourths Cents
2519 (14.75¢) per gallon thereafter is levied on any person engaged in
2520 business as a distributor of special fuel or who acts as such who
2521 sells:

2522 (a) Special fuel for use in performing contracts for
2523 construction, reconstruction, maintenance or repairs, where such
2524 contracts are entered into with the State of Mississippi, any
2525 political subdivision of the State of Mississippi, or any
2526 department, agency, institution of the State of Mississippi or any
2527 political subdivision thereof.

2528 (b) Dyed diesel fuel or kerosene to a state or local
2529 governmental entity for use on the highways in a motor vehicle.

2530 (c) Special fuel for use on the highway.



2531 (2) An excise tax at the rate of Eighteen Cents (18¢) per
2532 gallon until the date specified in Section 65-39-35, Mississippi
2533 Code of 1972, and Fourteen and Three-fourths Cents (14.75¢) per
2534 gallon thereafter is levied on any person who:

2535 (a) Uses dyed diesel fuel or kerosene in a motor
2536 vehicle on the highways of this state in violation of Section
2537 27-55-539.

2538 (b) Purchases or acquires undyed diesel fuel or
2539 kerosene for nonhighway use and subsequently uses such diesel fuel
2540 or kerosene in a motor vehicle on the highways of this state.

2541 (c) Purchases or acquires special fuel for use in
2542 performing contracts as specified in this section.

2543 **SECTION 17.** Section 27-59-11, Mississippi Code of 1972, is
2544 brought forward as follows:

2545 27-59-11. (1) A tax at the rate of One-fourth Cent (1/4¢)
2546 per gallon is hereby levied upon any person engaged in business as
2547 a distributor of compressed gas, excepting natural gas, for the
2548 privilege of engaging in such business or acting as such
2549 distributor. The tax shall be based on all compressed gas,
2550 excepting natural gas, stored, used, distributed, manufactured,
2551 refined, distilled, blended or compounded in this state or
2552 received in this state for sale, storage, distribution or for any
2553 other purpose.

2554 The tax levied herein shall become due and payable when:



2555 (a) Compressed gas is withdrawn from storage at a
2556 refinery, marine or pipeline terminal, or underground caverns or
2557 cavities except when withdrawal is by pipeline or barge;

2558 (b) Compressed gas imported by a common carrier is
2559 unloaded by that carrier unless the compressed gas is unloaded
2560 directly into an underground cavern or cavity for storage or
2561 directly into the storage tanks of a refinery, marine or pipeline
2562 terminal; or

2563 (c) Compressed gas imported by any person, other than a
2564 common carrier, enters the State of Mississippi, unless the
2565 compressed gas is unloaded directly into an underground cavern or
2566 cavity for storage or directly into the storage tanks of a
2567 refinery, marine or pipeline terminal.

2568 (2) (a) A tax at the rate of Seventeen Cents (17¢) per
2569 gallon until the date specified in Section 65-39-35, and Thirteen
2570 and Four-tenths Cents (13.4¢) per gallon thereafter, is levied
2571 upon any distributor of compressed gas for the privilege of
2572 engaging in the business of selling or delivering compressed gas,
2573 excepting compressed natural gas and liquefied natural gas, for
2574 use in a motor vehicle or motor vehicles on the highways of this
2575 state.

2576 (b) A tax at the rate of Eighteen Cents (18¢) per one
2577 hundred (100) cubic feet until the date specified in Section
2578 65-39-35, and Fourteen and Four-tenths Cents (14.4¢) per one
2579 hundred (100) cubic feet thereafter, is levied upon any



2580 distributor of compressed gas for the privilege of engaging in the
2581 business of selling or delivering compressed natural gas for use
2582 in a motor vehicle or motor vehicles on the highways of this
2583 state.

2584 (c) A tax at the rate of Eighteen Cents (18¢) per
2585 diesel gallon equivalent until the date specified in Section
2586 65-39-35, and Fourteen and Four-tenths Cents (14.4¢) per diesel
2587 gallon equivalent thereafter, is levied upon any distributor of
2588 liquefied natural gas for the privilege of engaging in the
2589 business of selling or delivering liquefied natural gas for use in
2590 a motor vehicle or motor vehicles on the highways of this state.

2591 (d) A tax at the rate of Eighteen Cents (18¢) per one
2592 hundred (100) cubic feet until the date specified in Section
2593 65-39-35, and Fourteen and Four-tenths Cents (14.4¢) per one
2594 hundred (100) cubic feet thereafter, is levied upon any public
2595 utility for the privilege of engaging in the business of selling
2596 or delivering natural gas to a user for the purpose of being used
2597 as a fuel in a motor vehicle or motor vehicles on the highways of
2598 this state, and the taxes shall be collected from the user
2599 whenever practical.

2600 (e) The taxes levied in this subsection shall not apply
2601 when sales or deliveries are made to persons who are holders of
2602 permitted compressed gas user's decals.

2603 (3) Upon every person operating on the highways of this
2604 state a motor vehicle or motor vehicles using or capable of using



2605 any compressed gas, except liquefied natural gas, as a motor fuel
2606 and having a gross license tag weight classification of ten
2607 thousand (10,000) pounds or less, there is hereby levied an annual
2608 privilege tax of One Hundred Ninety-five Dollars (\$195.00) until
2609 the date specified in Section 65-39-35, and One Hundred Sixty-five
2610 Dollars (\$165.00) thereafter.

2611 (4) (a) Upon every person operating on the highways of this
2612 state a motor vehicle or motor vehicles using or capable of using
2613 compressed gas and having a gross license tag weight
2614 classification greater than ten thousand (10,000) pounds, there is
2615 hereby levied:

2616 (i) A privilege tax of Seventeen Cents (17¢) per
2617 gallon until the date specified in Section 65-39-35, and Thirteen
2618 and Four-tenths Cents (13.4¢) per gallon thereafter, on all
2619 compressed gas, excepting compressed natural gas and liquefied
2620 natural gas, used on the highways of this state;

2621 (ii) A privilege tax of Eighteen Cents (18¢) per
2622 one hundred (100) cubic feet until the date specified in Section
2623 65-39-35, and Fourteen and Four-tenths Cents (14.4¢) per one
2624 hundred (100) cubic feet thereafter, on all compressed natural gas
2625 used on the highways of this state; and

2626 (iii) A privilege tax of Eighteen Cents (18¢) per
2627 diesel gallon equivalent until the date specified in Section
2628 65-39-35, and Fourteen and Four-tenths Cents (14.4¢) per diesel



2629 gallon equivalent thereafter, on all liquefied natural gas used on
2630 the highways of this state.

2631 (b) The taxes levied in this subsection shall not apply
2632 to owners or operators classified by the department as
2633 nonpermitted users.

2634 (5) All owners and operators of motor vehicles that have a
2635 gross license tag weight classification greater than ten thousand
2636 (10,000) pounds, but not exceeding twenty thousand (20,000) pounds
2637 shall prepay Two Hundred Twenty-five Dollars (\$225.00) of the tax
2638 annually, and all owners and operators of motor vehicles that have
2639 a gross license tag weight classification greater than twenty
2640 thousand (20,000) pounds shall prepay Three Hundred Dollars
2641 (\$300.00) of the tax annually. On motor vehicles that have a
2642 gross license tag weight exceeding ten thousand (10,000) pounds,
2643 that are exclusively used by a farmer for transporting farm
2644 products produced on his own farm and also farm supplies,
2645 materials and equipment used in the growing or production of his
2646 agricultural products and have a "farm" or "F" motor vehicle
2647 license tag, the prepaid portion of the privilege tax shall be One
2648 Hundred Fifty Dollars (\$150.00).

2649 (6) The department, in its discretion, may authorize or
2650 require the owner or operator of five (5) or more motor vehicles
2651 that use or are capable of using compressed gas on the highway to
2652 pay the excise tax on all compressed gas purchased for any purpose
2653 and the excise tax shall be collected by the distributor of



2654 compressed gas at the time of sale or delivery. The owners or
2655 operators authorized or required to do so shall be classified as
2656 nonpermitted users.

2657 **SECTION 18.** Section 27-65-17, Mississippi Code of 1972, is
2658 brought forward as follows:

2659 27-65-17. (1) (a) Except as otherwise provided in this
2660 section, upon every person engaging or continuing within this
2661 state in the business of selling any tangible personal property
2662 whatsoever there is hereby levied, assessed and shall be collected
2663 a tax equal to seven percent (7%) of the gross proceeds of the
2664 retail sales of the business.

2665 (b) Retail sales of farm tractors and parts and labor
2666 used to maintain and/or repair such tractors shall be taxed at the
2667 rate of one and one-half percent (1-1/2%) when made to farmers for
2668 agricultural purposes.

2669 (c) (i) Retail sales of farm implements sold to
2670 farmers and used directly in the production of poultry, ratite,
2671 domesticated fish as defined in Section 69-7-501, livestock,
2672 livestock products, agricultural crops or ornamental plant crops
2673 or used for other agricultural purposes, and parts and labor used
2674 to maintain and/or repair such implements, shall be taxed at the
2675 rate of one and one-half percent (1-1/2%) when used on the farm.

2676 (ii) The one and one-half percent (1-1/2%) rate
2677 shall also apply to all equipment used in logging, pulpwood



2678 operations or tree farming, and parts and labor used to maintain
2679 and/or repair such equipment, which is either:

2680 1. Self-propelled, or

2681 2. Mounted so that it is permanently attached
2682 to other equipment which is self-propelled or permanently attached
2683 to other equipment drawn by a vehicle which is self-propelled.

2684 In order to be eligible for the rate of tax provided for in
2685 this subparagraph (ii), such sales must be made to a professional
2686 logger. For the purposes of this subparagraph (ii), a
2687 "professional logger" is a person, corporation, limited liability
2688 company or other entity, or an agent thereof, who possesses a
2689 professional logger's permit issued by the Department of Revenue
2690 and who presents the permit to the seller at the time of purchase.
2691 The department shall establish an application process for a
2692 professional logger's permit to be issued, which shall include a
2693 requirement that the applicant submit a copy of documentation
2694 verifying that the applicant is certified according to Sustainable
2695 Forestry Initiative guidelines. Upon a determination that an
2696 applicant is a professional logger, the department shall issue the
2697 applicant a numbered professional logger's permit.

2698 (d) Except as otherwise provided in subsection (3) of
2699 this section, retail sales of aircraft, automobiles, trucks,
2700 truck-tractors, semitrailers and manufactured or mobile homes
2701 shall be taxed at the rate of three percent (3%).



2702 (e) Sales of manufacturing machinery or manufacturing
2703 machine parts when made to a manufacturer or custom processor for
2704 plant use only when the machinery and machine parts will be used
2705 exclusively and directly within this state in manufacturing a
2706 commodity for sale, rental or in processing for a fee shall be
2707 taxed at the rate of one and one-half percent (1-1/2%).

2708 (f) Sales of machinery and machine parts when made to a
2709 technology intensive enterprise for plant use only when the
2710 machinery and machine parts will be used exclusively and directly
2711 within this state for industrial purposes, including, but not
2712 limited to, manufacturing or research and development activities,
2713 shall be taxed at the rate of one and one-half percent (1-1/2%).
2714 In order to be considered a technology intensive enterprise for
2715 purposes of this paragraph:

2716 (i) The enterprise shall meet minimum criteria
2717 established by the Mississippi Development Authority;

2718 (ii) The enterprise shall employ at least ten (10)
2719 persons in full-time jobs;

2720 (iii) At least ten percent (10%) of the workforce
2721 in the facility operated by the enterprise shall be scientists,
2722 engineers or computer specialists;

2723 (iv) The enterprise shall manufacture plastics,
2724 chemicals, automobiles, aircraft, computers or electronics; or
2725 shall be a research and development facility, a computer design or
2726 related facility, or a software publishing facility or other



2727 technology intensive facility or enterprise as determined by the
2728 Mississippi Development Authority;

2729 (v) The average wage of all workers employed by
2730 the enterprise at the facility shall be at least one hundred fifty
2731 percent (150%) of the state average annual wage; and

2732 (vi) The enterprise must provide a basic health
2733 care plan to all employees at the facility.

2734 (g) Sales of materials for use in track and track
2735 structures to a railroad whose rates are fixed by the Interstate
2736 Commerce Commission or the Mississippi Public Service Commission
2737 shall be taxed at the rate of three percent (3%).

2738 (h) Sales of tangible personal property to electric
2739 power associations for use in the ordinary and necessary operation
2740 of their generating or distribution systems shall be taxed at the
2741 rate of one percent (1%).

2742 (i) Wholesale sales of beer shall be taxed at the rate
2743 of seven percent (7%), and the retailer shall file a return and
2744 compute the retail tax on retail sales but may take credit for the
2745 amount of the tax paid to the wholesaler on said return covering
2746 the subsequent sales of same property, provided adequate invoices
2747 and records are maintained to substantiate the credit.

2748 (j) Wholesale sales of food and drink for human
2749 consumption to full-service vending machine operators to be sold
2750 through vending machines located apart from and not connected with



2751 other taxable businesses shall be taxed at the rate of eight
2752 percent (8%).

2753 (k) Sales of equipment used or designed for the purpose
2754 of assisting disabled persons, such as wheelchair equipment and
2755 lifts, that is mounted or attached to or installed on a private
2756 carrier of passengers or light carrier of property, as defined in
2757 Section 27-51-101, at the time when the private carrier of
2758 passengers or light carrier of property is sold shall be taxed at
2759 the same rate as the sale of such vehicles under this section.

2760 (l) Sales of the factory-built components of modular
2761 homes, panelized homes and precut homes, and panel constructed
2762 homes consisting of structural insulated panels, shall be taxed at
2763 the rate of three percent (3%).

2764 (m) Sales of materials used in the repair, renovation,
2765 addition to, expansion and/or improvement of buildings and related
2766 facilities used by a dairy producer shall be taxed at the rate of
2767 three and one-half percent (3-1/2%). For the purposes of this
2768 paragraph (m), "dairy producer" means any person engaged in the
2769 production of milk for commercial use.

2770 (2) From and after January 1, 1995, retail sales of private
2771 carriers of passengers and light carriers of property, as defined
2772 in Section 27-51-101, shall be taxed an additional two percent
2773 (2%).



2774 (3) A manufacturer selling at retail in this state shall be
2775 required to make returns of the gross proceeds of such sales and
2776 pay the tax imposed in this section.

2777 **SECTION 19.** Section 27-65-75, Mississippi Code of 1972, is
2778 brought forward as follows:

2779 27-65-75. On or before the fifteenth day of each month, the
2780 revenue collected under the provisions of this chapter during the
2781 preceding month shall be paid and distributed as follows:

2782 (1) (a) On or before August 15, 1992, and each succeeding
2783 month thereafter through July 15, 1993, eighteen percent (18%) of
2784 the total sales tax revenue collected during the preceding month
2785 under the provisions of this chapter, except that collected under
2786 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
2787 business activities within a municipal corporation shall be
2788 allocated for distribution to the municipality and paid to the
2789 municipal corporation. On or before August 15, 1993, and each
2790 succeeding month thereafter, eighteen and one-half percent
2791 (18-1/2%) of the total sales tax revenue collected during the
2792 preceding month under the provisions of this chapter, except that
2793 collected under the provisions of Sections 27-65-15, 27-65-19(3),
2794 27-65-21 and 27-65-24, on business activities within a municipal
2795 corporation shall be allocated for distribution to the
2796 municipality and paid to the municipal corporation.



2797 A municipal corporation, for the purpose of distributing the
2798 tax under this subsection, shall mean and include all incorporated
2799 cities, towns and villages.

2800 Monies allocated for distribution and credited to a municipal
2801 corporation under this paragraph may be pledged as security for a
2802 loan if the distribution received by the municipal corporation is
2803 otherwise authorized or required by law to be pledged as security
2804 for such a loan.

2805 In any county having a county seat that is not an
2806 incorporated municipality, the distribution provided under this
2807 subsection shall be made as though the county seat was an
2808 incorporated municipality; however, the distribution to the
2809 municipality shall be paid to the county treasury in which the
2810 municipality is located, and those funds shall be used for road,
2811 bridge and street construction or maintenance in the county.

2812 (b) On or before August 15, 2006, and each succeeding
2813 month thereafter, eighteen and one-half percent (18-1/2%) of the
2814 total sales tax revenue collected during the preceding month under
2815 the provisions of this chapter, except that collected under the
2816 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
2817 business activities on the campus of a state institution of higher
2818 learning or community or junior college whose campus is not
2819 located within the corporate limits of a municipality, shall be
2820 allocated for distribution to the state institution of higher



2821 learning or community or junior college and paid to the state
2822 institution of higher learning or community or junior college.

2823 (2) On or before September 15, 1987, and each succeeding
2824 month thereafter, from the revenue collected under this chapter
2825 during the preceding month, One Million One Hundred Twenty-five
2826 Thousand Dollars (\$1,125,000.00) shall be allocated for
2827 distribution to municipal corporations as defined under subsection
2828 (1) of this section in the proportion that the number of gallons
2829 of gasoline and diesel fuel sold by distributors to consumers and
2830 retailers in each such municipality during the preceding fiscal
2831 year bears to the total gallons of gasoline and diesel fuel sold
2832 by distributors to consumers and retailers in municipalities
2833 statewide during the preceding fiscal year. The Department of
2834 Revenue shall require all distributors of gasoline and diesel fuel
2835 to report to the department monthly the total number of gallons of
2836 gasoline and diesel fuel sold by them to consumers and retailers
2837 in each municipality during the preceding month. The Department
2838 of Revenue shall have the authority to promulgate such rules and
2839 regulations as is necessary to determine the number of gallons of
2840 gasoline and diesel fuel sold by distributors to consumers and
2841 retailers in each municipality. In determining the percentage
2842 allocation of funds under this subsection for the fiscal year
2843 beginning July 1, 1987, and ending June 30, 1988, the Department
2844 of Revenue may consider gallons of gasoline and diesel fuel sold
2845 for a period of less than one (1) fiscal year. For the purposes



2846 of this subsection, the term "fiscal year" means the fiscal year
2847 beginning July 1 of a year.

2848 (3) On or before September 15, 1987, and on or before the
2849 fifteenth day of each succeeding month, until the date specified
2850 in Section 65-39-35, the proceeds derived from contractors' taxes
2851 levied under Section 27-65-21 on contracts for the construction or
2852 reconstruction of highways designated under the highway program
2853 created under Section 65-3-97 shall, except as otherwise provided
2854 in Section 31-17-127, be deposited into the State Treasury to the
2855 credit of the State Highway Fund to be used to fund that highway
2856 program. The Mississippi Department of Transportation shall
2857 provide to the Department of Revenue such information as is
2858 necessary to determine the amount of proceeds to be distributed
2859 under this subsection.

2860 (4) On or before August 15, 1994, and on or before the
2861 fifteenth day of each succeeding month through July 15, 1999, from
2862 the proceeds of gasoline, diesel fuel or kerosene taxes as
2863 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
2864 (\$4,000,000.00) shall be deposited in the State Treasury to the
2865 credit of a special fund designated as the "State Aid Road Fund,"
2866 created by Section 65-9-17. On or before August 15, 1999, and on
2867 or before the fifteenth day of each succeeding month, from the
2868 total amount of the proceeds of gasoline, diesel fuel or kerosene
2869 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
2870 Dollars (\$4,000,000.00) or an amount equal to twenty-three and



2871 one-fourth percent (23-1/4%) of those funds, whichever is the
2872 greater amount, shall be deposited in the State Treasury to the
2873 credit of the "State Aid Road Fund," created by Section 65-9-17.
2874 Those funds shall be pledged to pay the principal of and interest
2875 on state aid road bonds heretofore issued under Sections 19-9-51
2876 through 19-9-77, in lieu of and in substitution for the funds
2877 previously allocated to counties under this section. Those funds
2878 may not be pledged for the payment of any state aid road bonds
2879 issued after April 1, 1981; however, this prohibition against the
2880 pledging of any such funds for the payment of bonds shall not
2881 apply to any bonds for which intent to issue those bonds has been
2882 published for the first time, as provided by law before March 29,
2883 1981. From the amount of taxes paid into the special fund under
2884 this subsection and subsection (9) of this section, there shall be
2885 first deducted and paid the amount necessary to pay the expenses
2886 of the Office of State Aid Road Construction, as authorized by the
2887 Legislature for all other general and special fund agencies. The
2888 remainder of the fund shall be allocated monthly to the several
2889 counties in accordance with the following formula:

2890 (a) One-third (1/3) shall be allocated to all counties
2891 in equal shares;

2892 (b) One-third (1/3) shall be allocated to counties
2893 based on the proportion that the total number of rural road miles
2894 in a county bears to the total number of rural road miles in all
2895 counties of the state; and



2896 (c) One-third (1/3) shall be allocated to counties
2897 based on the proportion that the rural population of the county
2898 bears to the total rural population in all counties of the state,
2899 according to the latest federal decennial census.

2900 For the purposes of this subsection, the term "gasoline,
2901 diesel fuel or kerosene taxes" means such taxes as defined in
2902 paragraph (f) of Section 27-5-101.

2903 The amount of funds allocated to any county under this
2904 subsection for any fiscal year after fiscal year 1994 shall not be
2905 less than the amount allocated to the county for fiscal year 1994.

2906 Any reference in the general laws of this state or the
2907 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
2908 construed to refer and apply to subsection (4) of Section
2909 27-65-75.

2910 (5) One Million Six Hundred Sixty-six Thousand Six Hundred
2911 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into
2912 the special fund known as the "State Public School Building Fund"
2913 created and existing under the provisions of Sections 37-47-1
2914 through 37-47-67. Those payments into that fund are to be made on
2915 the last day of each succeeding month hereafter.

2916 (6) An amount each month beginning August 15, 1983, through
2917 November 15, 1986, as specified in Section 6 of Chapter 542, Laws
2918 of 1983, shall be paid into the special fund known as the
2919 Correctional Facilities Construction Fund created in Section 6 of
2920 Chapter 542, Laws of 1983.



2921 (7) On or before August 15, 1992, and each succeeding month
2922 thereafter through July 15, 2000, two and two hundred sixty-six
2923 one-thousandths percent (2.266%) of the total sales tax revenue
2924 collected during the preceding month under the provisions of this
2925 chapter, except that collected under the provisions of Section
2926 27-65-17(2), shall be deposited by the department into the School
2927 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
2928 or before August 15, 2000, and each succeeding month thereafter,
2929 two and two hundred sixty-six one-thousandths percent (2.266%) of
2930 the total sales tax revenue collected during the preceding month
2931 under the provisions of this chapter, except that collected under
2932 the provisions of Section 27-65-17(2), shall be deposited into the
2933 School Ad Valorem Tax Reduction Fund created under Section
2934 37-61-35 until such time that the total amount deposited into the
2935 fund during a fiscal year equals Forty-two Million Dollars
2936 (\$42,000,000.00). Thereafter, the amounts diverted under this
2937 subsection (7) during the fiscal year in excess of Forty-two
2938 Million Dollars (\$42,000,000.00) shall be deposited into the
2939 Education Enhancement Fund created under Section 37-61-33 for
2940 appropriation by the Legislature as other education needs and
2941 shall not be subject to the percentage appropriation requirements
2942 set forth in Section 37-61-33.

2943 (8) On or before August 15, 1992, and each succeeding month
2944 thereafter, nine and seventy-three one-thousandths percent
2945 (9.073%) of the total sales tax revenue collected during the



2946 preceding month under the provisions of this chapter, except that
2947 collected under the provisions of Section 27-65-17(2), shall be
2948 deposited into the Education Enhancement Fund created under
2949 Section 37-61-33.

2950 (9) On or before August 15, 1994, and each succeeding month
2951 thereafter, from the revenue collected under this chapter during
2952 the preceding month, Two Hundred Fifty Thousand Dollars
2953 (\$250,000.00) shall be paid into the State Aid Road Fund.

2954 (10) On or before August 15, 1994, and each succeeding month
2955 thereafter through August 15, 1995, from the revenue collected
2956 under this chapter during the preceding month, Two Million Dollars
2957 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
2958 Valorem Tax Reduction Fund established in Section 27-51-105.

2959 (11) Notwithstanding any other provision of this section to
2960 the contrary, on or before February 15, 1995, and each succeeding
2961 month thereafter, the sales tax revenue collected during the
2962 preceding month under the provisions of Section 27-65-17(2) and
2963 the corresponding levy in Section 27-65-23 on the rental or lease
2964 of private carriers of passengers and light carriers of property
2965 as defined in Section 27-51-101 shall be deposited, without
2966 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
2967 established in Section 27-51-105.

2968 (12) Notwithstanding any other provision of this section to
2969 the contrary, on or before August 15, 1995, and each succeeding
2970 month thereafter, the sales tax revenue collected during the



2971 preceding month under the provisions of Section 27-65-17(1) on
2972 retail sales of private carriers of passengers and light carriers
2973 of property, as defined in Section 27-51-101 and the corresponding
2974 levy in Section 27-65-23 on the rental or lease of these vehicles,
2975 shall be deposited, after diversion, into the Motor Vehicle Ad
2976 Valorem Tax Reduction Fund established in Section 27-51-105.

2977 (13) On or before July 15, 1994, and on or before the
2978 fifteenth day of each succeeding month thereafter, that portion of
2979 the avails of the tax imposed in Section 27-65-22 that is derived
2980 from activities held on the Mississippi State Fairgrounds Complex
2981 shall be paid into a special fund that is created in the State
2982 Treasury and shall be expended upon legislative appropriation
2983 solely to defray the costs of repairs and renovation at the Trade
2984 Mart and Coliseum.

2985 (14) On or before August 15, 1998, and each succeeding month
2986 thereafter through July 15, 2005, that portion of the avails of
2987 the tax imposed in Section 27-65-23 that is derived from sales by
2988 cotton compresses or cotton warehouses and that would otherwise be
2989 paid into the General Fund shall be deposited in an amount not to
2990 exceed Two Million Dollars (\$2,000,000.00) into the special fund
2991 created under Section 69-37-39. On or before August 15, 2007, and
2992 each succeeding month thereafter through July 15, 2010, that
2993 portion of the avails of the tax imposed in Section 27-65-23 that
2994 is derived from sales by cotton compresses or cotton warehouses
2995 and that would otherwise be paid into the General Fund shall be



2996 deposited in an amount not to exceed Two Million Dollars
2997 (\$2,000,000.00) into the special fund created under Section
2998 69-37-39 until all debts or other obligations incurred by the
2999 Certified Cotton Growers Organization under the Mississippi Boll
3000 Weevil Management Act before January 1, 2007, are satisfied in
3001 full. On or before August 15, 2010, and each succeeding month
3002 thereafter through July 15, 2011, fifty percent (50%) of that
3003 portion of the avails of the tax imposed in Section 27-65-23 that
3004 is derived from sales by cotton compresses or cotton warehouses
3005 and that would otherwise be paid into the General Fund shall be
3006 deposited into the special fund created under Section 69-37-39
3007 until such time that the total amount deposited into the fund
3008 during a fiscal year equals One Million Dollars (\$1,000,000.00).
3009 On or before August 15, 2011, and each succeeding month
3010 thereafter, that portion of the avails of the tax imposed in
3011 Section 27-65-23 that is derived from sales by cotton compresses
3012 or cotton warehouses and that would otherwise be paid into the
3013 General Fund shall be deposited into the special fund created
3014 under Section 69-37-39 until such time that the total amount
3015 deposited into the fund during a fiscal year equals One Million
3016 Dollars (\$1,000,000.00).

3017 (15) Notwithstanding any other provision of this section to
3018 the contrary, on or before September 15, 2000, and each succeeding
3019 month thereafter, the sales tax revenue collected during the
3020 preceding month under the provisions of Section



3021 27-65-19(1)(d)(i)2, and 27-65-19(d)(i)3 shall be deposited,
3022 without diversion, into the Telecommunications Ad Valorem Tax
3023 Reduction Fund established in Section 27-38-7.

3024 (16) (a) On or before August 15, 2000, and each succeeding
3025 month thereafter, the sales tax revenue collected during the
3026 preceding month under the provisions of this chapter on the gross
3027 proceeds of sales of a project as defined in Section 57-30-1 shall
3028 be deposited, after all diversions except the diversion provided
3029 for in subsection (1) of this section, into the Sales Tax
3030 Incentive Fund created in Section 57-30-3.

3031 (b) On or before August 15, 2007, and each succeeding
3032 month thereafter, eighty percent (80%) of the sales tax revenue
3033 collected during the preceding month under the provisions of this
3034 chapter from the operation of a tourism project under the
3035 provisions of Sections 57-26-1 through 57-26-5, shall be
3036 deposited, after the diversions required in subsections (7) and
3037 (8) of this section, into the Tourism Project Sales Tax Incentive
3038 Fund created in Section 57-26-3.

3039 (17) Notwithstanding any other provision of this section to
3040 the contrary, on or before April 15, 2002, and each succeeding
3041 month thereafter, the sales tax revenue collected during the
3042 preceding month under Section 27-65-23 on sales of parking
3043 services of parking garages and lots at airports shall be
3044 deposited, without diversion, into the special fund created under
3045 Section 27-5-101(d).



3046 (18) [Repealed]

3047 (19) (a) On or before August 15, 2005, and each succeeding
3048 month thereafter, the sales tax revenue collected during the
3049 preceding month under the provisions of this chapter on the gross
3050 proceeds of sales of a business enterprise located within a
3051 redevelopment project area under the provisions of Sections
3052 57-91-1 through 57-91-11, and the revenue collected on the gross
3053 proceeds of sales from sales made to a business enterprise located
3054 in a redevelopment project area under the provisions of Sections
3055 57-91-1 through 57-91-11 (provided that such sales made to a
3056 business enterprise are made on the premises of the business
3057 enterprise), shall, except as otherwise provided in this
3058 subsection (19), be deposited, after all diversions, into the
3059 Redevelopment Project Incentive Fund as created in Section
3060 57-91-9.

3061 (b) For a municipality participating in the Economic
3062 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
3063 the diversion provided for in subsection (1) of this section
3064 attributable to the gross proceeds of sales of a business
3065 enterprise located within a redevelopment project area under the
3066 provisions of Sections 57-91-1 through 57-91-11, and attributable
3067 to the gross proceeds of sales from sales made to a business
3068 enterprise located in a redevelopment project area under the
3069 provisions of Sections 57-91-1 through 57-91-11 (provided that
3070 such sales made to a business enterprise are made on the premises



3071 of the business enterprise), shall be deposited into the
3072 Redevelopment Project Incentive Fund as created in Section
3073 57-91-9, as follows:

3074 (i) For the first six (6) years in which payments
3075 are made to a developer from the Redevelopment Project Incentive
3076 Fund, one hundred percent (100%) of the diversion shall be
3077 deposited into the fund;

3078 (ii) For the seventh year in which such payments
3079 are made to a developer from the Redevelopment Project Incentive
3080 Fund, eighty percent (80%) of the diversion shall be deposited
3081 into the fund;

3082 (iii) For the eighth year in which such payments
3083 are made to a developer from the Redevelopment Project Incentive
3084 Fund, seventy percent (70%) of the diversion shall be deposited
3085 into the fund;

3086 (iv) For the ninth year in which such payments are
3087 made to a developer from the Redevelopment Project Incentive Fund,
3088 sixty percent (60%) of the diversion shall be deposited into the
3089 fund; and

3090 (v) For the tenth year in which such payments are
3091 made to a developer from the Redevelopment Project Incentive Fund,
3092 fifty percent (50%) of the funds shall be deposited into the fund.

3093 (20) On or before January 15, 2007, and each succeeding
3094 month thereafter, eighty percent (80%) of the sales tax revenue
3095 collected during the preceding month under the provisions of this



3096 chapter from the operation of a tourism project under the
3097 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
3098 after the diversions required in subsections (7) and (8) of this
3099 section, into the Tourism Sales Tax Incentive Fund created in
3100 Section 57-28-3.

3101 (21) (a) On or before April 15, 2007, and each succeeding
3102 month thereafter through June 15, 2013, One Hundred Fifty Thousand
3103 Dollars (\$150,000.00) of the sales tax revenue collected during
3104 the preceding month under the provisions of this chapter shall be
3105 deposited into the MMEIA Tax Incentive Fund created in Section
3106 57-101-3.

3107 (b) On or before July 15, 2013, and each succeeding
3108 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
3109 of the sales tax revenue collected during the preceding month
3110 under the provisions of this chapter shall be deposited into the
3111 Mississippi Development Authority Job Training Grant Fund created
3112 in Section 57-1-451.

3113 (22) Notwithstanding any other provision of this section to
3114 the contrary, on or before August 15, 2009, and each succeeding
3115 month thereafter, the sales tax revenue collected during the
3116 preceding month under the provisions of Section 27-65-201 shall be
3117 deposited, without diversion, into the Motor Vehicle Ad Valorem
3118 Tax Reduction Fund established in Section 27-51-105.



3119 (23) The remainder of the amounts collected under the
3120 provisions of this chapter shall be paid into the State Treasury
3121 to the credit of the General Fund.

3122 (24) It shall be the duty of the municipal officials of any
3123 municipality that expands its limits, or of any community that
3124 incorporates as a municipality, to notify the commissioner of that
3125 action thirty (30) days before the effective date. Failure to so
3126 notify the commissioner shall cause the municipality to forfeit
3127 the revenue that it would have been entitled to receive during
3128 this period of time when the commissioner had no knowledge of the
3129 action. If any funds have been erroneously disbursed to any
3130 municipality or any overpayment of tax is recovered by the
3131 taxpayer, the commissioner may make correction and adjust the
3132 error or overpayment with the municipality by withholding the
3133 necessary funds from any later payment to be made to the
3134 municipality.

3135 **SECTION 20.** Section 27-65-231, Mississippi Code of 1972, is
3136 brought forward as follows:

3137 27-65-231. (1) In addition to the sales tax imposed in
3138 Section 27-65-23, Mississippi Code of 1972, there is hereby levied
3139 upon every person engaging or continuing in this state in the
3140 business of renting motor vehicles under rental agreements with a
3141 term of not more than thirty (30) continuous days each, a tax at
3142 the rate of six percent (6%) of the gross proceeds of such
3143 business derived from the rental of motor vehicles, except that



3144 motor vehicles with a gross vehicle weight exceeding ten thousand
3145 (10,000) pounds shall be excluded from the measure of this tax.

3146 (2) All administrative provisions of the Mississippi Sales
3147 Tax Law, including those which fix damages, penalties and interest
3148 for nonpayment of taxes, failure to file returns, and for other
3149 noncompliance with the provisions of said chapter, and all other
3150 requirements and duties imposed upon taxpayers, shall apply to all
3151 persons liable for taxes under the provisions of this section, and
3152 the commission shall exercise all the power and authority and
3153 perform all the duties with respect to taxpayers under this
3154 section as are provided in said Sales Tax Law, except that in
3155 cases of conflict, then the provisions of this section shall
3156 control.

3157 (3) On or before February 15 of each year, the proceeds of
3158 the tax imposed by this section on business rental activities
3159 shall be paid by the State Tax Commission to the county in which
3160 such proceeds were collected. Within seven (7) days after receipt
3161 of the tax proceeds, the county shall apportion and pay such tax
3162 proceeds as follows: The situs of the rental transactions from
3163 which tax proceeds were derived shall first be determined, and
3164 then the tax proceeds collected at a situs shall be distributed
3165 among the county, municipality and school district of the situs,
3166 as appropriate, in the same proportion and in the same manner that
3167 motor vehicle ad valorem taxes would be distributed among such
3168 taxing districts (based on their respective millage rates) if



3169 collected at the same time as the receipt of such proceeds and
3170 paid by a motor vehicle owner located at the same address as the
3171 situs of the rental transaction.

3172 (4) The governing authorities of the counties,
3173 municipalities and school districts may expend the proceeds of
3174 such tax for any lawful purposes.

3175 (5) The revenues received by counties and municipalities
3176 under subsection (3) of this section shall be deposited in the
3177 general fund of the counties and municipalities, and the revenues
3178 received by the school districts shall be deposited in any fund
3179 designated by the school district.

3180 (6) The revenues received by counties, municipalities and
3181 school districts under subsection (3) of this section shall be
3182 included and considered as proceeds of ad valorem taxes for the
3183 purposes of the growth limitation on ad valorem taxes under
3184 Sections 27-39-321 and 27-39-305.

3185 (7) The tax authorized herein shall be in addition to any
3186 other tax authorized by law to be levied on the business
3187 activities described in this section.

3188 **SECTION 21.** Section 27-70-5, Mississippi Code of 1972, is
3189 brought forward as follows:

3190 27-70-5. (1) (a) In addition to the tax imposed under
3191 Section 27-69-13, and except as provided by subsection (2) of this
3192 section, there is imposed a tobacco equity tax in the amount of



3193 One and Thirty-five One Hundredths Cent (\$0.0135) per cigarette on
3194 all cigarettes subject to the tax imposed under Section 27-69-13.

3195 (b) On July 1 of each year, the tax prescribed by
3196 subsection (1) of this section shall increase by the greater of:

3197 (i) Three percent (3%); or

3198 (ii) The percentage increase in the most recent
3199 annual revised Consumer Price Index for all Urban Consumers, as
3200 published by the Federal Bureau of Labor Statistics of the United
3201 States Department of Labor.

3202 (c) The revenue collected from the tax imposed by this
3203 section shall be deposited into the State General Fund.

3204 (d) The cigarettes manufactured by any manufacturer
3205 which is a party to the tobacco settlement agreement shall be
3206 exempt from the imposition of the tobacco equity tax provided for
3207 herein.

3208 (2) The tax imposed by this chapter does not apply to
3209 cigarettes that are sold, purchased or otherwise distributed in
3210 this state for sale outside of this state. A person may not
3211 transport or cause to be transported from this state such
3212 cigarettes for retail sale in another state without first affixing
3213 to the cigarettes the stamp required by the state in which the
3214 cigarettes are to be sold or by paying any other excise tax on the
3215 cigarettes imposed by the state in which the cigarettes are to be
3216 sold; however, a person shall not be required to affix a tax stamp
3217 of another state or pay the excise tax of another state prior to



3218 transporting the cigarettes out of this state if the other state
3219 prohibits that action or if the cigarettes are being sold to a
3220 wholesaler licensed by that state.

3221 (3) The tax imposed by this chapter is in addition to any
3222 other privilege, license, fee, assessment or tax required or
3223 imposed by state law, including, but not limited to, the taxes
3224 levied by Section 27-69-13.

3225 (4) The tax imposed by this chapter is imposed, levied and
3226 assessed on each distributor of cigarettes. The tax shall be due
3227 and payable on or before the fifteenth day of the month next
3228 succeeding the month in which the stamp is required to be affixed
3229 to the cigarettes under the Tobacco Tax Law. The distributor
3230 shall make a return showing the number of such cigarettes, the
3231 brand family, and the manufacturer. The return shall also include
3232 the quantity of cigarettes, by brand family, transported or caused
3233 to be transported outside of Mississippi in the preceding month as
3234 well as the name and address of the recipient of the cigarettes
3235 transported outside of Mississippi.

3236 (5) The distributor is eligible for a credit if cigarettes
3237 for which the distributor had previously paid the tax under this
3238 chapter were returned to the distributor.

3239 **SECTION 22.** Section 27-103-302, Mississippi Code of 1972, is
3240 brought forward as follows:

3241 27-103-302. All funds received by or on behalf of the State
3242 of Mississippi through a negotiated settlement for economic



3243 damages in connection with the explosion on, and sinking of, the
3244 mobile offshore drilling unit Deepwater Horizon, except for any
3245 funds that are required by the settlement to be paid to any other
3246 public entity, shall be deposited into the Budget Contingency Fund
3247 for appropriation by the Legislature.

3248 **SECTION 23.** Section 57-43-15, Mississippi Code of 1972, is
3249 brought forward as follows:

3250 57-43-15. (1) There is established within the Railroad
3251 Revitalization Fund a new account to be entitled the Mississippi
3252 Highway-Railroad Grade Crossing Safety Account. The account shall
3253 be administered by the Mississippi Department of Transportation
3254 and shall consist of:

3255 (a) Such monies as are transferred to it on July 1,
3256 2001, from the Mississippi Grade Crossing Closure Account;

3257 (b) Thirty-five percent (35%) of collections from the
3258 locomotive fuel tax imposed under Section 27-59-307 for the
3259 previous year; and

3260 (c) Monies transferred to it from the Railroad
3261 Revitalization Fund, pursuant to the provisions of Section 2 of
3262 Chapter 497, Laws of 2009.

3263 Unexpended amounts remaining in the account at the end of a
3264 fiscal year shall not lapse into the State General Fund; and any
3265 interest earned on amounts in the account shall be deposited to
3266 the credit of the account.



3267 (2) The Mississippi Transportation Commission, after
3268 consulting with the railroads operating in Mississippi, shall
3269 promulgate rules to ensure equitable allocation of the funds
3270 described in subsection (1) of this section to projects throughout
3271 the state, and shall consider the proportionate number of main
3272 line track miles of each railroad and the number of public
3273 roadway/railroad grade crossings on each railroad's main line.
3274 Expenditure of monies from the Mississippi Highway-Railroad Grade
3275 Crossing Safety Account shall be limited to the following
3276 purposes:

3277 (a) Financial aid for closure of public
3278 roadway/railroad grade crossings;

3279 (b) Realignment of construction costs of roadways being
3280 rerouted to facilitate a closure of a public roadway/railroad
3281 grade crossing;

3282 (c) Monies to match federal or other funds for a grade
3283 separation eliminating an at-grade crossing of a public roadway
3284 and railroad;

3285 (d) Installation, maintenance or upgrade of
3286 highway-railroad grade crossing signals, at the discretion of the
3287 Mississippi Transportation Commission, based upon the Federal
3288 Railroad Administration ranking of all Mississippi
3289 highway-railroad grade crossings. Not less than ten percent (10%)
3290 of the monies necessary to defray the costs of such installations
3291 must be federal funds;



3292 (e) Separation of grades of highway/railroad crossings;

3293 (f) Improvement of any grade crossing including the
3294 necessary roadway approaches thereto of any railroad across a
3295 public road highway;

3296 (g) Construction, reconstruction, repair or replacement
3297 of the grade crossing surface structure; and

3298 (h) Installation of an automatic advance warning signal
3299 alerting a motorist that a grade crossing is ahead.

3300 (3) The Mississippi Department of Transportation shall
3301 consider all requests from the state's diagnostic review of public
3302 roadway/railroad grade crossings and from individual railroads for
3303 expenditure of funds for the purposes described in subsection (2)
3304 of this section, and shall establish uniform criteria and
3305 guidelines relating to such crossings and the expenditure of
3306 funds.

3307 **SECTION 24.** Section 65-18-9, Mississippi Code of 1972, is
3308 brought forward as follows:

3309 65-18-9. (1) The State Aid Engineer shall allocate annually
3310 the amount of the state aid road allocation of a county that is
3311 requested by such county for use in the construction,
3312 reconstruction and paving of local system roads in the county if
3313 the county has met the requirements of this chapter; provided,
3314 however, that the State Aid Engineer shall not allocate more than
3315 twenty-five percent (25%) of the annual state aid road allocation
3316 of a county for such purposes.



3317 (2) The State Aid Engineer shall allocate annually the
3318 amount of the Local System Bridge Replacement and Rehabilitation
3319 Program allocation of a county that is requested by such county
3320 for use in the construction, reconstruction and paving of local
3321 system roads in the county if:

3322 (a) The State Aid Engineer has certified, pursuant to
3323 Section 65-37-7, that all the local system bridges within the
3324 county have a sufficiency rating of greater than fifty (50) or
3325 that all such bridges within the county with a sufficiency rating
3326 of fifty (50) or less are currently under contract for replacement
3327 or rehabilitation; and

3328 (b) The county has met the requirements of this
3329 chapter.

3330 (3) The State Aid Engineer shall establish specific designs
3331 and standards to be followed by such counties in the construction,
3332 reconstruction and paving of local system roads. The specific
3333 designs and standards shall be based upon policies on geometric
3334 design of local rural roads, highways and streets adopted and
3335 published by the American Association of State Highway and
3336 Transportation Officials.

3337 **SECTION 25.** Section 65-18-11, Mississippi Code of 1972, is
3338 brought forward as follows:

3339 65-18-11. (1) In order for a county to be eligible to
3340 utilize its Local System Bridge Replacement and Rehabilitation
3341 Program allocation or any of its state aid road funds for the



3342 Local System Road Program, a county must meet the following
3343 conditions:

3344 (a) The county has employed a county engineer, together
3345 with such other technical assistance as is necessary to carry out
3346 the duties of this chapter, the same as provided under the
3347 provisions of Section 65-9-15, for its state aid road system and,
3348 through its official minutes, has authorized the county engineer
3349 to perform the necessary engineering services connected with the
3350 Local System Road Program. The county engineer shall prepare the
3351 necessary plans and designs for all construction projects,
3352 including state aid projects and projects provided under this
3353 chapter. He also shall provide engineering supervision for the
3354 construction of such projects and shall approve all estimate
3355 payments made on the projects. Engineering cost for any project
3356 performed under the Local System Road Program may be paid from any
3357 funds allocated to a county under the program; however, the
3358 maximum fee paid to an engineer shall not exceed twelve percent
3359 (12%) of the final construction cost. No such cost shall be
3360 reimbursed to the county before the letting of the project; and

3361 (b) The county has presented a plan for the
3362 construction, reconstruction and paving of a local system road
3363 which plan has been made and approved by the county engineer of
3364 the county, showing the specific road or project to be improved,
3365 stating the condition of the existing roadbed, drainage and
3366 bridges and outlining the type of construction or reconstruction



3367 to be made and the designs and specifications therefor, including
3368 the paving of the road and the sources of revenue to be used and
3369 the sources and types of material to be used thereon. The plan
3370 shall be presented to the State Aid Engineer for the initial
3371 approval of the beginning of a project to receive monies.

3372 (2) After the initial approval of the plan and plans as
3373 specified in subsection (1)(b) of this section has been made by
3374 the State Aid Engineer, the county shall be eligible to receive
3375 all funds made available to the county under the Local System Road
3376 Program to be used exclusively for the construction,
3377 reconstruction or paving of the local system road. The project
3378 may be done either by contract or by using county equipment and
3379 employees. It shall be according to the original plan or any
3380 amendments thereto which have been approved by the State Aid
3381 Engineer. The board may use county equipment and employees if the
3382 construction can be accomplished at a more reasonable cost than
3383 can be achieved by contract.

3384 **SECTION 26.** Section 75-76-129, Mississippi Code of 1972, is
3385 brought forward as follows:

3386 **[Through December 31, 2015, this section shall read as**
3387 **follows:]**

3388 75-76-129. On or before the last day of each month all
3389 taxes, fees, interest, penalties, damages, fines or other monies
3390 collected by the Department of Revenue during that month under the
3391 provisions of this chapter, with the exception of (a) the local



3392 government fees imposed under Section 75-76-195, and (b) an amount
3393 equal to Three Million Dollars (\$3,000,000.00) of the revenue
3394 collected pursuant to the fee imposed under Section
3395 75-76-177(1)(c) shall be paid by the Department of Revenue to the
3396 State Treasurer to be deposited in the State General Fund. The
3397 local government fees shall be distributed by the Department of
3398 Revenue pursuant to Section 75-76-197. An amount equal to Three
3399 Million Dollars (\$3,000,000.00) of the revenue collected during
3400 that month pursuant to the fee imposed under Section
3401 75-76-177(1)(c) shall be deposited by the Department of Revenue
3402 into the bond sinking fund created in Section 65-39-3.

3403 **[From and after January 1, 2016, through December 31, 2016,**
3404 **this section shall read as follows:]**

3405 75-76-129. On or before the last day of each month, all
3406 taxes, fees, interest, penalties, damages, fines or other monies
3407 collected by the Department of Revenue during that month under the
3408 provisions of this chapter, with the exception of (a) the local
3409 government fees imposed under Section 75-76-195, (b) an amount
3410 equal to Three Million Dollars (\$3,000,000.00) shall be paid by
3411 the Department of Revenue to the State Treasurer to be deposited
3412 in the State General Fund. The local government fees shall be
3413 distributed by the Department of Revenue pursuant to Section
3414 75-76-197. An amount equal to Two Million Three Hundred
3415 Seventy-five Thousand Dollars (\$2,375,000.00) of the revenue
3416 collected during that month pursuant to the fee imposed under



3417 Section 75-76-177(1)(c) shall be deposited by the Department of
3418 Revenue into the bond sinking fund created in Section 1(3) of
3419 Chapter 479, Laws of 2015. An amount equal to Five Hundred
3420 Thousand Dollars (\$500,000.00) of the revenue collected during
3421 that month pursuant to the fee imposed under Section
3422 75-76-177(1)(c) shall be deposited by the Department of Revenue
3423 into the 2015-2016 City of Gulfport Aquarium Construction Fund
3424 created in Section 2 of Chapter 479, Laws of 2015. An amount
3425 equal to Forty-one Thousand Six Hundred Sixty-three Dollars
3426 (\$41,663.00) of the revenue collected during that month pursuant
3427 to the fee imposed under Section 75-76-177(1)(c) shall be
3428 deposited by the Department of Revenue into the 2015 Vicksburg
3429 Interpretive Center, Catfish Row Museum Construction Fund created
3430 in Section 3 of Chapter 479, Laws of 2015. An amount equal to
3431 Eighty-three Thousand Three Hundred Thirty-four Dollars
3432 (\$83,334.00) of the revenue collected during that month pursuant
3433 to the fee imposed under Section 75-76-177(1)(c) shall be
3434 deposited by the Department of Revenue into the 2015 E.E. Bass
3435 Cultural Arts Center Fund created in Section 4 of Chapter 479,
3436 Laws of 2015.

3437 **[From and after January 1, 2017, through December 31, 2017,**
3438 **this section shall read as follows:]**

3439 75-76-129. On or before the last day of each month all
3440 taxes, fees, interest, penalties, damages, fines or other monies
3441 collected by the Department of Revenue during that month under the



3442 provisions of this chapter, with the exception of (a) the local
3443 government fees imposed under Section 75-76-195, and (b) an amount
3444 equal to Three Million Dollars (\$3,000,000.00) of the revenue
3445 collected pursuant to the fee imposed under Section
3446 75-76-177(1)(c) shall be paid by the Department of Revenue to the
3447 State Treasurer to be deposited in the State General Fund. The
3448 local government fees shall be distributed by the Department of
3449 Revenue pursuant to Section 75-76-197. An amount equal to Two
3450 Million Five Hundred Thousand Dollars (\$2,500,000.00) of the
3451 revenue collected during that month pursuant to the fee imposed
3452 under Section 75-76-177(1)(c) shall be deposited by the Department
3453 of Revenue into the bond sinking fund created in Section 1(3) of
3454 Chapter 479, Laws of 2015. An amount equal to Five Hundred
3455 Thousand Dollars (\$500,000.00) of the revenue collected during
3456 that month pursuant to the fee imposed under Section
3457 75-76-177(1)(c) shall be deposited by the Department of Revenue
3458 into the 2015-2016 City of Gulfport Aquarium Construction Fund
3459 created in Section 2 of Chapter 479, Laws of 2015 shall be
3460 distributed by the Department of Revenue pursuant to Section
3461 75-76-197.

3462 **[From and after January 1, 2018, this section shall read as**
3463 **follows:]**

3464 75-76-129. On or before the last day of each month all
3465 taxes, fees, interest, penalties, damages, fines or other monies
3466 collected by the Department of Revenue during that month under the



3467 provisions of this chapter, with the exception of (a) the local
3468 government fees imposed under Section 75-76-195, and (b) an amount
3469 equal to Three Million Dollars (\$3,000,000.00) of the revenue
3470 collected pursuant to the fee imposed under Section
3471 75-76-177(1)(c) shall be paid by the Department of Revenue to the
3472 State Treasurer to be deposited in the State General Fund. The
3473 local government fees shall be distributed by the Department of
3474 Revenue pursuant to Section 75-76-197. An amount equal to Three
3475 Million Dollars (\$3,000,000.00) of the revenue collected during
3476 that month pursuant to the fee imposed under Section
3477 75-76-177(1)(c) shall be deposited by the Department of Revenue
3478 into the bond sinking fund created in Section 1(3) of Chapter 479,
3479 Laws of 2015.

3480 **SECTION 27.** Section 1, Chapter 479, Laws of 2015, is brought
3481 forward as follows:

3482 Section 1. (1) As used in this section, the following words
3483 shall have the meanings ascribed herein unless the context clearly
3484 requires otherwise:

3485 (a) "Accreted value" of any bond means, as of any date
3486 of computation, an amount equal to the sum of (i) the stated
3487 initial value of such bond, plus (ii) the interest accrued thereon
3488 from the issue date to the date of computation at the rate,
3489 compounded semiannually, that is necessary to produce the
3490 approximate yield to maturity shown for bonds of the same
3491 maturity.



3492 (b) "State" means the State of Mississippi.

3493 (c) "Commission" means the State Bond Commission.

3494 (2) (a) (i) A special fund, to be designated the "2015
3495 Mississippi Deficient Bridge and State Aid Road Supplemental Fund"
3496 is created within the State Treasury. The fund shall be
3497 maintained by the State Treasurer as a separate and special fund,
3498 separate and apart from the General Fund of the state. Unexpended
3499 amounts remaining in the fund at the end of a fiscal year shall
3500 not lapse into the State General Fund, and any interest earned or
3501 investment earnings on amounts in the fund shall be deposited into
3502 such fund.

3503 (ii) Monies deposited into the fund shall be
3504 disbursed as follows:

3505 1. Eighteen Million Dollars (\$18,000,000.00)
3506 shall be utilized by the Department of Transportation to construct
3507 a bridge extending the I-20 South Frontage Road, running parallel
3508 to Old Highway 27, over the railroad in Vicksburg, Mississippi.

3509 2. Twenty Million Dollars (\$20,000,000.00)
3510 shall be deposited into the State Aid Road Fund.

3511 3. The remainder shall be utilized, in the
3512 discretion of the Mississippi Transportation Commission, to pay
3513 the costs of repair, rehabilitation, replacement, construction
3514 and/or reconstruction of the bridges on state maintained highways
3515 that are on a list of deficient bridges compiled by the
3516 Mississippi Department of Transportation as of July 1, 2015.



3517 Bridges on the list will be determined based on National Bridge
3518 Inspection Standards set by the Federal Highway Administration.
3519 In expending the funds authorized in this item 3, the Mississippi
3520 Transportation Commission should give preference to bridges within
3521 and approaching those counties in this state where legal gaming is
3522 being conducted or is authorized.

3523 (b) Amounts deposited into such special fund shall be
3524 disbursed to pay the costs of the projects described in paragraph
3525 (a) of this subsection. Promptly after the commission has
3526 certified, by resolution duly adopted, that the projects described
3527 in paragraph (a) of this subsection shall have been completed,
3528 abandoned, or cannot be completed in a timely fashion, any amounts
3529 remaining in such special fund shall be applied to pay debt
3530 service on the bonds issued under this section, in accordance with
3531 the proceedings authorizing the issuance of such bonds and as
3532 directed by the commission.

3533 (c) The Mississippi Transportation Commission is
3534 expressly authorized and empowered to receive and expend any local
3535 or other source funds in connection with the expenditure of funds
3536 provided for in this subsection. The expenditure of monies
3537 deposited into the special fund shall be under the direction of
3538 the Mississippi Transportation Commission, and such funds shall be
3539 paid by the State Treasurer upon warrants issued by the Department
3540 of Finance and Administration, which warrants shall be issued upon



3541 requisitions signed by the Executive Director of the Mississippi
3542 Department of Transportation, or his designee.

3543 (3) For the purpose of providing for the payment of the
3544 principal of and interest upon bonds issued under this section,
3545 there is created a special bond sinking fund in the State
3546 Treasury. The special bond sinking fund shall consist of the
3547 monies deposited into the fund under Section 75-76-129,
3548 Mississippi Code of 1972, and such other amounts as may be paid
3549 into such fund by appropriation or other authorization by the
3550 Legislature. Except as otherwise provided in this section, monies
3551 in the special bond sinking fund shall be used to pay the debt
3552 service requirements of the bonds issued under this section. If
3553 the special bond sinking fund has a balance in excess of the
3554 amount needed to pay the next maximum annual debt service
3555 requirement of the bonds issued under this section, the excess
3556 monies may be transferred into the Gaming Counties State Assisted
3557 Infrastructure Fund created in Section 65-39-17, Mississippi Code
3558 of 1972. Unexpended amounts remaining in the special bond sinking
3559 fund at the end of a fiscal year shall not lapse into the State
3560 General Fund, and any interest earned or investment earnings on
3561 amounts in the special bond sinking fund shall be deposited into
3562 such sinking fund.

3563 (4) (a) The commission, at one time, or from time to time,
3564 may declare by resolution the necessity for issuance of revenue
3565 bonds of the State of Mississippi to provide funds for all costs



3566 incurred or to be incurred for the purposes described in
3567 subsection (2) of this section. Upon the adoption of a resolution
3568 by the Mississippi Transportation Commission, declaring the
3569 necessity for the issuance of any part or all of the revenue bonds
3570 authorized by this subsection, the Mississippi Transportation
3571 Commission shall deliver a certified copy of its resolution or
3572 resolutions to the commission. Upon receipt of such resolution,
3573 the commission, in its discretion, may act as the issuing agent,
3574 prescribe the form of the bonds, determine the appropriate method
3575 for sale of the bonds, advertise for and accept bids or negotiate
3576 the sale of the bonds, issue and sell the bonds so authorized to
3577 be sold, and do any and all other things necessary and advisable
3578 in connection with the issuance and sale of such bonds. The total
3579 amount of bonds issued under this section shall not exceed Two
3580 Hundred Million Dollars (\$200,000,000.00).

3581 (b) Any investment earnings on amounts deposited into
3582 the special fund created in subsection (2) of this section shall
3583 be used to pay debt service on bonds issued under this section, in
3584 accordance with the proceedings authorizing issuance of such
3585 bonds.

3586 (5) The principal of and interest on the bonds authorized
3587 under this section shall be payable in the manner provided in this
3588 subsection. Such bonds shall bear such date or dates, be in such
3589 denomination or denominations, bear interest at such rate or rates
3590 (not to exceed the limits set forth in Section 75-17-101,



3591 Mississippi Code of 1972), be payable at such place or places
3592 within or without the State of Mississippi, shall mature
3593 absolutely at such time or times not to exceed twenty (20) years
3594 from date of issue, be redeemable before maturity at such time or
3595 times and upon such terms, with or without premium, shall bear
3596 such registration privileges, and shall be substantially in such
3597 form, all as shall be determined by resolution of the commission.

3598 (6) The bonds authorized by this section shall be signed by
3599 the chairman of the commission, or by his facsimile signature, and
3600 the official seal of the commission shall be affixed thereto,
3601 attested by the secretary of the commission. The interest
3602 coupons, if any, to be attached to such bonds may be executed by
3603 the facsimile signatures of such officers. Whenever any such
3604 bonds shall have been signed by the officials designated to sign
3605 the bonds who were in office at the time of such signing but who
3606 may have ceased to be such officers before the sale and delivery
3607 of such bonds, or who may not have been in office on the date such
3608 bonds may bear, the signatures of such officers upon such bonds
3609 and coupons shall nevertheless be valid and sufficient for all
3610 purposes and have the same effect as if the person so officially
3611 signing such bonds had remained in office until their delivery to
3612 the purchaser, or had been in office on the date such bonds may
3613 bear. However, notwithstanding anything herein to the contrary,
3614 such bonds may be issued as provided in the Registered Bond Act of
3615 the State of Mississippi.



3616 (7) All bonds and interest coupons issued under the
3617 provisions of this section have all the qualities and incidents of
3618 negotiable instruments under the provisions of the Uniform
3619 Commercial Code, and in exercising the powers granted by this
3620 section, the commission shall not be required to and need not
3621 comply with the provisions of the Uniform Commercial Code.

3622 (8) The commission shall act as issuing agent for the bonds
3623 authorized under this section, prescribe the form of the bonds,
3624 determine the appropriate method for sale of the bonds, advertise
3625 for and accept bids or negotiate the sale of the bonds, issue and
3626 sell the bonds so authorized to be sold, pay all fees and costs
3627 incurred in such issuance and sale, and do any and all other
3628 things necessary and advisable in connection with the issuance and
3629 sale of such bonds. The commission is authorized and empowered to
3630 pay the costs that are incident to the sale, issuance and delivery
3631 of the bonds authorized under this section from the proceeds
3632 derived from the sale of such bonds. The commission may sell such
3633 bonds on sealed bids at public sale or may negotiate the sale of
3634 the bonds for such price as it may determine to be for the best
3635 interest of the State of Mississippi. All interest accruing on
3636 such bonds so issued shall be payable semiannually or annually.

3637 If such bonds are sold by sealed bids at public sale, notice
3638 of the sale shall be published at least one time, not less than
3639 ten (10) days before the date of sale, and shall be so published
3640 in one or more newspapers published or having a general



3641 circulation in the City of Jackson, Mississippi, selected by the
3642 commission.

3643 The commission, when issuing any bonds under the authority of
3644 this section, may provide that bonds, at the option of the State
3645 of Mississippi, may be called in for payment and redemption at the
3646 call price named therein and accrued interest on such date or
3647 dates named therein.

3648 (9) The bonds issued under the provisions of this section
3649 shall be revenue bonds of the state, the principal of and interest
3650 on which shall be payable solely from and shall be secured by the
3651 special bond sinking fund created in subsection (3) of this
3652 section. The bonds shall never constitute an indebtedness of the
3653 state within the meaning of any state constitutional provision or
3654 statutory limitation, and shall never constitute or give rise to a
3655 pecuniary liability of the state, or a charge against its general
3656 credit or taxing powers, and such fact shall be plainly stated on
3657 the face of each such bond. The bonds shall not be considered
3658 when computing any limitation of indebtedness of the state. All
3659 bonds issued under the authority of this section and all interest
3660 coupons applicable thereto shall be construed to be negotiable
3661 instruments, despite the fact that they are payable solely from a
3662 specified source.

3663 (10) Upon the issuance and sale of bonds under the
3664 provisions of this section, the commission shall transfer the
3665 proceeds of any such sale or sales to the special fund created in



3666 subsection (2) of this section. The proceeds of such bonds shall
3667 be disbursed solely upon the order of the Mississippi
3668 Transportation Commission under such restrictions, if any, as may
3669 be contained in the resolution providing for the issuance of the
3670 bonds.

3671 (11) The bonds authorized under this section may be issued
3672 without any other proceedings or the happening of any other
3673 conditions or things other than those proceedings, conditions and
3674 things which are specified or required by this section. Any
3675 resolution providing for the issuance of bonds under the
3676 provisions of this section shall become effective immediately upon
3677 its adoption by the commission, and any such resolution may be
3678 adopted at any regular or special meeting of the commission by a
3679 majority of its members.

3680 (12) The bonds authorized under the authority of this
3681 section may be validated in the Chancery Court of the First
3682 Judicial District of Hinds County, Mississippi, in the manner and
3683 with the force and effect provided by Chapter 13, Title 31,
3684 Mississippi Code of 1972, for the validation of county, municipal,
3685 school district and other bonds. The notice to taxpayers required
3686 by such statutes shall be published in a newspaper published or
3687 having a general circulation in the City of Jackson, Mississippi.

3688 (13) Any holder of bonds issued under the provisions of this
3689 section or of any of the interest coupons pertaining thereto may,
3690 either at law or in equity, by suit, action, mandamus or other



3691 proceeding, protect and enforce any and all rights granted under
3692 this section, or under such resolution, and may enforce and compel
3693 performance of all duties required by this section to be
3694 performed, in order to provide for the payment of bonds and
3695 interest thereon.

3696 (14) All bonds issued under the provisions of this section
3697 shall be legal investments for trustees and other fiduciaries, and
3698 for savings banks, trust companies and insurance companies
3699 organized under the laws of the State of Mississippi, and such
3700 bonds shall be legal securities which may be deposited with and
3701 shall be received by all public officers and bodies of this state
3702 and all municipalities and political subdivisions for the purpose
3703 of securing the deposit of public funds.

3704 (15) Bonds issued under the provisions of this section and
3705 income therefrom shall be exempt from all taxation in the State of
3706 Mississippi.

3707 (16) The proceeds of the bonds issued under this section
3708 shall be used solely for the purposes herein provided, including
3709 the costs incident to the issuance and sale of such bonds.

3710 (17) The State Treasurer is authorized, without further
3711 process of law, to certify to the Department of Finance and
3712 Administration the necessity for warrants, and the Department of
3713 Finance and Administration is authorized and directed to issue
3714 such warrants, in such amounts as may be necessary to pay when due
3715 the principal of, premium, if any, and interest on, or the



3716 accreted value of, all bonds issued under this section; and the
3717 State Treasurer shall forward the necessary amount to the
3718 designated place or places of payment of such bonds in ample time
3719 to discharge such bonds, or the interest thereon, on the due dates
3720 thereof.

3721 (18) This section shall be deemed to be full and complete
3722 authority for the exercise of the powers herein granted, but this
3723 section shall not be deemed to repeal or to be in derogation of
3724 any existing law of this state.

3725 **SECTION 28.** This act shall take effect and be in force from
3726 and after July 1, 2016, and shall be repealed from and after June
3727 30, 2016.

