

By: Woods, Gadd, Grist, McBride

To: Interstate
Cooperation; Ways and
Means

HOUSE BILL NO. 1100
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 57-36-1, MISSISSIPPI CODE OF 1972, TO
2 MAKE CERTAIN TECHNICAL REVISIONS TO THE CHICKASAW TRAIL ECONOMIC
3 DEVELOPMENT COMPACT; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 57-36-1, Mississippi Code of 1972, is
6 amended as follows:

7 57-36-1. The Governor, on behalf of this state, is hereby
8 authorized to execute a compact, in substantially the following
9 form, with the State of Tennessee; and the Legislature hereby
10 signifies in advance its approval and ratification of such
11 compact, which compact is as follows:

12 **CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT**

13 **Article I.** The purpose of this compact is to promote the
14 development of an undeveloped rural area of Marshall County,
15 Mississippi, and Fayette County, Tennessee (hereinafter referred
16 to as "Chickasaw Trail Economic Development Area"), and to create
17 a development authority which incorporates public and private
18 partnerships to facilitate the economic growth of such areas by
19 providing developed sites for the location and construction of
20 manufacturing plants, distribution facilities, research
21 facilities, regional and national offices with supportive services
22 and facilities, and to establish a joint interstate authority to
23 assist in these efforts.

24 **Article II.** This compact shall become effective immediately
25 whenever the states of Tennessee and Mississippi have ratified it
26 and Congress has given consent thereto.

27 **Article III.** The states which are parties to this compact
28 (hereinafter referred to as "party states") do hereby establish
29 and create a joint agency which shall be known as the Chickasaw
30 Trail Economic Development Authority (hereinafter referred to as
31 the "authority"). It shall be the duty of the authority in
32 general to promote, encourage and coordinate the efforts of the
33 party states to secure the development of the Chickasaw Trail
34 Economic Development Area. Toward this end, the authority shall
35 have power to hold hearings; to conduct studies and surveys of all
36 problems, benefits and any other matter associated with the
37 development of the Chickasaw Trail Economic Development Area, and
38 to make reports thereon; to acquire, by gift or otherwise, and
39 hold and dispose of such money and property as may be provided for
40 the proper performance of their function; to cooperate with other
41 public or private groups, whether local, state, regional or
42 national, having an interest in economic development; to formulate
43 and execute plans and policies for emphasizing the purpose of this
44 compact before the Congress of the United States and other
45 appropriate officers and agencies of the United States and of the
46 states of Mississippi and Tennessee; and to exercise such other
47 powers as may be appropriate to enable it to accomplish its
48 functions and duties in connection with the development of the
49 Chickasaw Trail Economic Development Area and to carry out the
50 purposes of this compact.

51 **Article IV. Definitions.** Whenever used in this chapter, the
52 following words and terms shall have the following respective
53 meanings unless a different meaning clearly appears from the
54 context:

55 (a) "Board" means the board of directors of the
56 authority.

57 (b) "Bonds" means either revenue bonds, bond
58 anticipation notes, or other types of debt instruments issued by
59 the compact unless the reference to bonds clearly indicates which

60 type of bonds are being referred to, such as "revenue bonds,"
61 "general obligation bonds," "bond anticipation notes" or other
62 specific forms of debt instruments.

63 (c) "Compact authority" means the Chickasaw Trail
64 Economic Development Authority, an entity created jointly by the
65 State Legislatures of Mississippi and Tennessee under the
66 constitutions of the respective states and approved by the United
67 States Congress, which may be referred to as the "authority."

68 (d) "Compact area" means all that land area actually
69 owned or controlled by the authority by deed, lease, option, right
70 of first refusal, or other legal or accepted instrument of land
71 exchange.

72 (e) "Compact study area" means that area described as
73 follows:

74 The general area for the Chickasaw Trail Economic Development
75 Compact consists of approximately eight thousand (8,000)
76 acres, located on both sides of the Tennessee/Mississippi
77 state line at the point where Shelby County and Fayette
78 County adjoin Marshall County, Mississippi. The project
79 boundaries are Highway 72 on the north, Quinn Road on the
80 west, the proposed extension of Goodman Road on the south,
81 and Redbanks Road on the east. Approximately one thousand
82 one hundred (1,100) acres of the study area are in southeast
83 Shelby County; six hundred (600) acres are in southwest
84 Fayette County; and the balance of six thousand three hundred
85 (6,300) acres is in north Marshall County.

86 (f) "Cost of project" means all costs of site
87 preparation and other start-up costs; all costs of construction;
88 all costs of real and personal property acquired for the purposes
89 of the project and facilities related thereto, including land and
90 any rights or undivided interest therein, easements, franchises,
91 fees, permits, approvals, licenses, and certificates and the
92 securing of such permits, approvals, licenses and certificates;

93 all machinery and equipment, including any cost associated with
94 financing charges and interest before and during construction and
95 during such additional period as the compact authority reasonably
96 may determine to be necessary for the placing of the project in
97 operation; costs of engineering, geotechnical, architectural and
98 legal services; costs of plans, testing, development and
99 specifications and all expenses necessary or incident to
100 determining the feasibility or practicability of the project;
101 administrative expenses; and all expenses as may be necessary or
102 incidental to the financing. The costs of any project also may
103 include funds for the creation of a debt service reserve, a
104 renewal and replacement reserve, and such other reserves as may be
105 reasonably required by a specific bond issue for the operation of
106 its projects and as may be authorized by bond resolution or trust
107 agreement or indenture under the provisions of which the issuance
108 of any such bonds may be authorized. Any obligation or expense
109 incurred for any of the foregoing purposes shall be regarded as a
110 part of the project and may be paid or reimbursed out of the
111 proceeds of user fees, of revenue bonds or notes issued for such
112 project, or from other revenues obtained by the compact authority.

113 (g) "County" means Marshall County, Mississippi, or
114 Fayette County, Tennessee.

115 (h) "Enterprise" means any for profit or nonprofit
116 venture, business, service provided, industrial facility or
117 utility located within the compact area under any agreement or
118 contract with the authority.

119 (i) "Facilities" mean any plant, structure, building,
120 improvement, land or any other real or personal property of the
121 compact or authority or used or useful in a project under this
122 chapter.

123 (j) "Governing body" means the elected or duly
124 appointed officials constituting the governing body of a
125 municipality or county.

126 (k) "Municipality" means any incorporated city or town
127 within a county.

128 (l) "Person" means any natural person, corporation,
129 association, partnership, receiver, trustee, guardian, executor,
130 administrator, fiduciary, governmental unit, public agency,
131 political subdivision or any other group acting as a unit, and the
132 plural as well as the singular.

133 (m) "Project" means any industrial, commercial,
134 research and development, warehousing, distribution,
135 transportation, processing, United States or state government or
136 tourism enterprise, facility or service, together with all real
137 property required for construction, maintenance and operation of
138 the enterprise together with all buildings, and other supporting
139 land and facilities, structures or improvements of whatever kind
140 required or useful for construction, maintenance and operation of
141 the enterprise, or any addition to or expansion of an existing
142 enterprise.

143 (n) "Property owner group" means those property owners
144 who have sold, leased or allowed the use of their land or
145 otherwise entered into an agreement for the development of the
146 project or facilities thereof as a part of the compact area.

147 (o) "Public agency" means:

148 (i) Any department, board, commission, institution
149 or other agency or instrumentality of the state;

150 (ii) Any city, town, county, political
151 subdivision, school district or other district created or existing
152 under the laws of the state or any public agency of any such city,
153 town, county, political subdivision or district; and

154 (iii) Any department, commission, agency or
155 instrumentality of the United States of America.

156 (p) "Related facility" means any facility related to a
157 project and includes any of the following, as the same may pertain
158 to the project of the authority within the compact area:

159 (i) Facilities to provide utilities, as defined
160 herein;

161 (ii) Airports, airfields and air terminals;

162 (iii) Rail lines;

163 (iv) Highways, streets and other roadways;

164 (v) Conference centers, classrooms and
165 instructional facilities, including any functionally related
166 facilities;

167 (vi) Parks and outdoor recreation facilities;

168 (vii) Auditoriums, pavilions, art centers,
169 cultural centers, office complex and other public facilities; and

170 (viii) Public or private health care facilities.

171 (q) "Revenues" means all rentals, receipts, income and
172 other charges derived or received or to be derived or received by
173 the authority from any of the following: the operation by the
174 authority of a facility or facilities, or a part thereof; the
175 sale, including installment sales or conditional sales, lease,
176 sublease or use or other disposition of any property or facility
177 or portion thereof; the sale, lease or other disposition of
178 recovered resources; contracts, agreements or franchises with
179 respect to a facility or portion thereof, with respect to
180 recovered resources, or with respect to a facility or portion
181 thereof and recovered resources, including but not limited to
182 charges with respect to the management of any project received
183 with respect to a facility, income received as a result of the
184 sale or other disposition of recovered resources, services or
185 utilities; any gift or grant received with respect thereto;
186 proceeds of bonds to the extent of use thereof for payment of
187 principal of premium, if any, or interest on the bonds as
188 authorized by the authority; proceeds from any insurance,
189 condemnation or guaranty pertaining to a facility or property
190 mortgaged to secure bonds or pertaining to the financing of a
191 facility; income and profit from the investment of the proceeds of

192 bonds or of any revenues and the proceeds of any special tax to
193 which it may be entitled.

194 (r) "State" means the State of Mississippi or the State
195 of Tennessee.

196 (s) "Unit of local government" means a county or
197 municipality within a county of the State of Mississippi or the
198 State of Tennessee.

199 (t) Except as used in Article XXXI herein, "utility" or
200 "utilities" means potable and industrial water supply systems and
201 sewage and water disposal systems.

202 **Article V. Composition of the authority.** (1) All powers of
203 the compact shall be vested in a board of directors which will
204 exercise all powers delegated to the authority under the laws of
205 Mississippi and Tennessee.

206 The membership of the board of the authority shall consist of
207 an appointee of the Governor of each party state, each state's
208 chief economic development official or his representative, an
209 appointee of each of the member counties' governing body selected
210 from nominees proposed by the respective county's industrial
211 development board, and an appointee who shall serve for a
212 three-year term and who shall be appointed by the Governor of each
213 party state on a rotating basis with the initial appointment being
214 made by the Governor of Tennessee. With the exception of the
215 gubernatorial appointment made on a rotating basis, each
216 appointment shall be for a four-year term and for such period
217 thereafter until a successor shall be duly appointed and
218 qualified. However, with respect to the Fayette County,
219 Tennessee, appointee, if the City of Piperton annexes a majority
220 of the compact study area in Fayette County, the Mayor of Piperton
221 shall nominate the appointee, and the city commission shall
222 confirm the nomination of such appointee.

223 Each member of the board shall be eligible for reappointment.

224 All vacancies shall be filled by appointment in the same manner,

225 except that any person appointed to fill a vacancy shall serve
226 only for the unexpired term. Any director may be removed at any
227 time before the expiration of the member's term of office for
228 misfeasance, malfeasance or willful neglect of duty, as determined
229 by the appointing political subdivision or a majority of the
230 board. Before assuming office, each director shall take and
231 subscribe to the constitutional oath of office before a chancery
232 clerk in Mississippi or the corresponding appropriate official in
233 Tennessee, and a record of such oath shall be filed with the
234 Secretary of State in Mississippi and in Tennessee. The board
235 annually shall select a chairman and vice chairman.

236 (2) The board may employ such personnel and appoint and
237 prescribe the duties of such officers as the board deems necessary
238 or advisable, including a general manager and a secretary of the
239 compact. The general manager also may serve as secretary and
240 shall be a person of good moral character and of proven ability as
241 an administrator with a minimum of five (5) years experience in
242 management and economic development or comparable experience. The
243 general manager shall administer, manage and direct the affairs
244 and business of the authority, subject to the policies, control
245 and direction of the board. The general manager and any director
246 not bonded in another capacity shall give bond executed by a
247 surety company or companies authorized to do business in the
248 respective states in the penal sum of Fifty Thousand Dollars
249 (\$50,000.00) payable to the authority, conditioned upon the
250 faithful performance of his duties and the proper accounting for
251 all funds. The board may require any of its employees to be
252 bonded. The cost of any bond required by this section or by the
253 board shall be paid from funds of the authority. The secretary
254 shall keep a record of the proceedings of the authority and shall
255 be custodian of all books, documents and papers filed with the
256 authority, the minute book or journal, and the official seal. The
257 secretary may make copies of all minutes and other records and

258 documents of the compact and certify under the seal of the
259 authority that such copies are true and accurate copies, and all
260 persons dealing with the compact authority may rely upon such
261 certification.

262 (3) Regular meetings of the board shall be held as set forth
263 in its bylaws, rules or regulations. Additional meetings of the
264 board shall be held at the call of the chairman or general manager
265 whenever any three (3) members of the board so request in writing.

266 Members of the property owner group shall be notified of the
267 meetings of the board in the same manner as board members are
268 notified.

269 (4) Members of the board shall not receive any compensation,
270 but may receive reimbursement for actual and necessary expenses
271 incurred or per diem in lieu thereof.

272 (5) The board shall prepare a budget for the authority for
273 each fiscal year at least sixty (60) days before the beginning of
274 each fiscal year, which shall be from July 1 to June 30 of each
275 year.

276 **Article VI. General powers and duties of compact**

277 **authority.** From and after the creation of the compact, the
278 authority shall be a public corporation, body politic with all the
279 rights and powers now or hereafter conferred as may be deemed
280 necessary to carry out the purposes of this chapter including the
281 following:

282 (a) To maintain an office at a place or places within
283 either state.

284 (b) To sue and be sued in its own name.

285 (c) To adopt and use a corporate seal.

286 (d) To employ or contract with architects, engineers,
287 attorneys, accountants, construction and financial experts and
288 such other advisors, consultants and agents as may be necessary in
289 its judgement and to fix and pay their compensation.

290 (e) To make, adopt, enforce, amend and repeal bylaws

291 and rules and regulations for the management of its business and
292 affairs for the use, maintenance and operation of the compact, any
293 of the project facilities and any other of its properties.

294 (f) To borrow money and to issue bonds, notes and other
295 evidence of indebtedness, without the authority to levy ad valorem
296 taxes, for any of its purposes and to provide for and secure the
297 payment thereof and to provide for the rights of the holders
298 thereof.

299 (g) To invest any monies of the authority, including
300 proceeds from the sale of any bonds subject to any agreements with
301 bondholders, on such terms and in such manner as the compact deems
302 proper.

303 (h) To exercise any one or more of the powers, rights
304 and privileges under this chapter, either alone or jointly or in
305 common with one or more other public or private parties. In any
306 such exercise of such powers, rights and privileges jointly or in
307 common with others for the development, construction, operation
308 and maintenance of facilities within the compact area, the
309 authority may own an undivided interest in such facilities with
310 any other party, public or private, with which it may jointly or
311 in common exercise the rights and privileges conferred by this
312 chapter and may enter into an agreement or agreements with respect
313 to any such facility with the other party or parties, public or
314 private, participating therein including development agreements,
315 joint ventures and real estate investment trusts. An agreement
316 may contain such terms, conditions and provisions, consistent with
317 this paragraph, as the parties thereto shall deem to be in their
318 best interest, including, but not limited to, provisions for the
319 construction, operation and maintenance of such facility by any
320 one or more parties to such agreement. The party or parties may
321 be designated in or under such agreement as agent or agents on
322 behalf of itself and one or more of the other parties thereto, or
323 by such other means as may be determined by the parties thereto,

324 and including provisions for a method or methods of determining
325 and allocating, among or between the parties, costs of
326 construction, operation, maintenance, renewals, replacements and
327 improvements related to such facility. In carrying out its
328 functions and activities as the agent with respect to
329 construction, operation and maintenance of such a facility, the
330 agent shall be governed by the laws and regulations applicable to
331 the agent as a separate legal entity and not by any laws or
332 regulations which may be applicable to any of the other
333 participating parties. The agent shall act for the benefit of the
334 public. Under any such agreement, the authority may delegate its
335 powers and duties related to the construction, operation and
336 maintenance of such facility to the party acting as agent and all
337 actions taken by such agent in accordance with the agreement may
338 be binding upon the authority without further action or approval
339 of the board.

340 (i) To make such applications and enter into such
341 contracts for financial assistance as may be appropriate under
342 applicable federal or state law.

343 (j) To apply for, accept and utilize grants, gifts,
344 donations and other funds or aid from any source for any purpose
345 contemplated by this chapter, and to comply, subject to the
346 provisions of this chapter, with the terms and conditions thereof.

347 (k) To acquire by purchase, lease, gift, investment,
348 trade, exchange or in other manner, including eminent domain as
349 may be authorized under this chapter, or obtain options to
350 acquire, and to own, maintain, use, operate and convey any and all
351 property of any kind, real, personal or mixed or easement therein
352 or any interest or estate therein, within the compact area,
353 necessary for the project or any facility related to the project.

354 (l) To make or cause to be made such examinations and
355 surveys as may be necessary to the planning, design, construction
356 and operation of the project.

357 (m) To enter into a development agreement with any
358 public agency, private firm or person for the development of the
359 compact area, compact property, or any portion thereof upon such
360 terms as the parties might agree to carry out the purposes of this
361 chapter.

362 (n) To negotiate, with the proper governmental agency
363 or regulated utility or transportation provider, any necessary
364 relocation or rerouting of roads and highways, railroad, telephone
365 and telegraph lines and properties, electric power lines,
366 pipelines and related facilities, or to require the anchoring or
367 other protection of any of these, provided due compensation is
368 paid to the owners thereof or an agreement is made with such
369 owners regarding the payment of the cost of such relocation.

370 (o) To enter into joint agreements, development
371 agreements or other agreements with any person or participant in a
372 joint venture with any private firm, person or public agency to
373 form and participate in real estate investment trusts and limited
374 liability partnerships, joint ventures, joint ownerships and
375 agreements for the construction and operation of any project of
376 the authority with the compact area.

377 (p) To construct, extend, improve, maintain and
378 reconstruct, to cause to be constructed, extended, improved,
379 maintained and reconstructed, and to use and operate any and all
380 components of the project or any facility related to a project,
381 subject to the concurrence and approval of the affected public
382 agency, within the compact area, necessary to the project and to
383 the exercise of such powers, rights and privileges granted the
384 authority.

385 (q) To incur or defray any designated portion of the
386 cost of any component of the project or any facility related to
387 the project acquired or constructed by any public agency.

388 (r) To lease, sell, mortgage, pledge, trade, exchange
389 or otherwise convey any or all property acquired by the authority

390 under the provisions of this chapter to the enterprise, its
391 successors or assigns, and in connection therewith to pay the
392 costs of title search, perfection of title, title insurance and
393 recording fees as may be required. The authority may provide in
394 the instrument conveying such property a provision that the
395 property shall revert to the authority if, as and when the
396 property is declared by the enterprise to be no longer needed.

397 (s) To enter into an agreement with the counties and
398 units of local government adjoining the compact area to promote,
399 develop, contract or operate projects which will contribute to the
400 economic development of the area.

401 (t) To enter into contracts with any private firm,
402 person or public agency including, but not limited to, in
403 furtherance of any of the purposes authorized by this chapter upon
404 such consideration as the authority and such person or public
405 agency may agree. Any such contract may extend over any period of
406 time, notwithstanding any rule of law to the contrary, may be upon
407 such terms as the parties thereto shall agree, and may provide
408 that it shall continue in effect until bonds specified therein,
409 refunding bonds issued in lieu of such bonds, and all other
410 obligations specified therein are paid or terminated. Any such
411 contract shall be binding upon the parties thereto according to
412 its terms. Such contracts may include an agreement to reimburse
413 the enterprise, its successors and assigns for any assistance
414 provided by the enterprise in the acquisition of real property for
415 the project or any facility related to the project.

416 (u) To establish and maintain reasonable rates and
417 charges for the use of any facility within the compact area owned
418 or operated by or under the authority, or services provided by the
419 authority and from time to time to adjust such rates and to impose
420 penalties for failure to pay such rates and charges when due.

421 (v) To adopt and enforce exclusively all necessary and
422 reasonable rules and regulations to carry out and effectuate the

423 implementation of this chapter, the purpose of the authority and
424 any project and any land use plan classification adopted for the
425 compact area, including but not limited to, rules, regulations,
426 zoning and restrictions concerning mining, construction,
427 excavation or any other activity the occurrence of which may
428 endanger the structure or operation of the authority or any
429 project. However, the exercise of this power shall not conflict
430 with the provisions of Article VII, subsection (2) of this
431 section.

432 (w) To plan, design, coordinate and implement measures
433 and programs to mitigate impacts on the natural environment caused
434 by a project or any facility related to a project.

435 (x) To develop plans for technology transfer activities
436 to ensure private sector conduits for exchange of information,
437 technology and expertise related to a project to generate
438 opportunities for commercial development within the compact area.

439 (y) To consult with the State Department of Education
440 and other public agencies for the purpose of improving public
441 schools and curricula and training programs within the compact
442 area.

443 (z) To consult with the State Board of Health and other
444 public agencies for the purpose of improving medical centers,
445 hospitals and public health centers in order to provide
446 appropriate health care facilities within the compact area.

447 (aa) To do any and all things necessary or proper for
448 the accomplishment of the objectives of this chapter and to
449 exercise any power usually possessed by private corporations
450 performing similar functions which is not in conflict with the
451 constitutions and laws of the respective states, including the
452 power to employ professional and administrative staff and
453 personnel and to retain legal, engineering, fiscal, accounting and
454 other professional services; the power to purchase all kinds of
455 insurance, including without limitations, insurance against tort

456 liability and against risks of damage to property; and the power
457 to act as self-insurer with respect to any loss or liability.

458 **Article VII. Promulgation of rules and regulations.** (1)

459 The authority may adopt and promulgate all reasonable rules and
460 regulations regarding the operation of the authority, its
461 projects, the compact area, and the specifications and standards
462 relating to the construction, operation and maintenance of any
463 facility.

464 (2) The board shall have * * * jurisdiction for the
465 development of any land use planning or the promulgation of land
466 use restrictions, regulations or zoning ordinance which shall
467 govern all land use within the compact area. Any land use rule,
468 plan, regulation or zoning ordinance adopted by the board
469 affecting land within or adjoining any unit of local government,
470 and within one-third (1/3) mile thereof, shall be consistent with
471 the land use plan of the unit of local government and subject to
472 the approval of the governing body of that unit of local
473 government.

474 **Article VIII. Bonds of authority.** (1) The authority is
475 empowered and authorized, from time to time, to issue bonds in
476 such principal amounts as shall be necessary to provide sufficient
477 funds for achieving any of its corporate purposes, including
478 without limiting the generality of the foregoing, the financing of
479 the acquisition, construction, improvement of facilities or any
480 combination thereof, the payment of interest on bonds of the
481 authority, establishment of reserves to secure such bonds,
482 expenses incident to the issuance of such bonds, including bond
483 insurance and to the implementation of programs or projects, and
484 any other capital expenditures but not operating costs of the
485 authority incident to or necessary or convenient to carry out its
486 corporate purposes and powers.

487 (2) The authority may issue such types of bonds or notes, in
488 its discretion, subject only to any agreement with the holders of

489 particular bonds, including bonds as to which the principal and
490 interest are payable exclusively from all or a portion of the
491 revenues derived from one or more facilities under the contracts
492 entered into by public agencies, and other persons, or any
493 combination of any of the foregoing, or which may be secured by a
494 pledge or any grant, subsidy or contribution from any public
495 agency or other person, or a pledge of an income or revenues,
496 funds or monies of the authority from any source whatsoever,
497 except that the authority may not issue bonds or notes that are
498 secured by ad valorem taxes.

499 (3) Bonds shall be authorized by a resolution or resolutions
500 of the board. Such bonds shall bear such date or dates, mature at
501 such time or times (either serially, term or a combination
502 thereof), bear interest at such rate or rates, be in such
503 denomination or denominations, be in such registered form, carry
504 such conversion or registration privileges, have such rank or
505 priority, be executed in such manner and by such officers, be
506 payable from sources other than ad valorem taxes, in such medium
507 of payment at such place or places within or without the state,
508 provided that one (1) such place shall be within the state, be
509 subject to such terms of redemption before maturity, all as may be
510 provided by resolution or resolutions of the compact.

511 (4) Any bonds of the authority may be sold at such price or
512 prices, at public or private sale, in such manner and at such
513 times as may be determined by the authority to be in the public
514 interest, and the authority may pay all expenses, premiums, fees
515 and commissions which it may deem necessary and advantageous in
516 connection with the issuance and sale thereof.

517 (5) Any pledge of earnings, revenues or other monies made by
518 the authority shall be valid and binding from the time the pledge
519 is made and the earnings, revenues or other monies so pledged and
520 thereafter received by the authority immediately shall be subject
521 to the lien of such pledge without any physical delivery thereof

522 or further act. The lien of any such pledge shall be valid and
523 binding as against all parties having claims of any kind in tort,
524 contract or otherwise against the authority regardless of whether
525 such parties have notice thereof. Neither the resolution nor any
526 other instrument by which a pledge is created need be recorded.

527 (6) Neither the board members nor any person executing the
528 bonds shall be personally liable on the bonds or be subject to any
529 personal liability or accountability by reason of the issuance
530 thereof.

531 (7) Whenever any bonds shall have been signed by the
532 officers of the board designated by resolution of the authority to
533 sign the bonds who were in office at the time of such signing but
534 who may have ceased to be such officers prior to the sale and
535 delivery of such bonds, or who may not have been in office on the
536 date such bonds may bear, the manual or facsimile signatures of
537 such officers upon such bonds and the coupons appertaining
538 thereto, shall nevertheless be valid and sufficient for all
539 purposes and have the same effect as if the person so officially
540 executing such bonds had remained in office until the delivery of
541 the same to the purchaser or had been in office on the date such
542 bonds may bear.

543 (8) The bonds issued by the authority under authority of the
544 compact shall be limited obligations of such compact. The
545 principal, interest and redemption premium, if any, shall be
546 payable solely out of the monies to be derived by the compact.
547 Revenue bonds and interest coupons issued under authority of this
548 chapter shall never constitute an indebtedness of the state or any
549 county or municipality within the meaning of any state
550 constitutional provision or statutory limitation and shall never
551 constitute nor give rise to a pecuniary liability of a county or
552 municipality or the state, or a charge against its general credit
553 or taxing powers, and such fact shall be plainly stated on the
554 face of each bond.

555 **Article IX. Temporary borrowing by authority.** (1) Pending
556 the issuance of revenue bonds by the authority, the board is
557 authorized to make temporary borrowings not to exceed two (2)
558 years in anticipation of the issue of bonds in order to provide
559 funds in such amounts as may, from time to time, be deemed
560 advisable prior to the issue of bonds. To provide for such
561 temporary borrowings, the authority may enter into any purchase,
562 loan or credit agreement, or agreements or other agreement or
563 agreements with any banks or trust companies or other lending
564 institutions, investment banking firms or persons in the United
565 States having power to enter into the same.

566 (2) All temporary borrowings made under this section shall
567 be evidenced by notes of the authority which shall be issued, from
568 time to time, for such amounts, in such form and in such
569 denominations and subject to terms and conditions of sale and
570 issue, prepayment or redemption and maturity, rate or rates of
571 interest and time of payment of interest as the board shall
572 authorize and direct. Such authorization and direction may
573 provide for the subsequent issuance of replacement notes to
574 refund, upon issuance thereof, such notes, and may specify such
575 other terms and conditions with respect to the notes and
576 replacement notes thereby authorized for issuance as the board may
577 determine and direct.

578 **Article X. Refunding bonds.** The authority may issue
579 refunding bonds for the purpose of paying any of its bonds at or
580 prior to maturity or upon acceleration or redemption. Refunding
581 bonds may be issued at such time prior to the maturity or
582 redemption of the refunded bonds as the authority deems to be in
583 the public interest. The refunding bonds may be issued in
584 sufficient amounts to pay or provide the principal of the bonds
585 being refunded, together with any redemption premium thereof, any
586 interest accrued or to accrue to the date of payment of such
587 bonds, the expenses of issue of the refunding bonds, the expenses

588 of redeeming the bonds being refunded, and such reserves for debt
589 service or other capital or current expenses from the proceeds of
590 such refunding bonds as may be required by the resolution, trust
591 indenture or other security instruments.

592 **Article XI. General terms and conditions of bonds**

593 **of compact.** The authority shall have power in the issuance of its
594 bonds to:

595 (a) Covenant as to the use of any or all of its
596 property, real or personal.

597 (b) Redeem the bonds, to covenant for their redemption
598 and to provide the terms and conditions thereof.

599 (c) Covenant to charge rates, fees and charges
600 sufficient to meet operating and maintenance expenses, renewals
601 and replacements, principal and debt service on bonds, creation
602 and maintenance of any reserves required by a bond resolution,
603 trust indenture or other security instrument and to provide for
604 any margins or coverages over and above debt service on the bonds
605 deemed desirable for the marketability of the bonds.

606 (d) Covenant and prescribe as to events of default and
607 terms and conditions upon which any or all of its bonds shall
608 become or may be declared due before maturity, as to the terms and
609 conditions upon which such declaration and its consequences may be
610 waived and as to the consequences of default and the remedies of
611 bondholders.

612 (e) Covenant as to the mortgage or pledge of or the
613 grant of a security interest in any real or personal property and
614 all or any part of the revenues from any facilities or any
615 revenue-producing contract or contracts made by the compact with
616 any person to secure the payment of bonds, subject to such
617 agreements with the holders of bonds as may then exist.

618 (f) Covenant as to the custody, collection, securing,
619 investment and payment of any revenue assets, monies, funds or
620 property with respect to which the compact may have any rights or

621 interest.

622 (g) Covenant as to the purpose to which the proceeds
623 from the sale of any bonds then or thereafter to be issued may be
624 applied, and the pledge of such proceeds to secure the payment of
625 the bonds.

626 (h) Covenant as to the limitations on the issuance of
627 any additional bonds, the terms upon which additional bonds may be
628 issued and secured, and the refunding of outstanding bonds.

629 (i) Covenant as to the rank or priority of any bonds
630 with respect to any lien or security.

631 (j) Covenant as to the procedure by which the terms of
632 any contract with or for the benefit of the holders of bonds may
633 be amended or abrogated, the amount of bonds the holders of which
634 must consent thereto, and the manner in which such consent may be
635 given.

636 (k) Covenant as to the custody of any of its properties
637 or investments, the safekeeping thereof, the insurance to be
638 carried thereon, and the use and disposition of insurance
639 proceeds.

640 (l) Covenant as to the vesting in a trustee or
641 trustees, within or outside the state, of such properties, rights,
642 powers and duties in trust as the authority may determine.

643 (m) Covenant as to the appointing and providing for the
644 duties and obligations of a paying agent or paying agents or other
645 fiduciaries within or outside the state.

646 (n) Make all other covenants and to do any and all such
647 acts and things as may be necessary or convenient or desirable in
648 order to secure its bonds without a pledge of ad valorem taxes, or
649 in the absolute discretion of the authority tend to make the bonds
650 more marketable, notwithstanding that such covenants, acts or
651 things may not be enumerated herein; it being the intention hereof
652 to give the authority power to do all things in the issuance of
653 bonds and in the provisions for security thereof which are not

654 inconsistent with the Constitution of the state.

655 (o) Execute all instruments necessary or convenient in
656 the exercise of the powers herein granted or in the performance of
657 covenants or duties, which may contain such covenants and
658 provisions, as any purchaser of the bonds of the authority may
659 reasonably require.

660 **Article XII. Appointment of trustee or receiver for**
661 **enforcement or protection of rights of bondholders.** The authority
662 may, in any authorizing resolution of the board of directors,
663 trust indenture or other security instrument relating to its
664 bonds, provide for the appointment of a trustee who shall have
665 such powers as are provided therein to represent the bondholders
666 of any issue of bonds in the enforcement or protection of their
667 rights under any such resolution, trust indenture or security
668 instrument. The authority may also provide in such resolution,
669 trust indenture or other security instrument that the trustee, or
670 if the trustee so appointed fails or declines to protect and
671 enforce such bondholders' rights then the percentage of
672 bondholders as shall be set forth in, and subject to the
673 provisions of, such resolution, trust indenture or other security
674 instrument, may petition the court of proper jurisdiction for the
675 appointment of a receiver of the facilities, the revenues of which
676 are pledged to the payment of the principal of and interest on the
677 bonds held by such bondholders. Such receiver may exercise any
678 power as may be granted in any such resolution, trust indenture or
679 security instrument to enter upon and take possession of, acquire,
680 construct or reconstruct, or operate and maintain such facilities,
681 fix, charge, collect, enforce and receive all revenues derived
682 from such facilities, and perform the public duties and carry out
683 the contracts and obligations of the authority in the same manner
684 as the authority itself might do, all under the direction of such
685 a proper court.

686 **Article XIII. Exemption from taxation.** (1) The exercise of

687 the powers granted by this chapter will be in all respects for the
688 benefit of the people of the states for their well-being and
689 prosperity and for the improvement of their social and economic
690 conditions, and neither the compact or authority shall be required
691 to pay any tax or assessment on any property owned by the compact
692 or the authority upon the income therefrom.

693 (2) Any bonds issued by the authority under the compact,
694 their transfer and the income therefrom shall at all times be free
695 from taxation by the state or any unit of local government or
696 other instrumentality of the state, except for inheritance and
697 gift taxes.

698 **Article XIV. Powers of counties, municipalities or other**
699 **political subdivisions and agencies and instrumentalities thereof**
700 **as to assistance and cooperation with the compact.** For the
701 purpose of attaining the objectives of this chapter, any county,
702 municipality or other unit of local government, public
703 corporation, agency or instrumentality of the state, a county or
704 municipality or person may, upon terms and with or without
705 consideration, as it may determine, do any or all of the
706 following:

707 (a) Lend, contribute or donate money to the authority
708 or perform services for the benefit thereof;

709 (b) Donate, sell, convey, transfer, lease, option or
710 grant upon such terms as the parties may agree, without the
711 necessity of authorization at any election of qualified voters,
712 any property of any kind; and

713 (c) Do any and all things, whether or not specifically
714 authorized in this section, not otherwise prohibited by law, that
715 are necessary or convenient to aid and cooperate with any
716 authority in attaining the objectives of this chapter.

717 **Article XV. Contracting for projects.** Contracts for
718 acquisition, purchase, construction or installation of a project
719 shall be effected in the manner prescribed by law for public

720 contracts, except when:

721 (a) The authority finds and records such finding on its
722 minutes, that because of availability or particular nature of a
723 project, it would not be in the public interest or would less
724 effectively achieve the purposes of this chapter to enter into
725 such contracts upon the basis of public bidding pursuant to
726 advertising;

727 (b) The industry concurs in such finding; and

728 (c) Such finding is approved by the board, public
729 bidding pursuant to advertisement may be dispensed with and such
730 contracts may be entered into based upon negotiation; and provided
731 further, that the industry or enterprise locating within the
732 compact area, at its option, may negotiate such contracts in the
733 name of the compact or authority.

734 **Article XVI. Contracts with public agencies.** For the
735 purpose of aiding in the planning, design, undertaking and
736 carrying out of the project or any facility related to the
737 project, any public agency is authorized and empowered upon such
738 terms, with or without consideration, as it may determine:

739 (a) To enter into agreements, which may extend over any
740 period, with the authority respecting action to be taken by such
741 public agency with respect to the acquisition, planning,
742 construction, improvement, operation, maintenance or funding of
743 the project or any such facility, and which agreements may include
744 (i) the appropriation or payment of funds to the compact or
745 authority or to a trustee in amounts which shall be sufficient to
746 enable the authority to defray any designated portion or
747 percentage of the expenses of administering, planning, designing,
748 constructing, acquiring, improving, operating and maintaining the
749 project or any facility related to the project, and (ii) the
750 furnishing of other assistance in connection with the project or
751 facility related to the project;

752 (b) To dedicate, sell, donate, convey or lease any

753 property or interest in property to the authority or grant
754 easements, licenses or other rights or privileges therein to the
755 authority;

756 (c) To incur the expense of any public improvements
757 made or to be made by such public agency in exercising the powers
758 granted in this section;

759 (d) To lend, grant or contribute funds to the
760 authority;

761 (e) To cause public buildings and public facilities,
762 including parks, playgrounds, recreational areas, community
763 meeting facilities, water, sewer or drainage facilities, or any
764 other works which it is otherwise empowered to undertake, to be
765 furnished to or with respect to the project or any such facility;

766 (f) To furnish, dedicate, close, vacate, pave, install,
767 upgrade or improve highways, streets, roads, sidewalks, airports,
768 railroads or ports with the approval of the proper state, federal
769 or local regulatory authority;

770 (g) To plan or replan, zone or rezone any parcel of
771 land within the public agency or make exceptions from land use,
772 building and zoning regulations; and

773 (h) To cause administrative and other services to be
774 furnished to the authority, including services pertaining to the
775 acquisition of real property and the furnishing of relocation
776 assistance. Any contract between a public agency entered into
777 with the authority pursuant to any of the powers granted by this
778 chapter shall be binding upon the public agency according to its
779 terms, and the public agency shall have the power to enter into
780 such contracts as in the discretion of the governing authorities
781 thereof, would be to the best interest of the people of the public
782 agency. If at any time title to or possession of the project or
783 any such facility is held by any public body or governmental
784 agency other than the authority, including any agency or
785 instrumentality of the United States of America, the agreements

786 referred to in this section shall inure to the benefit of and may
787 be enforced by such public body or governmental agency.

788 **Article XVII. Establishment of joint venture.** The board is
789 empowered to establish and create such nonprofit corporations,
790 joint ventures, limited liability companies as from time to time
791 the board may deem necessary or desirable in the performance of
792 any acts or other things necessary to the exercise of the powers
793 provided in this chapter, and to delegate to such departments,
794 boards or other agencies such administrative duties and other
795 powers as the board deems necessary or desirable.

796 **Article XVIII. Ownership and disposition of property.**
797 The authority is authorized to acquire property, real, personal or
798 mixed, within or without its territorial limits, in fee simple or
799 any lesser interest or estate, by purchase, gift, devise or lease,
800 on such terms and conditions as the board may deem necessary or
801 desirable; to acquire mineral rights and leases; to acquire title
802 to submerged lands and riparian rights and easements or
803 rights-of-way with or without restrictions within or without the
804 limits of the authority; to accept the dedication of streets and
805 other rights-of-way on such terms and conditions as the authority
806 may approve; to make purchase money mortgages and deed trusts and
807 other forms of encumbrance on any property acquired by the
808 authority and to purchase property subject to purchase money
809 mortgages, or other encumbrances; and to mortgage, hold, manage,
810 control, convey, lease, sell, grant or otherwise dispose of the
811 same, and of any of the assets and properties of the authority,
812 with or without consideration.

813 **Article XIX. Lease of facilities.** Whenever deemed necessary
814 or desirable by the authority, the authority may lease as lessor
815 or lessee to or from any person, firm, corporation, association or
816 body public or private, any projects of the type that the
817 authority is authorized to undertake and facilities or property of
818 any nature for the use of the authority and to carry out any of

819 the purposes of the compact.

820 **Article XX. Authority services authorized.** (1) The
821 authority, in furtherance of its purposes and to facilitate or
822 provide the necessary services for the development of the compact
823 area is authorized by agreement, ownership, contract, lease, joint
824 venture or otherwise to do the following within the compact or
825 service area.

826 (a) Reclamation and drainage. To adopt a plan of
827 reclamation, and own, acquire, construct, reconstruct, equip,
828 operate, maintain, extend and improve canals, ditches, drains,
829 dikes, levees, pumps, plants and pumping systems and other works,
830 machinery and plants.

831 (b) Water and sewer systems. To facilitate the
832 development or own, acquire, construct, reconstruct, equip,
833 operate, maintain, extend and improve water systems and sewer
834 systems or combined water and sewer systems; to cooperate with the
835 proper public agency to regulate the use of sewers and the supply
836 of water within the compact area and cooperate with the proper
837 public agency in prohibiting or regulating the use and maintenance
838 of outhouses, privies, septic tanks or other sanitary structures
839 or appliances within the compact area; to coordinate with the
840 proper public agencies in prescribing methods of pretreatment of
841 wastes not amenable to treatment with domestic sewage before
842 accepting such wastes for treatment and to refuse to accept such
843 wastes when not sufficiently pretreated as may be prescribed by
844 the proper public agency; to sell or otherwise dispose of the
845 effluent, sludge or other by-products as a result of sewage
846 treatment; and to construct and operate connecting, intercepting
847 or outlet sewers and sewer mains and pipes and water mains,
848 conduits or pipelines in, along or under any street, alleys,
849 highways or other public places or ways within the compact
850 services area, when deemed necessary or desirable by the authority
851 and the proper public agency in accomplishing the purposes of this

852 chapter.

853 (c) Waste collection and disposal. To own, acquire,
854 construct, reconstruct, equip, operate, maintain, extend and
855 improve a waste collection and disposal system, and to sell or
856 otherwise dispose of any effluent, residue or other by-products of
857 such systems, provided that such actions comply with existing
858 state and federal laws and regulations.

859 (d) Recreation facilities. To provide, acquire,
860 construct, equip, operate, maintain, if necessary, extend and
861 improve parks, playgrounds, picnic grounds, golf courses,
862 auditoriums, libraries, recreational centers, convention halls and
863 facilities, and cultural, recreational and other appropriate
864 projects.

865 (e) Parking facilities. To own, acquire, construct,
866 reconstruct, equip, operate, maintain, extend and improve parking
867 facilities, to install or cause to be installed parking meters at
868 or near the curbs of streets, roads and other public ways within
869 the compact area, and to adopt such regulations and impose such
870 charges in connection with any parking facilities as the board may
871 deem necessary or desirable.

872 (f) Fire protection. To provide for or own, acquire,
873 construct, reconstruct, equip, maintain, operate, extend and
874 improve fire control facilities for the compact, including fire
875 stations, water mains and plugs, fire trucks and other vehicles
876 and equipment, and to undertake such works and construct such
877 facilities as may be determined necessary by the board to carry
878 out a program of fire prevention and fire control within the
879 compact or service area.

880 (g) Conservation areas and sanctuaries. To designate,
881 set aside and maintain lands and areas within the compact area as
882 conservation areas; to promulgate and enforce rules and
883 regulations with respect thereto and to protect and preserve the
884 natural beauty thereof.

885 (2) The authority may contract with a county or a unit of
886 local government located within such county for any services
887 authorized by this section when doing so would result in lower or
888 comparable costs to the authority.

889 **Article XXI. Pursuit of eminent domain.** The authority shall
890 not have the power to exercise eminent domain. The authority
891 shall have the authority to request and pursue eminent domain
892 through the state or a unit of local government for the particular
893 purpose of the acquisition of property designated by plan to
894 sufficiently accommodate the location of the specific facilities
895 and utilities, and such requirements related directly thereto
896 pursuant to the provisions of applicable state law. However,
897 before the exercise of this power, the board shall enter on its
898 minutes the determination of the need to pursue the power of
899 eminent domain through the state or unit of local government for
900 the acquisition of a part of the acreage involved, not to exceed
901 ten percent (10%) of the acreage involved, and the board shall so
902 specify in its minutes.

903 **Article XXII. Short term borrowings.** The authority at any
904 time may obtain loans, in such amount and on such terms and
905 conditions as the board may approve, for the purpose of paying any
906 of the expenses of the authority or any costs incurred or that may
907 be incurred in connection with any of the projects of the
908 authority, which loans shall have a term not exceeding two (2)
909 years from the date of issuance thereof, and may be renewable for
910 a like term or terms, and may be payable from and secured by a
911 pledge of such funds, revenues and assessments, other than a levy
912 of ad valorem taxes, as the board may determine.

913 **Article XXIII. Cooperation agreements with the state,**
914 **counties and municipalities.** (1) The states of Mississippi and
915 Tennessee and the counties, municipalities and other political
916 subdivisions and public bodies and agencies thereof, or any of
917 them, whether now existing or hereafter created, are authorized to

918 aid and cooperate with the compact in carrying out any of the
919 purposes and projects of the authority to enter into cooperation
920 agreements with the authority, to provide in any such cooperation
921 agreement for the making of loans, gifts, grants or contributions
922 to the authority and the granting and conveyance to the authority
923 of real or personal property of any kind or nature, or any
924 interest therein, for the carrying out of the purposes and
925 projects of the authority, to covenant in any such cooperation
926 agreement to pay all or any part of the costs of acquisition,
927 construction, reconstruction, extension, improvement, operation
928 and maintenance of any of the projects of the authority, and to
929 pay all or any part of the principal and interest on any bonds of
930 the authority and all or any part of the deposits required to be
931 made into any reserve, renewal and replacement or other funds
932 created and established by the indenture, resolution, deed of
933 trust or other instrument securing such bonds.

934 (2) The authority is empowered to enter into a joint venture
935 development agreement or other agreement to provide services,
936 facilities or to invest such available funds of the authority in a
937 project which contributes to the economic growth and development
938 of Fayette County, Tennessee, or Marshall County, Mississippi, as
939 may be determined by the board.

940 * * *

941 **Article XXIV. Interstate and federal cooperation.** The
942 authority is authorized to cooperate and coordinate with economic
943 development commissions, travel, and other similar commissions and
944 boards, or other similar agencies of other states, the federal
945 government, and with county, municipal, and regional economic
946 development, travel, and other similar commissions or boards, or
947 other agencies thereof, for the purposes of securing economic
948 development within the states of Mississippi and Tennessee, and to
949 accomplish this purpose.

950 **Article XXV. Publicity and advertising.** It shall be the

951 duty of the authority to prepare and execute a program of
952 publicity and advertising that will bring into favorable notice
953 the industrial, commercial, recreational, educational and social
954 advantages, opportunities, possibilities, resources and facilities
955 of the compact, and in the preparation and execution of such
956 program the compact may use any funds which may be appropriated or
957 otherwise made available.

958 **Article XXVI. Sale, lease or other disposal of enterprises.**

959 When authorized by the board, the authority is empowered, in its
960 discretion, to sell, lease or otherwise dispose of any industrial
961 enterprise or other enterprises of the authority, in whole or in
962 part, on such terms and conditions and with such safeguards as
963 will best promote and protect the public interest. Further, the
964 authority is authorized, acting with the approval of the general
965 manager by and through the board, to transfer title or possession
966 to such industry or to any property utilized therein, by warranty
967 deed, lease, bill of sale, contract or other customary business
968 instrument, in the same manner and to the same extent that any
969 private corporation, association or person may contract, with
970 reference to such property of a similar nature. Such disposition
971 shall not be made except by the affirmative vote of at least
972 two-thirds (2/3) of the board, and all votes shall be of record.
973 All income from any lease or contract for the operation or from
974 the disposition of an industrial enterprise may be used by the
975 authority for any authorized purpose, except that if bonds have
976 been issued for the enterprise, the proceeds shall be paid into
977 the bond sinking funds provided for any bonds issued for the
978 retirement of such bonds if any are outstanding for the sale year
979 and the interest thereon. Such income or proceeds related to a
980 bond issue shall not be used by the authority for any other
981 purpose except as to disposition of surplus income authorized
982 above, and shall be subject to all of the provisions regarding the
983 sinking fund.

984 **Article XXVII. Requirements respecting lease of projects.**

985 Before the leasing of any project, enterprise or facilities for
986 which bonds have been issued, the board must determine and find
987 the following: the amount necessary in each year to pay the
988 principal of and the interest on the bonds proposed to be issued
989 to finance such project; the amount necessary to be paid each year
990 into any reserve funds, which amounts may include deposits in
991 escrow or reserve amounts as advance sums for the payment of
992 insurance, which the board may deem it advisable to establish in
993 connection with the retirement of the proposed bonds and the
994 maintenance of the project; and, unless the terms under which the
995 project is to be leased provide that the lessee shall maintain the
996 project and carry all proper insurance with respect thereto, the
997 estimated cost of maintaining the project in good repair and
998 keeping it properly insured. The determinations and findings of
999 the board required to be made in the preceding sentence shall be
1000 set forth in the proceedings under which the proposed bonds are to
1001 be issued; and before the issuance of such bonds, the authority
1002 shall lease the project to a lessee under an agreement conditioned
1003 upon completion of the project and providing for payment to the
1004 authority of such rentals as, upon the basis of such
1005 determinations and findings, will be sufficient (a) to pay the
1006 principal of and interest on the bonds issued to finance the
1007 project, (b) to build up and maintain any reserve deemed by the
1008 board to be advisable in connection therewith, and (c) unless the
1009 agreement of lease obligated the lessee to pay for the maintenance
1010 and insurance of the project, to pay the cost of maintaining the
1011 project in good repair and keeping it properly insured. Such
1012 lease shall be made upon such other terms and conditions and for
1013 the time which may be determined by the authority and may contain
1014 provisions authorizing the purchase of the entire project or any
1015 portion thereof by the industry or its assignee after all bonds
1016 issued thereunder have been paid in full, for such consideration

1017 and upon such terms and conditions as the authority may determine.

1018 **Article XXVIII. Plans for industrial plant training and**
1019 **recruitment.** The authority is authorized and empowered to
1020 formulate plans for industrial plant training, workplace skills or
1021 other educational activities to aid in recruitment for new and
1022 expanded industries, or both, and to enter into agreements for
1023 such training with a college, university or training institution
1024 in either or both member states.

1025 **Article XXIX. Lease/sale agreements between compact**
1026 **and industries.** Any agreement made under this chapter may provide
1027 that the project will be owned by the authority, and leased to the
1028 industry; may provide the industry with an option to purchase the
1029 project upon such terms and conditions as the board and the
1030 industry shall agree upon, at a price which represents the fair
1031 market value at the time of purchase or may provide that the
1032 project shall become the property of the industry upon the
1033 acquisition thereof. Any such agreement may also, but is not
1034 required to, include a guaranty agreement whereby a corporation,
1035 foreign or domestic, other than the industry guarantees in whole
1036 or in part the obligations of the industry under the lease or sale
1037 upon such terms and conditions as the board may deem appropriate.

1038 **Article XXX.** Nothing in this section shall be construed so
1039 as to conflict with or modify any existing statute, or to limit
1040 the powers of any party state, or to repeal or prevent
1041 legislation, or to authorize or permit curtailment or diminution
1042 of any other economic development project, or to affect any
1043 existing or future cooperative arrangement or relationship between
1044 any federal agency and a party state. The authority conferred by
1045 this compact shall not be construed as an exemption from the
1046 provisions of Tennessee Code Annotated, Title 65, or from the
1047 provisions of Section 77-3-1 et seq., Mississippi Code of 1972, as
1048 to the requirements for obtaining a certificate of public
1049 convenience and necessity, the jurisdiction of the Tennessee

1050 Regulatory Authority or the jurisdiction of the Mississippi Public
1051 Service Commission to regulate rates or any other provisions of
1052 the laws of either state, and to the extent that the authority
1053 provides telephone, telegraph and telecommunications services or
1054 any similar services in Tennessee, the authority is deemed to be a
1055 public utility subject to the jurisdiction of the Tennessee
1056 Regulatory Authority. Furthermore, nothing in this compact shall
1057 be construed to deprive, prevent, or hinder an electric or other
1058 public utility from exclusively providing its services in those
1059 portions of the compact area that are now or hereafter included
1060 within a certificate of public convenience and necessity issued to
1061 the public utility by the Tennessee Regulatory Authority, the
1062 Mississippi Public Service Commission or other appropriate
1063 regulatory agency. The authority conferred by this compact shall
1064 not be construed as a grant of authority to provide electric,
1065 telephone, telegraph, telecommunications services, cable
1066 television, video transmission, video programming services or
1067 other similar service, and this compact shall be subject to all
1068 federal, state and local laws, ordinances, rules and regulations
1069 governing such services.

1070 **Article XXXI.** This compact shall continue in force and
1071 remain binding upon each party state until the Governor, with the
1072 consent of the Legislature, of each or either state takes action
1073 to withdraw therefrom; provided that such withdrawal shall not
1074 become effective until six (6) months after the date of the action
1075 taken. Notice of such action shall be given by the Secretary of
1076 State of the party state which takes such action.

1077 SECTION 2. This act shall take effect and be in force from
1078 and after its passage.