HOUSE BILL NO. 1834
(As Sent to Governor)

AN ACT TO AMEND SECTION 57-61-25, MISSISSIPPI CODE OF 1972, TO INCREASE FROM $254,750,000.00 TO $260,000,000.00, THE AGGREGATE AMOUNT OF BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-61-34, MISSISSIPPI CODE OF 1972, TO INCREASE FROM $5,000,000.00 TO $7,000,000.00, THE AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY MAKE AVAILABLE UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT AS INTEREST BEARING LOANS TO AID IN THE ESTABLISHMENT OF BUSINESS INCUBATION CENTERS AND THE CREATION OF NEW AND EXPANDING TECHNOLOGY-BASED BUSINESS AND INDUSTRY; TO AMEND SECTION 57-61-36, MISSISSIPPI CODE OF 1972, TO INCREASE FROM $6,500,000.00 TO $8,500,000.00, THE AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY USE UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT FOR THE PURPOSE OF MAKING GRANTS AND LOANS TO COUNTIES AND MUNICIPALITIES TO AID IN INFRASTRUCTURE RELATED IMPROVEMENTS, THE PURCHASE OF EQUIPMENT AND THE PURCHASE, CONSTRUCTION, REPAIR AND RENOVATION OF PUBLIC FACILITIES; TO EXTEND THE DATE OF REPEAL ON THE PROVISION OF LAW THAT AUTHORIZES THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE A PORTION OF THE BOND PROCEEDS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT TO MAKE INTEREST-BEARING LOANS TO CERTAIN ENTITIES THROUGH A HOUSING DEVELOPMENT REVOLVING LOAN FUND FOR LOW TO MODERATE INCOME HOUSING PURPOSES; TO PROVIDE FOR THE REPEAL OF THE PROVISION THAT REQUIRES THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE NOT MORE THAN $750,000.00 OF BOND PROCEEDS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT FOR THE PURPOSE OF ESTABLISHING AN INTERMEDIARY RELENDING PROGRAM; TO AMEND SECTION 57-61-15, MISSISSIPPI CODE OF 1972, TO REVISE THE PERCENTAGE OF BOND PROCEEDS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT WHICH MUST BE ALLOCATED TO SMALL COMMUNITIES; TO AMEND SECTION 57-61-42, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE NOT MORE THAN $3,500,000.00 OF BOND PROCEEDS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT FOR THE PURPOSE OF PROVIDING JOB SERVICES IN CERTAIN AREAS OF THE STATE, TO PROVIDE FOR THE REPEAL OF SUCH SECTION; TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" FOR PURPOSES OF THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT TO REVISE THE TYPE OF JOBS THAT MAY BE CONSIDERED IN DETERMINING WHETHER A PROJECT MEETS THE MINIMUM JOBS REQUIREMENT FOR CERTAIN PROJECTS UNDER SUCH ACT; TO REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT TO INCLUDE ANY MAJOR CAPITAL PROJECT RELATED TO THE ESTABLISHMENT, IMPROVEMENT, EXPANSION AND/OR OTHERWISE ENHANCEMENT OF ANY ACTIVE DUTY MILITARY INSTALLATION AND HAVING A MINIMUM CAPITAL INVESTMENT FROM ANY SOURCE OR COMBINATION OF SOURCES OTHER THAN THE STATE OF MISSISSIPPI, OF AT LEAST $40,000,000.00, AND WHICH WILL CREATE AT LEAST FIVE HUNDRED MILITARY INSTALLATION RELATED FULL-TIME JOBS, WHICH JOBS MAY BE MILITARY JOBS, CIVILIAN JOBS OR A COMBINATION OF MILITARY AND CIVILIAN JOBS; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO DECREASE THE AMOUNT OF BONDS THAT MAY BE ISSUED FOR CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT AND TO AUTHORIZE THE ISSUANCE OF BONDS FOR CERTAIN PROJECTS UNDER...
THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION
69-2-19, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF BONDS
THAT MAY BE ISSUED FOR THE EMERGING CROPS FUND; TO EXTEND THE TIME
WITHIN WHICH BONDS MAY BE ISSUED FOR THE EMERGING CROPS FUND; AND
FOR RELATED PURPOSES.

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

SECTION 1. Section 57-61-25, Mississippi Code of 1972, is
amended as follows:

57-61-25. (1) The seller is authorized to borrow, on the
credit of the state upon receipt of a resolution from the
Mississippi Development Authority requesting the same, money not
exceeding the aggregate sum of Two Hundred Sixty Million Dollars
($260,000,000.00), not including money borrowed to refund
outstanding bonds, notes or replacement notes, as may be necessary
to carry out the purposes of this chapter. The aggregate amount
of bonds issued prior to June 30, 1987, shall not exceed Fifty
Million Dollars ($50,000,000.00); provided, however, this Fifty
Million Dollars ($50,000,000.00) limitation shall not be construed
to limit the aggregate amount of grants which may be awarded prior
to June 30, 1987, to less than the full amount authorized under
Section 57-61-15(1), Mississippi Code of 1972. The rate of
interest on any such bonds or notes which are not subject to
taxation shall not exceed the rates set forth in Section
75-17-101, Mississippi Code of 1972, for general obligation bonds.

(2) As evidence of indebtedness authorized in this chapter,
general or limited obligation bonds of the state shall be issued
from time to time, to provide monies necessary to carry out the
purposes of this chapter for such total amounts, in such form, in
such denominations payable in such currencies (either domestic or
foreign or both) and subject to such terms and conditions of
issue, redemption and maturity, rate of interest and time of
payment of interest as the seller directs, except that such bonds
shall mature or otherwise be retired in annual installments
beginning not more than five (5) years from date thereof and
extending not more than thirty (30) years from date thereof.
(3) All bonds and notes issued under authority of this chapter shall be signed by the chairman of the seller, or by his facsimile signature, and the official seal of the seller shall be affixed thereto, attested by the secretary of the seller.

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

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

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

(7) The seller is authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any debt issued under the provision of this chapter and then outstanding, either by voluntary exchange with the holders of the outstanding debt or to provide funds to redeem and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the issuing officials in respect to the same shall be governed by the provisions of this section, insofar as they may be applicable.

(8) As to bonds issued hereunder and designated as taxable bonds by the seller, any immunity of the state to taxation by the United States government of interest on bonds or notes issued by the state is hereby waived.
(9) The proceeds of bonds issued under this chapter after
the effective date of House Bill No. 1834, 2002 Regular Session,
may be used to reimburse reasonable actual and necessary costs
incurred by the Mississippi Development Authority in administering
a program or providing assistance related to a project, or both,
for which funding is provided from the use of proceeds of such
bonds. An accounting of actual costs incurred for which
reimbursement is sought shall be maintained for each project by
the Mississippi Development Authority. Reimbursement of
reasonable actual and necessary costs for a program or project
shall not exceed three percent (3%) of the proceeds of bonds
issued for such program or project. Monies authorized for a
particular program or project may not be used to reimburse
administrative costs for unrelated programs or projects.
Reimbursements under this subsection shall satisfy any applicable
federal tax law requirements.

SECTION 2. Section 57-61-34, Mississippi Code of 1972, is
amended as follows:
57-61-34. Notwithstanding any provision of this chapter to
the contrary, the Mississippi Development Authority shall utilize
not more than Seven Million Dollars ($7,000,000.00) out of the
proceeds of bonds authorized to be issued in this chapter to be
made available as interest-bearing loans to municipalities or
private companies to aid in the establishment of business
incubation centers and the creation of new and expanding
technology-based business and industry.

In exercising the power given it under this section, the
Mississippi Development Authority shall work in conjunction with
the University Research Center and may contract with the center to
provide space and assistance to business incubation centers as the
center is authorized to do pursuant to Section 57-13-13.
The requirements of Section 57-61-9 shall not apply to any
loan made under this section. The Mississippi Development
Authority shall establish criteria and guidelines to govern loans made pursuant to this section.

SECTION 3. Section 57-61-36, Mississippi Code of 1972, is amended as follows:

57-61-36. (1) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Ten Million Five Hundred Thousand Dollars ($10,500,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants to municipalities through a development infrastructure grant fund to complete infrastructure related to new or expanded industry.

(2) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority may utilize not more than Seven Million Dollars ($7,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making interest-bearing loans to any agency, department, institution, instrumentality or political subdivision of the state; or any agency, department, institution or instrumentality of any political subdivision of the state; or any business, organization, corporation, association or other legal entity meeting criteria established by the department, through a housing development revolving loan fund, to construct or repair housing for low or moderate income earners; provided, however, that the department may not utilize any bond proceeds authorized under this chapter for the purpose of making any loans to the Mississippi Home Corporation for any purpose whatsoever. No more than forty percent (40%) of the additional bonds authorized by this section in House Bill No. 1694, 1998 Regular Session [Laws, 1998, Chapter 559], may be used for multiple family housing activities. Funds authorized under this subsection may be deposited in the Mississippi Affordable Housing Development Fund authorized in Section 43-33-759 and used for purposes authorized...
by that section. This subsection (2) shall be repealed from and after July 1, 2004.

(3) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Eight Million Five Hundred Dollars ($8,500,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants or loans to municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements as determined by the Mississippi Development Authority, the purchase of equipment and in the purchase, construction or repair and renovation of public facilities. Any bonds previously issued for the Development Infrastructure Revolving Loan Program which have not been loaned or applied for are eligible to be administered as grants or loans. The requirements of Section 57-61-9 shall not apply to any grant made under this subsection. The Mississippi Development Authority may establish criteria and guidelines to govern grants made pursuant to this subsection.

(4) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority may utilize not more than Seven Hundred Fifty Thousand Dollars ($750,000.00) out of the proceeds of bonds authorized to be issued in this chapter in order to match federal funds available from the United States Department of Agriculture for the purpose of establishing an intermediary relending program to be administered by the Mississippi Development Authority. The Mississippi Development Authority may establish criteria and guidelines to govern loans made under such program. This subsection (4) shall be repealed from and after the effective date of House Bill No. 1834, 2002 Regular Session.

(5) The Mississippi Development Authority may establish a capital access program and may contract with any financial institution to participate in the program upon such terms and
conditions as the authority shall consider necessary and proper.

The Mississippi Development Authority may establish loss reserve accounts at financial institutions that participate in the program and require payments by the financial institution and the borrower to such loss reserve accounts. All money in such loss reserve accounts is the property of the Mississippi Development Authority.

Under the capital access program a participating financial institution may make a loan to any borrower the Mississippi Development Authority determines to be qualified under rules and regulations adopted by the authority and be protected against losses from such loans as provided in the program. Under such rules and regulations as may be adopted by the Mississippi Development Authority, a participating financial institution may submit claims for the reimbursement for losses incurred as a result of default on loans by qualified borrowers.

Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority may utilize not more than Seven Hundred Fifty Thousand Dollars ($750,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making payments to loan loss reserve accounts established at financial institutions that participate in the capital access program established by the Mississippi Development Authority.

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

SECTION 4. Section 57-61-15, Mississippi Code of 1972, is amended as follows:
From and after the effective date of House Bill No. 1834, 2002 Regular Session, through June 30, 2003, this section shall read as follows:

57-61-15. (1) Except for grants authorized for state-owned ports and for grants authorized under Section 57-61-32, Section 57-61-33 and Section 57-61-36, Mississippi Code of 1972, no more than Seven Million Five Hundred Thousand Dollars ($7,500,000.00) of the proceeds of bonds authorized to be issued under this chapter shall be made available for grants to municipalities; however, Two Million Five Hundred Thousand Dollars ($2,500,000.00) of such amount shall be made available for grants to small communities.

(2) In no case shall any municipality receive more than one (1) grant in any single fiscal year. This subsection shall not apply to grants authorized under Section 57-61-36, Mississippi Code of 1972.

(3) A minimum of fifteen percent (15%) of the aggregate funds made available under this chapter shall be allocated to small communities. For the purpose of determining the aggregate funds available to make the allocation established in this subsection, there shall be excluded from inclusion therein any funds specifically dedicated pursuant to Sections 57-61-11(e)(iii) and (v), 57-61-32, 57-61-33, 57-61-34, 57-61-36, 57-61-39, 57-61-41 and 57-75-27, Mississippi Code of 1972.

(4) No loan or grant shall be made without substantiation of the provisions of Section 57-61-9, Mississippi Code of 1972.

(5) Except in the case of an application pursuant to Section 57-61-9(5)(a), Mississippi Code of 1972, funds loaned shall be secured by a lien and/or collateralized consistent with Section 57-61-9(1)(d), Mississippi Code of 1972, if required by the department.

(6) Except in the case of an application pursuant to Section 57-61-9(5)(a), Mississippi Code of 1972, private companies which
fail to create and maintain the number of jobs specified in an approved application shall be liable for, in the discretion of the department, (a) a penalty equal to two percent (2%) greater than the current prime interest rate for the remainder of the loan made for their benefit, or (b) prepayment of the outstanding loan amount incurred by the municipality for their benefit, unless the penalty or a portion thereof is waived by the department because the failure is due to circumstances outside the control of the private company. The penalty shall be payable in installments which the department deems appropriate. Immediate notice of penalties and waivers of penalties, including the penalties in Section 57-61-9(1)(d), Mississippi Code of 1972, with the reasons thereof, shall be submitted by the department to the Governor and the Legislature along with the department's decision on the imposition of penalties and the reasons for this decision.

(7) Except in the case of an application pursuant to Section 57-61-9(5)(a), Mississippi Code of 1972, municipalities receiving loans which fail to meet their repayment obligations shall forfeit the right to receive their sales tax allocation and/or homestead exemption reimbursement in an amount sufficient to repay obligations due until such time as their indebtedness has been discharged or arrangements to discharge such indebtedness satisfactory to the department have been made. Sales tax allocations and/or homestead exemption reimbursements forfeited hereby shall, upon demand by the department made in writing upon the State Tax Commission, be paid to the department and applied to the discharge of the obligation. The department may prescribe such other penalties it deems necessary.

(8) Any municipality which has forfeited its sales tax allocation and/or homestead exemption reimbursement for twelve (12) months may levy an ad valorem tax on the taxable property therein for the purpose of meeting its repayment obligation. The revenue produced from the tax levy shall not be included within
the ten percent (10%) growth limitation on ad valorem tax receipts for its general budget.

(9) This chapter is expressly not intended to encourage the relocation of a company from one jurisdiction within the state to another. Any request by a local sponsor for assistance to be provided a firm which currently operates a similar business in the state must be accompanied by a demonstration that the total net increase in and maintenance of full-time equivalent jobs, using the current number of jobs in all similar businesses operated by the private company in the state as a base, shall be at least twenty-five percent (25%). This requirement shall not apply to private companies relocating from small business incubators.

[From and after July 1, 2003, this section shall read as follows:]

57-61-15. (1) Except for grants authorized for state-owned ports and for grants authorized under Section 57-61-32, Section 57-61-33 and Section 57-61-36, Mississippi Code of 1972, no more than Seven Million Five Hundred Thousand Dollars ($7,500,000.00) of the proceeds of bonds authorized to be issued under this chapter shall be made available for grants to municipalities; however, Two Million Five Hundred Thousand Dollars ($2,500,000.00) of such amount shall be made available for grants to small communities.

(2) In no case shall any municipality receive more than one grant in any single fiscal year. This subsection shall not apply to grants authorized under Section 57-61-36, Mississippi Code of 1972.

(3) A minimum of twenty-five percent (25%) of the aggregate funds made available under this chapter shall be allocated to small communities. For the purpose of determining the aggregate funds available to make the allocation established in this subsection, there shall be excluded from inclusion therein any funds specifically dedicated pursuant to Sections 57-61-11(e)(iii)
and (v), 57-61-32, 57-61-33, 57-61-34, 57-61-36, 57-61-39,
57-61-41 and 57-75-27, Mississippi Code of 1972.

(4) No loan or grant shall be made without substantiation of
the provisions of Section 57-61-9, Mississippi Code of 1972.

(5) Except in the case of an application pursuant to Section
57-61-9(5)(a), Mississippi Code of 1972, funds loaned shall be
secured by a lien and/or collateralized consistent with Section
57-61-9(1)(d), Mississippi Code of 1972, if required by the
department.

(6) Except in the case of an application pursuant to Section
57-61-9(5)(a), Mississippi Code of 1972, private companies which
fail to create and maintain the number of jobs specified in an
approved application shall be liable for, in the discretion of the
department, (a) a penalty equal to two percent (2%) greater than
the current prime interest rate for the remainder of the loan made
for their benefit, or (b) prepayment of the outstanding loan
amount incurred by the municipality for their benefit, unless the
penalty or a portion thereof is waived by the department because
the failure is due to circumstances outside the control of the
private company. The penalty shall be payable in installments
which the department deems appropriate. Immediate notice of
penalties and waivers of penalties, including the penalties in
Section 57-61-9(1)(d), Mississippi Code of 1972, with the reasons
thereof, shall be submitted by the department to the Governor and
the Legislature along with the department’s decision on the
imposition of penalties and the reasons for this decision.

(7) Except in the case of an application pursuant to Section
57-61-9(5)(a), Mississippi Code of 1972, municipalities receiving
loans which fail to meet their repayment obligations shall forfeit
the right to receive their sales tax allocation and/or homestead
exemption reimbursement in an amount sufficient to repay
obligations due until such time as their indebtedness has been
discharged or arrangements to discharge such indebtedness
satisfactory to the department have been made. Sales tax
allocations and/or homestead exemption reimbursements forfeited
hereby shall, upon demand by the department made in writing upon
the State Tax Commission, be paid to the department and applied to
the discharge of the obligation. The department may prescribe
such other penalties it deems necessary.

(8) Any municipality which has forfeited its sales tax
allocation and/or homestead exemption reimbursement for twelve
(12) months may levy an ad valorem tax on the taxable property
therein for the purpose of meeting its repayment obligation. The
revenue produced from the tax levy shall not be included within
the ten percent (10%) growth limitation on ad valorem tax receipts
for its general budget.

(9) This chapter is expressly not intended to encourage the
relocation of a company from one jurisdiction within the state to
another. Any request by a local sponsor for assistance to be
provided a firm which currently operates a similar business in the
state must be accompanied by a demonstration that the total net
increase in and maintenance of full-time equivalent jobs, using
the current number of jobs in all similar businesses operated by
the private company in the state as a base, shall be at least
twenty-five percent (25%). This requirement shall not apply to
private companies relocating from small business incubators.

SECTION 5. Section 57-61-42, Mississippi Code of 1972, is
amended as follows:

57-61-42. (1) Notwithstanding any provision of this chapter
to the contrary, the Mississippi Development Authority shall
utilize not more than Three Million Five Hundred Thousand Dollars
($3,500,000.00) out of the proceeds of bonds issued in this
chapter to provide funds for a job recruitment, training,
development, counseling, motivation and referral services program
for less developed counties of this state. The services provided
under this program shall include, but not be limited to, the following:

(a) Recruitment for available positions;
(b) Job orientation;
(c) Job related counseling;
(d) Motivational services;
(e) Tutoring of job applicants when appropriate;
(f) Training;
(g) Job placement;
(h) Follow-up services to ensure successful employment;
(i) Referrals to social services where appropriate.

(2) The Mississippi Development Authority may contract with a public or private entity to administer the program authorized in subsection (1) of this section.

(3) The primary focus of such program shall be to meet the State of Mississippi's work requirements under the Temporary Assistance to Needy Families ("TANF") Program, but the program may also be used for other purposes that meet the criteria of this section.

(4) As used in this section the term "less developed counties" means the twenty-eight (28) counties in this state ranked and designated annually by the State Tax Commission as having the highest unemployment rate for the most recent thirty-six-month period. The State Tax Commission shall make such ranking and designation annually by December 31, using the most current data available from the University Research Center, Mississippi State Employment Security Commission and the United States Department of Commerce.

(5) This section shall be repealed from and after the effective date of House Bill No. 1834, 2002 Regular Session.

SECTION 6. Section 57-75-5, Mississippi Code of 1972, is amended as follows:
57-75-5. Words and phrases used in this chapter shall have meanings as follows, unless the context clearly indicates a different meaning:

(a) "Act" means the Mississippi Major Economic Impact Act as originally enacted or as hereafter amended.

(b) "Authority" means the Mississippi Major Economic Impact Authority created pursuant to the act.

(c) "Bonds" means general obligation bonds, interim notes and other evidences of debt of the State of Mississippi issued pursuant to this chapter.

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project within the project area: (i) facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port facilities; (v) highways, streets and other roadways; (vi) public school buildings, classrooms and instructional facilities, training facilities and equipment, including any functionally related facilities; (vii) parks, outdoor recreation facilities and athletic facilities; (viii) auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities; (ix) health care facilities, public or private; and (x) fire protection facilities, equipment and elevated water tanks.

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

(f) "Project" means:
(i) Any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise with an initial capital investment of not less than Three Hundred Million Dollars ($300,000,000.00) from private or United States government sources together with all buildings, and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise; or with an initial capital investment of not less than One Hundred Fifty Million Dollars ($150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or which creates at least one thousand (1,000) net new full-time jobs which provides an average salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state as determined by the Mississippi Employment Security Commission. "Project" shall include any addition to or expansion of an existing enterprise if such addition or expansion has an initial capital investment of not less than Three Hundred Million Dollars ($300,000,000.00) from private or United States government sources, or has an initial capital investment of not less than One Hundred Fifty Million Dollars ($150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs.
full-time jobs; or which creates at least one thousand (1,000) net
new full-time jobs which provides an average salary, excluding
benefits which are not subject to Mississippi income taxation, of
at least one hundred twenty-five percent (125%) of the most
recently published average annual wage of the state as determined
by the Mississippi Employment Security Commission. "Project"
shall also include any ancillary development or business resulting
from the enterprise, of which the authority is notified, within
three (3) years from the date that the enterprise entered into
commercial production, that the project area has been selected as
the site for the ancillary development or business.

(ii) Any major capital project designed to
improve, expand or otherwise enhance any active duty United States
Air Force or Navy training bases or naval stations, their support
areas or their military operations, upon designation by the
authority that any such base was or is at risk to be recommended
for closure or realignment pursuant to the Defense Base Closure
and Realignment Act of 1990; or any major development project
determined by the authority to be necessary to acquire base
properties and to provide employment opportunities through
construction of projects as defined in Section 57-3-5, which shall
be located on or provide direct support service or access to such
military installation property as such property exists on July 1, 1993, in the event of closure or reduction of military operations
at the installation. From and after July 1, 1997, projects
described in this subparagraph (ii) shall not be considered to be
within the meaning of the term "project" for purposes of this
section, unless such projects are commenced before July 1, 1997,
and shall not be eligible for any funding provided under the
Mississippi Major Economic Impact Act.

(iii) Any enterprise to be maintained, improved or
constructed in Tishomingo County by or for a National Aeronautics
and Space Administration facility in such county.
1. Any major capital project with an initial capital investment from private sources of not less than Seven Hundred Fifty Million Dollars ($750,000,000.00) which will create at least three thousand (3,000) jobs in the aggregate. For purposes of determining whether a project meets such minimum jobs requirement, the jobs created may be direct project related jobs, jobs created by suppliers of the project which jobs are directly related to the project, or a combination thereof.

2. "Project" shall also include any ancillary development or business resulting from an enterprise operating a project as defined in item 1 of this paragraph (f)(iv), of which the authority is notified, within three (3) years from the date that the enterprise entered into commercial production, that the state has been selected as the site for the ancillary development or business.

(v) Any major capital project designed to construct the corporate headquarters and initial factory, to be located in the Golden Triangle Region of the state, for any Mississippi corporation that develops, constructs and operates automated robotic systems to improve the quality of, and reduce the costs of, manufacturing wire harness assemblies for certain industries, or manufactures thin film polymer lithium-ion rechargeable batteries which project has a ten-year strategic plan of supporting one thousand (1,000) direct project-related jobs for each group of wire harness contracts amounting to Thirty-five Million Dollars ($35,000,000.00), or which has a ten-year strategic plan of supporting one thousand five hundred (1,500) direct project-related jobs for each group of polymer lithium-ion rechargeable battery contracts amounting to Forty Million Dollars ($40,000,000.00).

(vi) Any real property owned or controlled by the National Aeronautics and Space Administration, the United States government, or any agency thereof, which is legally conveyed to
the State of Mississippi or to the State of Mississippi for the benefit of the Mississippi Major Economic Impact Authority, its successors and assigns pursuant to Section 212 of Public Law 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

(vii) Any major capital project designed to manufacture, produce and transmit electrical power using natural gas as its primary raw material to be constructed and maintained in Panola County, Mississippi, with an initial capital investment of not less than Two Hundred Fifty Million Dollars ($250,000,000.00).

(viii) Any major capital project related to the establishment, improvement, expansion and/or other enhancement of any active duty military installation and having a minimum capital investment from any source or combination of sources other than the State of Mississippi of at least Forty Million Dollars ($40,000,000.00), and which will create at least five hundred (500) military installation related full-time jobs, which jobs may be military jobs, civilian jobs or a combination of military and civilian jobs.

(g) "Project area" means the project site, together with any area or territory within the state lying within sixty-five (65) miles of any portion of the project site whether or not such area or territory be contiguous; provided, however, that for the project defined in paragraph (f)(iv) of this section the term "project area" means any area or territory within the state. The project area shall also include all territory within a county if any portion of such county lies within sixty-five (65) miles of any portion of the project site. "Project site" means the real property on which the principal facilities of the enterprise will operate.

(h) "Public agency" means:

(i) Any department, board, commission, institution or other agency or instrumentality of the state;
(ii) Any city, town, county, political subdivision, school district or other district created or existing under the laws of the state or any public agency of any such city, town, county, political subdivision or district or any other public entity created or existing under local and private legislation;

(iii) Any department, commission, agency or instrumentality of the United States of America; and

(iv) Any other state of the United States of America which may be cooperating with respect to location of the project within the state, or any agency thereof.

(i) "State" means State of Mississippi.

(j) "Fee-in-lieu" means a negotiated fee to be paid by the project in lieu of any franchise taxes imposed on the project by Chapter 13, Title 27, Mississippi Code of 1972. The fee-in-lieu shall not be less than Twenty-five Thousand Dollars ($25,000.00) annually. A fee-in-lieu shall not be negotiated for existing enterprises that fall within the definition of the term "project."

SECTION 7. Section 57-75-15, Mississippi Code of 1972, is amended as follows:

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

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

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

(b) Bonds issued under the authority of this section
for projects as defined in Section 57-75-5(f)(ii) shall not exceed
Fifty Million Dollars ($50,000,000.00), nor shall the bonds issued
for projects related to any single military installation exceed
Sixteen Million Six Hundred Sixty-seven Thousand Dollars
($16,667,000.00). If any proceeds of bonds issued for projects
related to the Meridian Naval Auxiliary Air Station ("NAAS") are
used for the development of a water and sewer service system by
the City of Meridian, Mississippi, to serve the NAAS and if the
City of Meridian annexes any of the territory served by the water
and sewer service system, the city shall repay the State of
Mississippi the amount of all bond proceeds expended on any
portion of the water and sewer service system project; and if
there are any monetary proceeds derived from the disposition of
any improvements located on real property in Kemper County
purchased pursuant to this act for projects related to the NAAS
and if there are any monetary proceeds derived from the
disposition of any timber located on real property in Kemper
County purchased pursuant to this act for projects related to the
NAAS, all of such proceeds (both from the disposition of
improvements and the disposition of timber) commencing July 1, 1996, through June 30, 2010, shall be paid to the Board of Education of Kemper County, Mississippi, for expenditure by such board of education to benefit the public schools of Kemper County. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation.

From and after July 1, 1997, bonds shall not be issued for any projects, as defined in Section 57-75-5(f)(ii), which are not commenced before July 1, 1997. The proceeds of any bonds issued for projects commenced before July 1, 1997, shall be used for the purposes for which the bonds were issued until completion of the projects.

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

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Two Hundred Ninety-five Million Dollars ($295,000,000.00). No bonds shall be issued under this paragraph after June 30, 2003.

(e) Bonds issued under the authority of this section for the project defined in Section 57-75-5(f)(v) shall not exceed Twenty Million Three Hundred Seventy Thousand Dollars ($20,370,000.00). No bonds shall be issued under this paragraph (e) until the State Bond Commission by resolution adopts a finding that the project has secured wire harness contracts or contracts to manufacture thin film polymer lithium-ion rechargeable batteries, or any combination of such contracts, in the aggregate amount of Twenty Million Dollars ($20,000,000.00), either from the
United States government or the private sector. No bonds shall be issued under this paragraph after June 30, 2001.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Twenty-six Million Dollars ($26,000,000.00). No bonds shall be issued after June 30, 2001.

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

(4) The proceeds from the sale of the bonds issued under this section may be applied for the purposes of: (a) defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies; (b) defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity; (c) reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives; (d)
providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv); (e) paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv); (f) defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives; (g) providing for the payment of interest on the bonds; (h) providing debt service reserves; and (i) paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds. Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration privileges; and be substantially in such form; all as shall be determined by resolution of the State Bond Commission except that
such bonds shall mature or otherwise be retired in annual
installments beginning not more than five (5) years from the date
thereof and extending not more than twenty-five (25) years from
the date thereof. The bonds shall be signed by the Chairman of
the State Bond Commission, or by his facsimile signature, and the
official seal of the State Bond Commission shall be imprinted on
or affixed thereto, attested by the manual or facsimile signature
of the Secretary of the State Bond Commission. Whenever any such
bonds have been signed by the officials herein designated to sign
the bonds, who were in office at the time of such signing but who
may have ceased to be such officers before the sale and delivery
of such bonds, or who may not have been in office on the date such
bonds may bear, the signatures of such officers upon such bonds
shall nevertheless be valid and sufficient for all purposes and
have the same effect as if the person so officially signing such
bonds had remained in office until the delivery of the same to the
purchaser, or had been in office on the date such bonds may bear.

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

(7) The State Bond Commission shall sell the bonds on sealed
bids at public sale, and for such price as it may determine to be
for the best interest of the State of Mississippi, but no such
sale shall be made at a price less than par plus accrued interest
to date of delivery of the bonds to the purchaser. The bonds
shall bear interest at such rate or rates not exceeding the limits
set forth in Section 75-17-101 as shall be fixed by the State Bond
Commission. All interest accruing on such bonds so issued shall
be payable semiannually or annually; provided that the first
interest payment may be for any period of not more than one (1) year.

Notice of the sale of any bonds shall be published at least one time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson and in one or more other newspapers or financial journals with a large national circulation, to be selected by the State Bond Commission.

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

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

(9) The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Department of Finance and Administration is authorized and directed to issue such warrants payable out of any funds appropriated by the Legislature under this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all bonds issued under the provisions of this section. The State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.
(10) The bonds may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by this chapter. Any resolution providing for the issuance of general obligation bonds under the provisions of this section shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes; except that no notes shall mature more than three (3) years following the date of issuance of the first note hereunder and provided further, that all outstanding notes shall be retired from the proceeds of the first issuance of bonds hereunder. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent
costs. Such costs and expenses may be paid from the proceeds of
the notes.

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

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

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

(15) The Attorney General of the State of Mississippi shall
represent the State Bond Commission in issuing, selling and
validating bonds herein provided for, and the Bond Commission is
hereby authorized and empowered to expend from the proceeds
derived from the sale of the bonds authorized hereunder all
necessary administrative, legal and other expenses incidental and
related to the issuance of bonds authorized under this chapter.
There is hereby created a special fund in the State Treasury to be known as the Mississippi Major Economic Impact Authority Fund wherein shall be deposited the proceeds of the bonds issued under this chapter and all monies received by the authority to carry out the purposes of this chapter. Expenditures authorized herein shall be paid by the State Treasurer upon warrants drawn from the fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director of the authority.

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

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

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the
ST: MS Business Investment Act, Major Economic Impact Act and Emerging Crops Funds; increase amount of bonds authorized for.

SECTION 8. Section 69-2-19, Mississippi Code of 1972, is amended as follows:

69-2-19. The Mississippi Development Authority is authorized, at one (1) time or from time to time, to declare by resolution the necessity for issuance of negotiable general obligation bonds of the State of Mississippi to provide funds for the Emerging Crops Fund established in Section 69-2-13. Upon the adoption of a resolution by the board, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by Sections 69-2-19 through 69-2-39, the authority shall deliver a certified copy of its resolution or resolutions to the State Bond Commission. Upon receipt of same, the State Bond Commission, in its discretion, shall act as the issuing agent, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The amount of bonds issued under Sections 69-2-19 through 69-2-39 shall not exceed One Hundred Two Million Dollars ($102,000,000.00) in the aggregate; however, an additional amount of bonds may be issued under Sections 69-2-19 through 69-2-39 in an amount not to exceed Twenty-one Million Dollars ($21,000,000.00), and the proceeds of any such additional bonds shall be used solely for the purposes described in Section 69-2-13(3)(b). No bonds may be issued under Sections 69-2-19 through 69-2-39 after October 1, 2019.

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