

By: Representatives McCoy,  
Morris, Smith (39th)

To: Ways and Means

HOUSE BILL NO. 1  
(As Passed the House)

1 AN ACT TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "PROJECT" FOR PURPOSES OF THE  
3 MISSISSIPPI MAJOR ECONOMIC IMPACT ACT TO REVISE THE TYPE OF JOBS  
4 THAT MAY BE CONSIDERED IN DETERMINING WHETHER A PROJECT MEETS THE  
5 MINIMUM JOBS REQUIREMENT FOR CERTAIN PROJECTS UNDER SUCH ACT; TO  
6 AUTHORIZE A FEE-IN-LIEU OF FRANCHISE TAXES TO BE NEGOTIATED BY THE  
7 MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY WITH ENTERPRISES  
8 OPERATING CERTAIN EXISTING PROJECTS; TO AMEND SECTION 57-75-11,  
9 MISSISSIPPI CODE OF 1972, TO INCREASE THE AGGREGATE AMOUNT OF  
10 CONTRACTS OR AGREEMENTS THAT THE MISSISSIPPI MAJOR ECONOMIC IMPACT  
11 AUTHORITY MAY ENTER INTO TO WARRANT SITE WORK AT CERTAIN PROJECTS  
12 FROM \$10,000,000.00 TO \$15,000,000.00; TO INCREASE THE AMOUNT  
13 AUTHORIZED FOR GRANTS TO ENTERPRISES OPERATING CERTAIN PROJECTS  
14 FROM \$17,000,000.00 TO \$39,000,000.00; TO AUTHORIZE THE  
15 MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY TO OWN CERTAIN SURFACE  
16 WATER TRANSMISSION LINES AND LEASE SUCH SURFACE WATER TRANSMISSION  
17 LINES TO PUBLIC AGENCIES OR UTILITIES; TO AMEND SECTION 57-75-15,  
18 MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF BONDS THAT MAY  
19 BE ISSUED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT FOR  
20 CERTAIN PROJECTS FROM \$295,000,000.00 TO \$351,000,000.00 AND TO  
21 PROVIDE FOR THE ISSUANCE OF ADDITIONAL BONDS IN THE AMOUNT OF  
22 \$12,500,000.00 FOR THE PURPOSE OF DEFRAYING THE COST OF  
23 CONSTRUCTION OF SURFACE WATER TRANSMISSION LINES FOR SUCH PROJECTS  
24 OR FOR ANY FACILITY RELATED TO THE PROJECTS; TO AMEND SECTION  
25 27-7-312, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WITHHOLDING  
26 TAXES MAY BE COLLECTED FROM ALL NEW DIRECT JOBS OF A QUALIFIED  
27 BUSINESS INDUSTRY UNDER THE MISSISSIPPI ADVANTAGE JOBS ACT AND  
28 DEPOSITED INTO THE MISSISSIPPI JOBS INCENTIVE PAYMENT FUND IN THE  
29 AMOUNT NECESSARY TO MAKE INCENTIVE PAYMENTS TO THE QUALIFIED  
30 BUSINESS OR INDUSTRY; TO AUTHORIZE THE GOVERNOR TO DIRECT THAT A  
31 PORTION OF FUNDS AVAILABLE TO THE STATE OF MISSISSIPPI UNDER THE  
32 WORKFORCE INVESTMENT ACT OF 1998, OR ANY OTHER FEDERAL MONIES  
33 AVAILABLE FOR SIMILAR PURPOSES, WHICH HAVE NOT OTHERWISE BEEN  
34 COMMITTED, WILL BE USED FOR THE PURPOSE OF PROVIDING WORKFORCE  
35 TRAINING RELATED TO CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR  
36 ECONOMIC IMPACT ACT; TO ESTABLISH A STUDY COMMITTEE TO STUDY THE  
37 LONG-TERM EFFECTS OF THE NISSAN PLANT AND THE PROPOSED EXPANSION  
38 OF THE NISSAN PLANT AND ITS SERVICE AND SUPPLIERS ON CERTAIN  
39 PUBLIC SCHOOL SYSTEMS; AND FOR RELATED PURPOSES.

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

41 **SECTION 1.** Section 57-75-5, Mississippi Code of 1972, is  
42 amended as follows:

43 57-75-5. Words and phrases used in this chapter shall have  
44 meanings as follows, unless the context clearly indicates a  
45 different meaning:



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

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

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

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

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

74           (f) "Project" means:

75                   (i) Any industrial, commercial, research and  
76 development, warehousing, distribution, transportation,  
77 processing, mining, United States government or tourism enterprise  
78 together with all real property required for construction,



79 maintenance and operation of the enterprise with an initial  
80 capital investment of not less than Three Hundred Million Dollars  
81 (\$300,000,000.00) from private or United States government sources  
82 together with all buildings, and other supporting land and  
83 facilities, structures or improvements of whatever kind required  
84 or useful for construction, maintenance and operation of the  
85 enterprise; or with an initial capital investment of not less than  
86 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
87 or United States government sources together with all buildings  
88 and other supporting land and facilities, structures or  
89 improvements of whatever kind required or useful for construction,  
90 maintenance and operation of the enterprise and which creates at  
91 least one thousand (1,000) net new full-time jobs; or which  
92 creates at least one thousand (1,000) net new full-time jobs which  
93 provides an average salary, excluding benefits which are not  
94 subject to Mississippi income taxation, of at least one hundred  
95 twenty-five percent (125%) of the most recently published average  
96 annual wage of the state as determined by the Mississippi  
97 Employment Security Commission. "Project" shall include any  
98 addition to or expansion of an existing enterprise if such  
99 addition or expansion has an initial capital investment of not  
100 less than Three Hundred Million Dollars (\$300,000,000.00) from  
101 private or United States government sources, or has an initial  
102 capital investment of not less than One Hundred Fifty Million  
103 Dollars (\$150,000,000.00) from private or United States government  
104 sources together with all buildings and other supporting land and  
105 facilities, structures or improvements of whatever kind required  
106 or useful for construction, maintenance and operation of the  
107 enterprise and which creates at least one thousand (1,000) net new  
108 full-time jobs; or which creates at least one thousand (1,000) net  
109 new full-time jobs which provides an average salary, excluding  
110 benefits which are not subject to Mississippi income taxation, of  
111 at least one hundred twenty-five percent (125%) of the most



112 recently published average annual wage of the state as determined  
113 by the Mississippi Employment Security Commission. "Project"  
114 shall also include any ancillary development or business resulting  
115 from the enterprise, of which the authority is notified, within  
116 three (3) years from the date that the enterprise entered into  
117 commercial production, that the project area has been selected as  
118 the site for the ancillary development or business.

119 (ii) Any major capital project designed to  
120 improve, expand or otherwise enhance any active duty United States  
121 Air Force or Navy training bases or naval stations, their support  
122 areas or their military operations, upon designation by the  
123 authority that any such base was or is at risk to be recommended  
124 for closure or realignment pursuant to the Defense Base Closure  
125 and Realignment Act of 1990; or any major development project  
126 determined by the authority to be necessary to acquire base  
127 properties and to provide employment opportunities through  
128 construction of projects as defined in Section 57-3-5, which shall  
129 be located on or provide direct support service or access to such  
130 military installation property as such property exists on July 1,  
131 1993, in the event of closure or reduction of military operations  
132 at the installation. From and after July 1, 1997, projects  
133 described in this subparagraph (ii) shall not be considered to be  
134 within the meaning of the term "project" for purposes of this  
135 section, unless such projects are commenced before July 1, 1997,  
136 and shall not be eligible for any funding provided under the  
137 Mississippi Major Economic Impact Act.

138 (iii) Any enterprise to be maintained, improved or  
139 constructed in Tishomingo County by or for a National Aeronautics  
140 and Space Administration facility in such county.

141 (iv) 1. Any major capital project with an initial  
142 capital investment from private sources of not less than Seven  
143 Hundred Fifty Million Dollars (\$750,000,000.00) which will create



144 at least three thousand (3,000) jobs meeting criteria established  
145 by the Mississippi Development Authority.

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

153                   (v) Any major capital project designed to  
154 construct the corporate headquarters and initial factory, to be  
155 located in the Golden Triangle Region of the state, for any  
156 Mississippi corporation that develops, constructs and operates  
157 automated robotic systems to improve the quality of, and reduce  
158 the costs of, manufacturing wire harness assemblies for certain  
159 industries, or manufactures thin film polymer lithium-ion  
160 rechargeable batteries which project has a ten-year strategic plan  
161 of supporting one thousand (1,000) direct project-related jobs for  
162 each group of wire harness contracts amounting to Thirty-five  
163 Million Dollars (\$35,000,000.00), or which has a ten-year  
164 strategic plan of supporting one thousand five hundred (1,500)  
165 direct project-related jobs for each group of polymer lithium-ion  
166 rechargeable battery contracts amounting to Forty Million Dollars  
167 (\$40,000,000.00).

168                   (vi) Any real property owned or controlled by the  
169 National Aeronautics and Space Administration, the United States  
170 government, or any agency thereof, which is legally conveyed to  
171 the State of Mississippi or to the State of Mississippi for the  
172 benefit of the Mississippi Major Economic Impact Authority, its  
173 successors and assigns pursuant to Section 212 of Public Law  
174 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

175                   (vii) Any major capital project designed to  
176 manufacture, produce and transmit electrical power using natural



177 gas as its primary raw material to be constructed and maintained  
178 in Panola County, Mississippi, with an initial capital investment  
179 of not less than Two Hundred Fifty Million Dollars  
180 (\$250,000,000.00).

181 (viii) Any major capital project related to the  
182 establishment, improvement, expansion and/or other enhancement of  
183 any active duty military installation and having a minimum capital  
184 investment from any source or combination of sources other than  
185 the State of Mississippi of at least Forty Million Dollars  
186 (\$40,000,000.00), and which will create at least five hundred  
187 (500) military installation related full-time jobs, which jobs may  
188 be military jobs, civilian jobs or a combination of military and  
189 civilian jobs.

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

201 (h) "Public agency" means:

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

204 (ii) Any city, town, county, political  
205 subdivision, school district or other district created or existing  
206 under the laws of the state or any public agency of any such city,  
207 town, county, political subdivision or district or any other  
208 public entity created or existing under local and private  
209 legislation;



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

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

215 (i) "State" means State of Mississippi.

216 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
217 the project in lieu of any franchise taxes imposed on the project  
218 by Chapter 13, Title 27, Mississippi Code of 1972. The  
219 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
220 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
221 enterprise operating an existing project defined in Section  
222 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
223 for other existing enterprises that fall within the definition of  
224 the term "project."

225 **SECTION 2.** Section 57-75-11, Mississippi Code of 1972, is  
226 amended as follows:

227 57-75-11. The authority, in addition to any and all powers  
228 now or hereafter granted to it, is empowered and shall exercise  
229 discretion and the use of these powers depending on the  
230 circumstances of the project or projects:

231 (a) To maintain an office at a place or places within  
232 the state.

233 (b) To employ or contract with architects, engineers,  
234 attorneys, accountants, construction and financial experts and  
235 such other advisors, consultants and agents as may be necessary in  
236 its judgment and to fix and pay their compensation.

237 (c) To make such applications and enter into such  
238 contracts for financial assistance as may be appropriate under  
239 applicable federal or state law.

240 (d) To apply for, accept and utilize grants, gifts and  
241 other funds or aid from any source for any purpose contemplated by



242 the act, and to comply, subject to the provisions of this act,  
243 with the terms and conditions thereof.

244 (e) (i) To acquire by purchase, lease, gift, or in  
245 other manner, including quick-take eminent domain, or obtain  
246 options to acquire, and to own, maintain, use, operate and convey  
247 any and all property of any kind, real, personal, or mixed, or any  
248 interest or estate therein, within the project area, necessary for  
249 the project or any facility related to the project. The  
250 provisions of this paragraph that allow the acquisition of  
251 property by quick-take eminent domain shall be repealed by  
252 operation of law on July 1, 1994; and

253 (ii) Notwithstanding any other provision of this  
254 paragraph (e), from and after November 6, 2000, to exercise the  
255 right of immediate possession pursuant to the provisions of  
256 Sections 11-27-81 through 11-27-89 for the purpose of acquiring  
257 land, property and/or rights-of-way in the county in which a  
258 project as defined in Section 57-75-5(f)(iv)1 is located, that are  
259 necessary for such project or any facility related to the project.

260 (f) To acquire by purchase or lease any public lands  
261 and public property, including sixteenth section lands and lieu  
262 lands, within the project area, which are necessary for the  
263 project. Sixteenth section lands or lieu lands acquired under  
264 this act shall be deemed to be acquired for the purposes of  
265 industrial development thereon and such acquisition will serve a  
266 higher public interest in accordance with the purposes of this  
267 act.

268 (g) If the authority identifies any land owned by the  
269 state as being necessary, for the location or use of the project,  
270 or any facility related to the project, to recommend to the  
271 Legislature the conveyance of such land or any interest therein,  
272 as the Legislature deems appropriate.





273           (h) To make or cause to be made such examinations and  
274 surveys as may be necessary to the planning, design, construction  
275 and operation of the project.

276           (i) From and after the date of notification to the  
277 authority by the enterprise that the state has been finally  
278 selected as the site of the project, to acquire by condemnation  
279 and to own, maintain, use, operate and convey or otherwise dispose  
280 of any and all property of any kind, real, personal or mixed, or  
281 any interest or estate therein, within the project area, necessary  
282 for the project or any facility related to the project, with the  
283 concurrence of the affected public agency, and the exercise of the  
284 powers granted by this act, according to the procedures provided  
285 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
286 modified by this act.

287           (i) Except as otherwise provided in subparagraph  
288 (iii) of this paragraph (i), in acquiring lands by condemnation,  
289 the authority shall not acquire minerals or royalties in minerals  
290 unless a competent registered professional engineer shall have  
291 certified that the acquisition of such minerals and royalties in  
292 minerals is necessary for purposes of the project; provided that  
293 limestone, clay, chalk, sand and gravel shall not be considered as  
294 minerals for the purposes of subparagraphs (i) and (ii) of this  
295 paragraph (i);

296           (ii) Unless minerals or royalties in minerals have  
297 been acquired by condemnation or otherwise, no person or persons  
298 owning the drilling rights or the right to share in production of  
299 minerals shall be prevented from exploring, developing, or  
300 producing oil or gas with necessary rights-of-way for ingress and  
301 egress, pipelines and other means of transporting interests on any  
302 land or interest therein of the authority held or used for the  
303 purposes of this act; but any such activities shall be under such  
304 reasonable regulation by the authority as will adequately protect



305 the project contemplated by this act as provided in paragraph (r)  
306 of this section; and

307 (iii) In acquiring lands by condemnation,  
308 including the exercise of immediate possession, for a project, as  
309 defined in Section 57-75-5(f)(iv)1, the authority may acquire  
310 minerals or royalties in minerals.

311 (j) To negotiate the necessary relocation or rerouting  
312 of roads and highways, railroad, telephone and telegraph lines and  
313 properties, electric power lines, pipelines and related  
314 facilities, or to require the anchoring or other protection of any  
315 of these, provided due compensation is paid to the owners thereof  
316 or agreement is had with such owners regarding the payment of the  
317 cost of such relocation, and to acquire by condemnation or  
318 otherwise easements or rights-of-way for such relocation or  
319 rerouting and to convey the same to the owners of the facilities  
320 being relocated or rerouted in connection with the purposes of  
321 this act.

322 (k) To negotiate the necessary relocation of graves and  
323 cemeteries and to pay all reasonable costs thereof.

324 (l) To perform or have performed any and all acts and  
325 make all payments necessary to comply with all applicable federal  
326 laws, rules or regulations including, but not limited to, the  
327 Uniform Relocation Assistance and Real Property Acquisition  
328 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651  
329 to 4655) and relocation rules and regulations promulgated by any  
330 agency or department of the federal government.

331 (m) To construct, extend, improve, maintain, and  
332 reconstruct, to cause to be constructed, extended, improved,  
333 maintained, and reconstructed, and to use and operate any and all  
334 components of the project or any facility related to the project,  
335 with the concurrence of the affected public agency, within the  
336 project area, necessary to the project and to the exercise of such  
337 powers, rights, and privileges granted the authority.



338           (n) To incur or defray any designated portion of the  
339 cost of any component of the project or any facility related to  
340 the project acquired or constructed by any public agency.

341           (o) To lease, sell or convey any or all property  
342 acquired by the authority under the provisions of this act to the  
343 enterprise, its successors or assigns, and in connection therewith  
344 to pay the costs of title search, perfection of title, title  
345 insurance and recording fees as may be required. The authority  
346 may provide in the instrument conveying such property a provision  
347 that such property shall revert to the authority if, as and when  
348 the property is declared by the enterprise to be no longer needed.

349           (p) To enter into contracts with any person or public  
350 agency, including, but not limited to, contracts authorized by  
351 Section 57-75-17, in furtherance of any of the purposes authorized  
352 by this act upon such consideration as the authority and such  
353 person or public agency may agree. Any such contract may extend  
354 over any period of time, notwithstanding any rule of law to the  
355 contrary, may be upon such terms as the parties thereto shall  
356 agree, and may provide that it shall continue in effect until  
357 bonds specified therein, refunding bonds issued in lieu of such  
358 bonds, and all other obligations specified therein are paid or  
359 terminated. Any such contract shall be binding upon the parties  
360 thereto according to its terms. Such contracts may include an  
361 agreement to reimburse the enterprise, its successors and assigns  
362 for any assistance provided by the enterprise in the acquisition  
363 of real property for the project or any facility related to the  
364 project.

365           (q) To establish and maintain reasonable rates and  
366 charges for the use of any facility within the project area owned  
367 or operated by the authority, and from time to time to adjust such  
368 rates and to impose penalties for failure to pay such rates and  
369 charges when due.



370           (r) To adopt and enforce with the concurrence of the  
371 affected public agency all necessary and reasonable rules and  
372 regulations to carry out and effectuate the implementation of the  
373 project and any land use plan or zoning classification adopted for  
374 the project area, including, but not limited to, rules,  
375 regulations, and restrictions concerning mining, construction,  
376 excavation or any other activity the occurrence of which may  
377 endanger the structure or operation of the project. Such rules  
378 may be enforced within the project area and without the project  
379 area as necessary to protect the structure and operation of the  
380 project. The authority is authorized to plan or replan, zone or  
381 rezone, and make exceptions to any regulations, whether local or  
382 state, with the concurrence of the affected public agency which  
383 are inconsistent with the design, planning, construction or  
384 operation of the project and facilities related to the project.

385           (s) To plan, design, coordinate and implement measures  
386 and programs to mitigate impacts on the natural environment caused  
387 by the project or any facility related to the project.

388           (t) To develop plans for technology transfer activities  
389 to ensure private sector conduits for exchange of information,  
390 technology and expertise related to the project to generate  
391 opportunities for commercial development within the state.

392           (u) To consult with the State Department of Education  
393 and other public agencies for the purpose of improving public  
394 schools and curricula within the project area.

395           (v) To consult with the State Board of Health and other  
396 public agencies for the purpose of improving medical centers,  
397 hospitals and public health centers in order to provide  
398 appropriate health care facilities within the project area.

399           (w) To consult with the Office of Minority Business  
400 Enterprise Development and other public agencies for the purpose  
401 of developing plans for technical assistance and loan programs to



402 maximize the economic impact related to the project for minority  
403 business enterprises within the State of Mississippi.

404 (x) To deposit into the "Yellow Creek Project Area  
405 Fund" created pursuant to Section 57-75-31:

406 (i) Any funds or aid received as authorized in  
407 this section for the project described in Section 57-75-5(f)(vi),  
408 and

409 (ii) Any funds received from the sale or lease of  
410 property from the project described in Section 57-75-5(f)(vi)  
411 pursuant to the powers exercised under this section.

412 (y) To manage and develop the project described in  
413 Section 57-75-5(f)(vi).

414 (z) To promulgate rules and regulations necessary to  
415 effectuate the purposes of this act.

416 (aa) To negotiate a fee-in-lieu with the owners of the  
417 project.

418 (bb) To enter into contractual agreements to warrant  
419 any site work for a project defined in Section 57-75-5(f)(iv)1;  
420 provided, however, that the aggregate amount of \* \* \* such  
421 warranties shall not exceed Fifteen Million Dollars  
422 (\$15,000,000.00).

423 (cc) To provide grant funds to an enterprise operating  
424 a project defined in Section 57-75-5(f)(iv)1 in an amount not to  
425 exceed Thirty-nine Million Dollars (\$39,000,000.00).

426 (dd) (i) To own surface water transmission lines  
427 constructed with the proceeds of bonds issued pursuant to this act  
428 that may be utilized to provide water to any project defined in  
429 Section 57-75-5(f)(iv) and other consumers; and

430 (ii) To lease such surface water transmission  
431 lines to a public agency or public utility to provide water to the  
432 project and other consumers.

433 **SECTION 3.** Section 57-75-15, Mississippi Code of 1972, is  
434 amended as follows:



435           57-75-15. (1) Upon notification to the authority by the  
436 enterprise that the state has been finally selected as the site  
437 for the project, the State Bond Commission shall have the power  
438 and is hereby authorized and directed, upon receipt of a  
439 declaration from the authority as hereinafter provided, to borrow  
440 money and issue general obligation bonds of the state in one or  
441 more series for the purposes herein set out. Upon such  
442 notification, the authority may thereafter from time to time  
443 declare the necessity for the issuance of general obligation bonds  
444 as authorized by this section and forward such declaration to the  
445 State Bond Commission, provided that before such notification, the  
446 authority may enter into agreements with the United States  
447 government, private companies and others that will commit the  
448 authority to direct the State Bond Commission to issue bonds for  
449 eligible undertakings set out in subsection (4) of this section,  
450 conditioned on the siting of the project in the state.

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

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

460           (b) Bonds issued under the authority of this section  
461 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
462 Fifty Million Dollars (\$50,000,000.00), nor shall the bonds issued  
463 for projects related to any single military installation exceed  
464 Sixteen Million Six Hundred Sixty-seven Thousand Dollars  
465 (\$16,667,000.00). If any proceeds of bonds issued for projects  
466 related to the Meridian Naval Auxiliary Air Station ("NAAS") are  
467 used for the development of a water and sewer service system by



468 the City of Meridian, Mississippi, to serve the NAAS and if the  
469 City of Meridian annexes any of the territory served by the water  
470 and sewer service system, the city shall repay the State of  
471 Mississippi the amount of all bond proceeds expended on any  
472 portion of the water and sewer service system project; and if  
473 there are any monetary proceeds derived from the disposition of  
474 any improvements located on real property in Kemper County  
475 purchased pursuant to this act for projects related to the NAAS  
476 and if there are any monetary proceeds derived from the  
477 disposition of any timber located on real property in Kemper  
478 County purchased pursuant to this act for projects related to the  
479 NAAS, all of such proceeds (both from the disposition of  
480 improvements and the disposition of timber) commencing July 1,  
481 1996, through June 30, 2010, shall be paid to the Board of  
482 Education of Kemper County, Mississippi, for expenditure by such  
483 board of education to benefit the public schools of Kemper County.  
484 No bonds shall be issued under this paragraph (b) until the State  
485 Bond Commission by resolution adopts a finding that the issuance  
486 of such bonds will improve, expand or otherwise enhance the  
487 military installation, its support areas or military operations,  
488 or will provide employment opportunities to replace those lost by  
489 closure or reductions in operations at the military installation.  
490 From and after July 1, 1997, bonds shall not be issued for any  
491 projects, as defined in Section 57-75-5(f)(ii), which are not  
492 commenced before July 1, 1997. The proceeds of any bonds issued  
493 for projects commenced before July 1, 1997, shall be used for the  
494 purposes for which the bonds were issued until completion of the  
495 projects.

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



500 (d) Bonds issued under the authority of this section  
501 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
502 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
503 additional amount of bonds in an amount not to exceed Twelve  
504 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
505 issued under the authority of this section for the purpose of  
506 defraying costs associated with the construction of surface water  
507 transmission lines for a project defined in Section 57-75-5(f)(iv)  
508 or for any facility related to the project. No bonds shall be  
509 issued under this paragraph after June 30, 2005.

510 (e) Bonds issued under the authority of this section  
511 for the project defined in Section 57-75-5(f)(v) shall not exceed  
512 Twenty Million Three Hundred Seventy Thousand Dollars  
513 (\$20,370,000.00). No bonds shall be issued under this paragraph  
514 (e) until the State Bond Commission by resolution adopts a finding  
515 that the project has secured wire harness contracts or contracts  
516 to manufacture thin film polymer lithium-ion rechargeable  
517 batteries, or any combination of such contracts, in the aggregate  
518 amount of Twenty Million Dollars (\$20,000,000.00), either from the  
519 United States government or the private sector. No bonds shall be  
520 issued under this paragraph after June 30, 2001.

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

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

529 (4) (a) The proceeds from the sale of the bonds issued  
530 under this section may be applied for the purposes of: (i)  
531 defraying all or any designated portion of the costs incurred with  
532 respect to acquisition, planning, design, construction,





533 installation, rehabilitation, improvement, relocation and with  
534 respect to state-owned property, operation and maintenance of the  
535 project and any facility related to the project located within the  
536 project area, including costs of design and engineering, all costs  
537 incurred to provide land, easements and rights-of-way, relocation  
538 costs with respect to the project and with respect to any facility  
539 related to the project located within the project area, and costs  
540 associated with mitigation of environmental impacts and  
541 environmental impact studies; (ii) defraying the cost of providing  
542 for the recruitment, screening, selection, training or retraining  
543 of employees, candidates for employment or replacement employees  
544 of the project and any related activity; (iii) reimbursing the  
545 Mississippi Development Authority for expenses it incurred in  
546 regard to projects defined in Section 57-75-5(f)(iv) prior to  
547 November 6, 2000. The Mississippi Development Authority shall  
548 submit an itemized list of expenses it incurred in regard to such  
549 projects to the Chairmen of the Finance and Appropriations  
550 Committees of the Senate and the Chairmen of the Ways and Means  
551 and Appropriations Committees of the House of Representatives;  
552 (iv) providing grants to enterprises operating projects defined in  
553 Section 57-75-5(f)(iv)1; (v) paying any warranty made by the  
554 authority regarding site work for a project defined in Section  
555 57-75-5(f)(iv)1; (vi) defraying the cost of marketing and  
556 promotion of a project as defined in Section 57-75-5(f)(iv)1. The  
557 authority shall submit an itemized list of costs incurred for  
558 marketing and promotion of such project to the Chairmen of the  
559 Finance and Appropriations Committees of the Senate and the  
560 Chairmen of the Ways and Means and Appropriations Committees of  
561 the House of Representatives; (vii) providing for the payment of  
562 interest on the bonds; (viii) providing debt service reserves; and  
563 (ix) paying underwriters' discount, original issue discount,  
564 accountants' fees, engineers' fees, attorneys' fees, rating agency  
565 fees and other fees and expenses in connection with the issuance



566 of the bonds; and (x) for purposes authorized in paragraphs (b)  
567 and (c) of this subsection (4). Such bonds shall be issued from  
568 time to time and in such principal amounts as shall be designated  
569 by the authority, not to exceed in aggregate principal amounts the  
570 amount authorized in subsection (3) of this section. Proceeds  
571 from the sale of the bonds issued under this section may be  
572 invested, subject to federal limitations, pending their use, in  
573 such securities as may be specified in the resolution authorizing  
574 the issuance of the bonds or the trust indenture securing them,  
575 and the earning on such investment applied as provided in such  
576 resolution or trust indenture.

577 (b) The proceeds of bonds issued after the effective  
578 date of House Bill No. , 2002 First Extraordinary Session,  
579 under this section for projects described in Section  
580 57-75-5(f)(iv) may be used to reimburse reasonable, actual and  
581 necessary costs incurred by the Mississippi Development Authority  
582 in providing assistance related to a project for which funding is  
583 provided from the use of proceeds of such bonds. The Mississippi  
584 Development Authority shall maintain an accounting of actual costs  
585 incurred for each project for which reimbursements are sought.  
586 Reimbursements under this paragraph (b) shall not exceed Three  
587 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
588 Reimbursements under this paragraph (b) shall satisfy any  
589 applicable federal tax law requirements.

590 (c) The proceeds of bonds issued after the effective  
591 date of House Bill No. , 2002 First Extraordinary Session,  
592 under this section for projects described in Section  
593 57-75-5(f)(iv) may be used to reimburse reasonable, actual and  
594 necessary costs incurred by the Department of Audit in providing  
595 services related to a project for which funding is provided from  
596 the use of proceeds of such bonds. The Department of Audit shall  
597 maintain an accounting of actual costs incurred for each project  
598 for which reimbursements are sought. The Department of Audit may



599 escalate its budget and expend such funds in accordance with rules  
600 and regulations of the Department of Finance and Administration in  
601 a manner consistent with the escalation of federal funds.  
602 Reimbursements under this paragraph (c) shall not exceed One  
603 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
604 Reimbursements under this paragraph (c) shall satisfy any  
605 applicable federal tax law requirements.

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



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

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

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

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

662           (8) State bonds issued under the provisions of this section  
663 shall be the general obligations of the state and backed by the  
664 full faith and credit of the state. The Legislature shall



665 appropriate annually an amount sufficient to pay the principal of  
666 and the interest on such bonds as they become due. All bonds  
667 shall contain recitals on their faces substantially covering the  
668 foregoing provisions of this section.

669 (9) The State Treasurer is authorized to certify to the  
670 Department of Finance and Administration the necessity for  
671 warrants, and the Department of Finance and Administration is  
672 authorized and directed to issue such warrants payable out of any  
673 funds appropriated by the Legislature under this section for such  
674 purpose, in such amounts as may be necessary to pay when due the  
675 principal of and interest on all bonds issued under the provisions  
676 of this section. The State Treasurer shall forward the necessary  
677 amount to the designated place or places of payment of such bonds  
678 in ample time to discharge such bonds, or the interest thereon, on  
679 the due dates thereof.

680 (10) The bonds may be issued without any other proceedings  
681 or the happening of any other conditions or things other than  
682 those proceedings, conditions and things which are specified or  
683 required by this chapter. Any resolution providing for the  
684 issuance of general obligation bonds under the provisions of this  
685 section shall become effective immediately upon its adoption by  
686 the State Bond Commission, and any such resolution may be adopted  
687 at any regular or special meeting of the State Bond Commission by  
688 a majority of its members.

689 (11) In anticipation of the issuance of bonds hereunder, the  
690 State Bond Commission is authorized to negotiate and enter into  
691 any purchase, loan, credit or other agreement with any bank, trust  
692 company or other lending institution or to issue and sell interim  
693 notes for the purpose of making any payments authorized under this  
694 section. All borrowings made under this provision shall be  
695 evidenced by notes of the state which shall be issued from time to  
696 time, for such amounts not exceeding the amount of bonds  
697 authorized herein, in such form and in such denomination and



698 subject to such terms and conditions of sale and issuance,  
699 prepayment or redemption and maturity, rate or rates of interest  
700 not to exceed the maximum rate authorized herein for bonds, and  
701 time of payment of interest as the State Bond Commission shall  
702 agree to in such agreement. Such notes shall constitute general  
703 obligations of the state and shall be backed by the full faith and  
704 credit of the state. Such notes may also be issued for the  
705 purpose of refunding previously issued notes; except that no notes  
706 shall mature more than three (3) years following the date of  
707 issuance of the first note hereunder and provided further, that  
708 all outstanding notes shall be retired from the proceeds of the  
709 first issuance of bonds hereunder. The State Bond Commission is  
710 authorized to provide for the compensation of any purchaser of the  
711 notes by payment of a fixed fee or commission and for all other  
712 costs and expenses of issuance and service, including paying agent  
713 costs. Such costs and expenses may be paid from the proceeds of  
714 the notes.

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

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



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

739           (15) The Attorney General of the State of Mississippi shall  
740 represent the State Bond Commission in issuing, selling and  
741 validating bonds herein provided for, and the Bond Commission is  
742 hereby authorized and empowered to expend from the proceeds  
743 derived from the sale of the bonds authorized hereunder all  
744 necessary administrative, legal and other expenses incidental and  
745 related to the issuance of bonds authorized under this chapter.

746           (16) There is hereby created a special fund in the State  
747 Treasury to be known as the Mississippi Major Economic Impact  
748 Authority Fund wherein shall be deposited the proceeds of the  
749 bonds issued under this chapter and all monies received by the  
750 authority to carry out the purposes of this chapter. Expenditures  
751 authorized herein shall be paid by the State Treasurer upon  
752 warrants drawn from the fund, and the Department of Finance and  
753 Administration shall issue warrants upon requisitions signed by  
754 the director of the authority.

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

762           (b) In the event that all or any part of the bonds and  
763 notes are purchased, they shall be canceled and returned to the



764 loan and transfer agent as canceled and paid bonds and notes and  
765 thereafter all payments of interest thereon shall cease and the  
766 canceled bonds, notes and coupons, together with any other  
767 canceled bonds, notes and coupons, shall be destroyed as promptly  
768 as possible after cancellation but not later than two (2) years  
769 after cancellation. A certificate evidencing the destruction of  
770 the canceled bonds, notes and coupons shall be provided by the  
771 loan and transfer agent to the seller.

772 (c) The State Treasurer shall determine and report to  
773 the Department of Finance and Administration and Legislative  
774 Budget Office by September 1 of each year the amount of money  
775 necessary for the payment of the principal of and interest on  
776 outstanding obligations for the following fiscal year and the  
777 times and amounts of the payments. It shall be the duty of the  
778 Governor to include in every executive budget submitted to the  
779 Legislature full information relating to the issuance of bonds and  
780 notes under the provisions of this chapter and the status of the  
781 sinking fund for the payment of the principal of and interest on  
782 the bonds and notes.

783 **SECTION 4.** Section 27-7-312, Mississippi Code of 1972, is  
784 amended as follows:

785 27-7-312. Of the revenue collected under the provisions of  
786 this article from the new direct jobs of a qualified business or  
787 industry as defined in Section 57-62-5 of the Mississippi  
788 Advantage Jobs Act, an amount equal to the estimated amount of the  
789 quarterly incentive payment for which such qualified business or  
790 industry is eligible shall be deposited into the Mississippi  
791 Advantage Jobs Incentive Payment Fund created pursuant to Section  
792 57-62-1 et seq., on or before the twentieth day of the month  
793 following the close of each calendar quarter.

794 **SECTION 5.** The Governor may direct that a portion of funds  
795 available to the State of Mississippi under the Workforce  
796 Investment Act of 1998, or any other federal monies available to





797 the State of Mississippi for similar purposes, which have not  
798 otherwise been committed, will be used for the purpose of  
799 providing workforce training related to a project defined in  
800 Section 57-75-5(f) (iv).

801       SECTION 6. (1) There is established a committee to study  
802 and make recommendations to the Legislature concerning the  
803 long-term effects of the Nissan plant and the proposed expansion  
804 of the Nissan plant and its service and suppliers on the Madison  
805 County School District, the Canton Public School District, the  
806 Rankin County School District, the Pearl Public School District,  
807 the Hinds County School District, the Jackson Public School  
808 District, the Clinton Public School District, the Yazoo County  
809 School District, the Yazoo City Municipal School District and the  
810 Leake County School District. The committee shall make a report  
811 of its findings and recommendations to the Legislature before  
812 December 15, 2002.

813       (2) The committee shall specifically examine the impact of  
814 the new jobs at the Nissan plant and its service and supplier  
815 components on the public school instructional staff,  
816 administrative staff, school buildings, school bus transportation  
817 and infrastructure in Madison County which will be necessary to  
818 meet the needs of the additional population created by such new  
819 jobs. The committee shall also examine the results of the new  
820 Mississippi Adequate Education Funding Formula and its effect on  
821 the Madison County public schools as the population of this area  
822 increases.

823       (3) The study committee shall be composed of the following  
824 twenty (20) members:

825               (a) Three (3) members of the House of Representatives  
826 appointed by the Speaker of the House, two (2) of whom shall  
827 represent Madison County;



828                   (b) Three (3) members of the Senate appointed by the  
829 Lieutenant Governor, two (2) of whom shall represent Madison  
830 County;

831                   (c) The Executive Director of the Central Mississippi  
832 Planning and Development District, or his designee;

833                   (d) The State Superintendent of Public Education, or  
834 his designee;

835                   (e) The County Superintendent of Education of Madison  
836 County;

837                   (f) The Superintendent of the Canton Public School  
838 District;

839                   (g) The Superintendent of Education of the Rankin  
840 County School District;

841                   (h) The Superintendent of Education of the Pearl Public  
842 School District;

843                   (i) The Superintendent of Education of the Hinds County  
844 School District;

845                   (j) The Superintendent of Education of the Jackson  
846 Public School District;

847                   (k) The Superintendent of Education of the Clinton  
848 Public School District;

849                   (l) The Superintendent of Education of the Yazoo County  
850 School District;

851                   (m) The Superintendent of Education of the Yazoo City  
852 Municipal School District;

853                   (o) The Superintendent of Education of the Leake County  
854 School District;

855                   (p) The Executive Director of the Mississippi  
856 Development Authority, or his designee; and

857                   (q) The Executive Director of the Department of Finance  
858 and Administration, or his designee.

859                   (4) Appointments shall be made within thirty (30) days after  
860 passage of this act. Within fifteen (15) days thereafter, on a



861 day to be designated jointly by the Speaker of the House and the  
862 Lieutenant Governor, the study committee shall meet and organize  
863 by selecting from its membership a chairman and vice chairman.  
864 The vice chairman shall serve as secretary and shall be  
865 responsible for keeping all records of the study committee. A  
866 majority of the members of the study committee shall constitute a  
867 quorum. In the selection of its officers and the adoption of  
868 rules, resolutions and reports, an affirmative vote of a majority  
869 of the study committee present and voting is required. The  
870 committee shall meet upon the call of the chairman, and all  
871 members shall be notified in writing of all meetings, and such  
872 notices must be mailed at least five (5) days before the date on  
873 which a meeting is to be held.

874 (5) Each legislative member of the committee shall be paid  
875 from the contingent expense fund of his respective house per diem  
876 in the amount authorized by Section 25-3-69, Mississippi Code of  
877 1972, and a mileage allowance and an expense allowance in the  
878 amount authorized by Section 5-1-47, Mississippi Code of 1972.  
879 However, no per diem, mileage allowance or expense allowance may  
880 be paid for attending meetings of the committee while the  
881 Legislature is in session, and no per diem, mileage allowance or  
882 expense allowance may be paid without prior approval of the proper  
883 committee in the member's respective house. No study committee  
884 member may incur per diem, travel or other expenses unless  
885 previously authorized by vote, at a meeting of the study  
886 committee, which action must be recorded in the official minutes  
887 of the meeting.

888 (6) The study committee may employ consultants or staff and  
889 may utilize clerical and legal staff employed by any state agency,  
890 school district, political subdivision or municipality of the  
891 state, and any other staff assistance made available to the  
892 committee.



893           (7) Funding for the study committee may be provided from any  
894 funds that may be appropriated by the Legislature for the expenses  
895 of the study committee. The study committee may accept money from  
896 any source, public or private, to be expended in implementing its  
897 duties under this act.

898           (8) Upon presentation of its report to the Legislature  
899 before the 2003 Regular Session, the study committee shall be  
900 dissolved.

901           **SECTION 7.** This act shall take effect and be in force from  
902 and after its passage.

