

By: Senator(s) Minor, Blackmon,  
Furniss, Little

To: Finance

SENATE BILL NO. 2001

1 AN ACT TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI  
3 MAJOR ECONOMIC IMPACT ACT; TO AUTHORIZE A FEE-IN-LIEU OF FRANCHISE  
4 TAXES TO BE NEGOTIATED BY THE MISSISSIPPI MAJOR ECONOMIC IMPACT  
5 AUTHORITY WITH ENTERPRISES OPERATING CERTAIN EXISTING PROJECTS; TO  
6 AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
7 AGGREGATE AMOUNT OF CONTRACTS OR AGREEMENTS THAT THE MISSISSIPPI  
8 MAJOR ECONOMIC IMPACT AUTHORITY MAY ENTER INTO TO WARRANT SITE  
9 WORK AT CERTAIN PROJECTS FROM \$10,000,000.00 TO \$15,000,000.00; TO  
10 INCREASE THE AMOUNT AUTHORIZED FOR GRANTS TO ENTERPRISES OPERATING  
11 CERTAIN PROJECTS FROM \$17,000,000.00 TO \$39,000,000.00; TO  
12 AUTHORIZE THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY TO OWN  
13 CERTAIN SURFACE WATER TRANSMISSION LINES AND LEASE SUCH SURFACE  
14 WATER TRANSMISSION LINES TO PUBLIC AGENCIES OR UTILITIES; TO AMEND  
15 SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT  
16 OF BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI MAJOR ECONOMIC  
17 IMPACT ACT FOR CERTAIN PROJECTS FROM \$295,000,000.00 TO  
18 \$350,500,000.00 AND TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL  
19 BONDS IN THE AMOUNT \$12,500,000.00 FOR THE PURPOSE OF DEFRAYING  
20 THE COST OF CONSTRUCTION OF SURFACE WATER TRANSMISSION LINES FOR  
21 SUCH PROJECTS OR FOR ANY FACILITY RELATED TO THE PROJECTS; TO  
22 AMEND SECTION 27-7-312, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
23 WITHHOLDING TAXES MAY BE COLLECTED FROM ALL NEW DIRECT JOBS OF A  
24 QUALIFIED BUSINESS INDUSTRY UNDER THE MISSISSIPPI ADVANTAGE JOBS  
25 ACT AND DEPOSITED INTO THE MISSISSIPPI JOBS INCENTIVE PAYMENT FUND  
26 IN THE AMOUNT NECESSARY TO MAKE INCENTIVE PAYMENTS TO THE  
27 QUALIFIED BUSINESS OR INDUSTRY; AND FOR RELATED PURPOSES.

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

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

31 57-75-5. Words and phrases used in this chapter shall have  
32 meanings as follows, unless the context clearly indicates a  
33 different meaning:

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35 Act as originally enacted or as hereafter amended.

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



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

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

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

62           (f) "Project" means:

63           (i) Any industrial, commercial, research and  
64 development, warehousing, distribution, transportation,  
65 processing, mining, United States government or tourism enterprise  
66 together with all real property required for construction,  
67 maintenance and operation of the enterprise with an initial  
68 capital investment of not less than Three Hundred Million Dollars  
69 (\$300,000,000.00) from private or United States government sources  
70 together with all buildings, and other supporting land and



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



104 three (3) years from the date that the enterprise entered into  
105 commercial production, that the project area has been selected as  
106 the site for the ancillary development or business.

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

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

129 (iv) 1. Any major capital project with an initial  
130 capital investment from private sources of not less than Seven  
131 Hundred Fifty Million Dollars (\$750,000,000.00) which will create  
132 at least three thousand (3,000) jobs meeting criteria established  
133 by the Mississippi Development Authority. \* \* \*

134 2. "Project" shall also include any ancillary  
135 development or business resulting from an enterprise operating a  
136 project as defined in item 1 of this paragraph (f)(iv), of which



137 the authority is notified, within three (3) years from the date  
138 that the enterprise entered into commercial production, that the  
139 state has been selected as the site for the ancillary development  
140 or business.

141 (v) Any major capital project designed to  
142 construct the corporate headquarters and initial factory, to be  
143 located in the Golden Triangle Region of the state, for any  
144 Mississippi corporation that develops, constructs and operates  
145 automated robotic systems to improve the quality of, and reduce  
146 the costs of, manufacturing wire harness assemblies for certain  
147 industries, or manufactures thin film polymer lithium-ion  
148 rechargeable batteries which project has a ten-year strategic plan  
149 of supporting one thousand (1,000) direct project-related jobs for  
150 each group of wire harness contracts amounting to Thirty-five  
151 Million Dollars (\$35,000,000.00), or which has a ten-year  
152 strategic plan of supporting one thousand five hundred (1,500)  
153 direct project-related jobs for each group of polymer lithium-ion  
154 rechargeable battery contracts amounting to Forty Million Dollars  
155 (\$40,000,000.00).

156 (vi) Any real property owned or controlled by the  
157 National Aeronautics and Space Administration, the United States  
158 government, or any agency thereof, which is legally conveyed to  
159 the State of Mississippi or to the State of Mississippi for the  
160 benefit of the Mississippi Major Economic Impact Authority, its  
161 successors and assigns pursuant to Section 212 of Public Law  
162 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

163 (vii) Any major capital project designed to  
164 manufacture, produce and transmit electrical power using natural  
165 gas as its primary raw material to be constructed and maintained  
166 in Panola County, Mississippi, with an initial capital investment  
167 of not less than Two Hundred Fifty Million Dollars  
168 (\$250,000,000.00).



169 (viii) Any major capital project related to the  
170 establishment, improvement, expansion and/or other enhancement of  
171 any active duty military installation and having a minimum capital  
172 investment from any source or combination of sources other than  
173 the State of Mississippi of at least Forty Million Dollars  
174 (\$40,000,000.00), and which will create at least five hundred  
175 (500) military installation related full-time jobs, which jobs may  
176 be military jobs, civilian jobs or a combination of military and  
177 civilian jobs.

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

189 (h) "Public agency" means:

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

192 (ii) Any city, town, county, political  
193 subdivision, school district or other district created or existing  
194 under the laws of the state or any public agency of any such city,  
195 town, county, political subdivision or district or any other  
196 public entity created or existing under local and private  
197 legislation;

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



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

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

204 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
205 the project in lieu of any franchise taxes imposed on the project  
206 by Chapter 13, Title 27, Mississippi Code of 1972. The  
207 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
208 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
209 enterprise operating an existing project defined in Section  
210 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
211 for other existing enterprises that fall within the definition of  
212 the term "project."

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

215 57-75-11. The authority, in addition to any and all powers  
216 now or hereafter granted to it, is empowered and shall exercise  
217 discretion and the use of these powers depending on the  
218 circumstances of the project or projects:

219 (a) To maintain an office at a place or places within  
220 the state.

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

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

228 (d) To apply for, accept and utilize grants, gifts and  
229 other funds or aid from any source for any purpose contemplated by  
230 the act, and to comply, subject to the provisions of this act,  
231 with the terms and conditions thereof.



232           (e)   (i) To acquire by purchase, lease, gift, or in  
233 other manner, including quick-take eminent domain, or obtain  
234 options to acquire, and to own, maintain, use, operate and convey  
235 any and all property of any kind, real, personal, or mixed, or any  
236 interest or estate therein, within the project area, necessary for  
237 the project or any facility related to the project. The  
238 provisions of this paragraph that allow the acquisition of  
239 property by quick-take eminent domain shall be repealed by  
240 operation of law on July 1, 1994; and

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

248           (f) To acquire by purchase or lease any public lands  
249 and public property, including sixteenth section lands and lieu  
250 lands, within the project area, which are necessary for the  
251 project. Sixteenth section lands or lieu lands acquired under  
252 this act shall be deemed to be acquired for the purposes of  
253 industrial development thereon and such acquisition will serve a  
254 higher public interest in accordance with the purposes of this  
255 act.

256           (g) If the authority identifies any land owned by the  
257 state as being necessary, for the location or use of the project,  
258 or any facility related to the project, to recommend to the  
259 Legislature the conveyance of such land or any interest therein,  
260 as the Legislature deems appropriate.

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





264           (i) From and after the date of notification to the  
265 authority by the enterprise that the state has been finally  
266 selected as the site of the project, to acquire by condemnation  
267 and to own, maintain, use, operate and convey or otherwise dispose  
268 of any and all property of any kind, real, personal or mixed, or  
269 any interest or estate therein, within the project area, necessary  
270 for the project or any facility related to the project, with the  
271 concurrence of the affected public agency, and the exercise of the  
272 powers granted by this act, according to the procedures provided  
273 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
274 modified by this act.

275           (i) Except as otherwise provided in subparagraph  
276 (iii) of this paragraph (i), in acquiring lands by condemnation,  
277 the authority shall not acquire minerals or royalties in minerals  
278 unless a competent registered professional engineer shall have  
279 certified that the acquisition of such minerals and royalties in  
280 minerals is necessary for purposes of the project; provided that  
281 limestone, clay, chalk, sand and gravel shall not be considered as  
282 minerals for the purposes of subparagraphs (i) and (ii) of this  
283 paragraph (i);

284           (ii) Unless minerals or royalties in minerals have  
285 been acquired by condemnation or otherwise, no person or persons  
286 owning the drilling rights or the right to share in production of  
287 minerals shall be prevented from exploring, developing, or  
288 producing oil or gas with necessary rights-of-way for ingress and  
289 egress, pipelines and other means of transporting interests on any  
290 land or interest therein of the authority held or used for the  
291 purposes of this act; but any such activities shall be under such  
292 reasonable regulation by the authority as will adequately protect  
293 the project contemplated by this act as provided in paragraph (r)  
294 of this section; and

295           (iii) In acquiring lands by condemnation,  
296 including the exercise of immediate possession, for a project, as



297 defined in Section 57-75-5(f)(iv)1, the authority may acquire  
298 minerals or royalties in minerals.

299 (j) To negotiate the necessary relocation or rerouting  
300 of roads and highways, railroad, telephone and telegraph lines and  
301 properties, electric power lines, pipelines and related  
302 facilities, or to require the anchoring or other protection of any  
303 of these, provided due compensation is paid to the owners thereof  
304 or agreement is had with such owners regarding the payment of the  
305 cost of such relocation, and to acquire by condemnation or  
306 otherwise easements or rights-of-way for such relocation or  
307 rerouting and to convey the same to the owners of the facilities  
308 being relocated or rerouted in connection with the purposes of  
309 this act.

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

312 (l) To perform or have performed any and all acts and  
313 make all payments necessary to comply with all applicable federal  
314 laws, rules or regulations including, but not limited to, the  
315 Uniform Relocation Assistance and Real Property Acquisition  
316 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651  
317 to 4655) and relocation rules and regulations promulgated by any  
318 agency or department of the federal government.

319 (m) To construct, extend, improve, maintain, and  
320 reconstruct, to cause to be constructed, extended, improved,  
321 maintained, and reconstructed, and to use and operate any and all  
322 components of the project or any facility related to the project,  
323 with the concurrence of the affected public agency, within the  
324 project area, necessary to the project and to the exercise of such  
325 powers, rights, and privileges granted the authority.

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



329           (o) To lease, sell or convey any or all property  
330 acquired by the authority under the provisions of this act to the  
331 enterprise, its successors or assigns, and in connection therewith  
332 to pay the costs of title search, perfection of title, title  
333 insurance and recording fees as may be required. The authority  
334 may provide in the instrument conveying such property a provision  
335 that such property shall revert to the authority if, as and when  
336 the property is declared by the enterprise to be no longer needed.

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

353           (q) To establish and maintain reasonable rates and  
354 charges for the use of any facility within the project area owned  
355 or operated by the authority, and from time to time to adjust such  
356 rates and to impose penalties for failure to pay such rates and  
357 charges when due.

358           (r) To adopt and enforce with the concurrence of the  
359 affected public agency all necessary and reasonable rules and  
360 regulations to carry out and effectuate the implementation of the  
361 project and any land use plan or zoning classification adopted for



362 the project area, including, but not limited to, rules,  
363 regulations, and restrictions concerning mining, construction,  
364 excavation or any other activity the occurrence of which may  
365 endanger the structure or operation of the project. Such rules  
366 may be enforced within the project area and without the project  
367 area as necessary to protect the structure and operation of the  
368 project. The authority is authorized to plan or replan, zone or  
369 rezone, and make exceptions to any regulations, whether local or  
370 state, with the concurrence of the affected public agency which  
371 are inconsistent with the design, planning, construction or  
372 operation of the project and facilities related to the project.

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

376 (t) To develop plans for technology transfer activities  
377 to ensure private sector conduits for exchange of information,  
378 technology and expertise related to the project to generate  
379 opportunities for commercial development within the state.

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

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

387 (w) To consult with the Office of Minority Business  
388 Enterprise Development and other public agencies for the purpose  
389 of developing plans for technical assistance and loan programs to  
390 maximize the economic impact related to the project for minority  
391 business enterprises within the State of Mississippi.

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



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

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

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

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

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

406 (bb) To enter into contractual agreements to warrant  
407 any site work for a project defined in Section 57-75-5(f)(iv)1;  
408 provided, however, that the aggregate amount of \* \* \* such  
409 warranties shall not exceed Fifteen Million Dollars  
410 (\$15,000,000.00).

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

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

418 (ii) To lease such surface water transmission  
419 lines to a public agency or public utility to provide water to the  
420 project and other consumers.

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

423 57-75-15. (1) Upon notification to the authority by the  
424 enterprise that the state has been finally selected as the site  
425 for the project, the State Bond Commission shall have the power  
426 and is hereby authorized and directed, upon receipt of a



427 declaration from the authority as hereinafter provided, to borrow  
428 money and issue general obligation bonds of the state in one or  
429 more series for the purposes herein set out. Upon such  
430 notification, the authority may thereafter from time to time  
431 declare the necessity for the issuance of general obligation bonds  
432 as authorized by this section and forward such declaration to the  
433 State Bond Commission, provided that before such notification, the  
434 authority may enter into agreements with the United States  
435 government, private companies and others that will commit the  
436 authority to direct the State Bond Commission to issue bonds for  
437 eligible undertakings set out in subsection (4) of this section,  
438 conditioned on the siting of the project in the state.

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

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

448 (b) Bonds issued under the authority of this section  
449 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
450 Fifty Million Dollars (\$50,000,000.00), nor shall the bonds issued  
451 for projects related to any single military installation exceed  
452 Sixteen Million Six Hundred Sixty-seven Thousand Dollars  
453 (\$16,667,000.00). If any proceeds of bonds issued for projects  
454 related to the Meridian Naval Auxiliary Air Station ("NAAS") are  
455 used for the development of a water and sewer service system by  
456 the City of Meridian, Mississippi, to serve the NAAS and if the  
457 City of Meridian annexes any of the territory served by the water  
458 and sewer service system, the city shall repay the State of  
459 Mississippi the amount of all bond proceeds expended on any



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

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

488 (d) Bonds issued under the authority of this section  
489 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
490 Three Hundred Fifty Million Five Hundred Thousand Dollars  
491 (\$350,500,000.00). An additional amount of bonds in an amount not  
492 to exceed Twelve Million Five Hundred Thousand Dollars



493 (\$12,500,000.00) may be issued under the authority of this section  
494 for the purpose of defraying costs associated with the  
495 construction of surface water transmission lines for a project  
496 defined in Section 57-75-5(f)(iv) or for any facility related to  
497 the project. No bonds shall be issued under this paragraph after  
498 June 30, 2005.

499 (e) Bonds issued under the authority of this section  
500 for the project defined in Section 57-75-5(f)(v) shall not exceed  
501 Twenty Million Three Hundred Seventy Thousand Dollars  
502 (\$20,370,000.00). No bonds shall be issued under this paragraph  
503 (e) until the State Bond Commission by resolution adopts a finding  
504 that the project has secured wire harness contracts or contracts  
505 to manufacture thin film polymer lithium-ion rechargeable  
506 batteries, or any combination of such contracts, in the aggregate  
507 amount of Twenty Million Dollars (\$20,000,000.00), either from the  
508 United States government or the private sector. No bonds shall be  
509 issued under this paragraph after June 30, 2001.

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

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

518 (4) The proceeds from the sale of the bonds issued under  
519 this section may be applied for the purposes of: (a) defraying  
520 all or any designated portion of the costs incurred with respect  
521 to acquisition, planning, design, construction, installation,  
522 rehabilitation, improvement, relocation and with respect to  
523 state-owned property, operation and maintenance of the project and  
524 any facility related to the project located within the project  
525 area, including costs of design and engineering, all costs





526 incurred to provide land, easements and rights-of-way, relocation  
527 costs with respect to the project and with respect to any facility  
528 related to the project located within the project area, and costs  
529 associated with mitigation of environmental impacts and  
530 environmental impact studies; (b) defraying the cost of providing  
531 for the recruitment, screening, selection, training or retraining  
532 of employees, candidates for employment or replacement employees  
533 of the project and any related activity; (c) reimbursing the  
534 Mississippi Development Authority for expenses it incurred in  
535 regard to projects defined in Section 57-75-5(f)(iv) prior to  
536 November 6, 2000. The Mississippi Development Authority shall  
537 submit an itemized list of expenses it incurred in regard to such  
538 projects to the Chairmen of the Finance and Appropriations  
539 Committees of the Senate and the Chairmen of the Ways and Means  
540 and Appropriations Committees of the House of Representatives; (d)  
541 providing grants to enterprises operating projects defined in  
542 Section 57-75-5(f)(iv)1; (e) paying any warranty made by the  
543 authority regarding site work for a project defined in Section  
544 57-75-5(f)(iv)1; (f) defraying the cost of marketing and promotion  
545 of a project as defined in Section 57-75-5(f)(iv)1. The authority  
546 shall submit an itemized list of costs incurred for marketing and  
547 promotion of such project to the Chairmen of the Finance and  
548 Appropriations Committees of the Senate and the Chairmen of the  
549 Ways and Means and Appropriations Committees of the House of  
550 Representatives; (g) providing for the payment of interest on the  
551 bonds; (h) providing debt service reserves; and (i) paying  
552 underwriters' discount, original issue discount, accountants'  
553 fees, engineers' fees, attorneys' fees, rating agency fees and  
554 other fees and expenses in connection with the issuance of the  
555 bonds. Such bonds shall be issued from time to time and in such  
556 principal amounts as shall be designated by the authority, not to  
557 exceed in aggregate principal amounts the amount authorized in  
558 subsection (3) of this section. Proceeds from the sale of the



559 bonds issued under this section may be invested, subject to  
560 federal limitations, pending their use, in such securities as may  
561 be specified in the resolution authorizing the issuance of the  
562 bonds or the trust indenture securing them, and the earning on  
563 such investment applied as provided in such resolution or trust  
564 indenture.

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



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

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

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

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

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



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

628 (9) The State Treasurer is authorized to certify to the  
629 Department of Finance and Administration the necessity for  
630 warrants, and the Department of Finance and Administration is  
631 authorized and directed to issue such warrants payable out of any  
632 funds appropriated by the Legislature under this section for such  
633 purpose, in such amounts as may be necessary to pay when due the  
634 principal of and interest on all bonds issued under the provisions  
635 of this section. The State Treasurer shall forward the necessary  
636 amount to the designated place or places of payment of such bonds  
637 in ample time to discharge such bonds, or the interest thereon, on  
638 the due dates thereof.

639 (10) The bonds may be issued without any other proceedings  
640 or the happening of any other conditions or things other than  
641 those proceedings, conditions and things which are specified or  
642 required by this chapter. Any resolution providing for the  
643 issuance of general obligation bonds under the provisions of this  
644 section shall become effective immediately upon its adoption by  
645 the State Bond Commission, and any such resolution may be adopted  
646 at any regular or special meeting of the State Bond Commission by  
647 a majority of its members.

648 (11) In anticipation of the issuance of bonds hereunder, the  
649 State Bond Commission is authorized to negotiate and enter into  
650 any purchase, loan, credit or other agreement with any bank, trust  
651 company or other lending institution or to issue and sell interim  
652 notes for the purpose of making any payments authorized under this  
653 section. All borrowings made under this provision shall be  
654 evidenced by notes of the state which shall be issued from time to  
655 time, for such amounts not exceeding the amount of bonds  
656 authorized herein, in such form and in such denomination and



657 subject to such terms and conditions of sale and issuance,  
658 prepayment or redemption and maturity, rate or rates of interest  
659 not to exceed the maximum rate authorized herein for bonds, and  
660 time of payment of interest as the State Bond Commission shall  
661 agree to in such agreement. Such notes shall constitute general  
662 obligations of the state and shall be backed by the full faith and  
663 credit of the state. Such notes may also be issued for the  
664 purpose of refunding previously issued notes; except that no notes  
665 shall mature more than three (3) years following the date of  
666 issuance of the first note hereunder and provided further, that  
667 all outstanding notes shall be retired from the proceeds of the  
668 first issuance of bonds hereunder. The State Bond Commission is  
669 authorized to provide for the compensation of any purchaser of the  
670 notes by payment of a fixed fee or commission and for all other  
671 costs and expenses of issuance and service, including paying agent  
672 costs. Such costs and expenses may be paid from the proceeds of  
673 the notes.

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

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



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

698           (15) The Attorney General of the State of Mississippi shall  
699 represent the State Bond Commission in issuing, selling and  
700 validating bonds herein provided for, and the Bond Commission is  
701 hereby authorized and empowered to expend from the proceeds  
702 derived from the sale of the bonds authorized hereunder all  
703 necessary administrative, legal and other expenses incidental and  
704 related to the issuance of bonds authorized under this chapter.

705           (16) There is hereby created a special fund in the State  
706 Treasury to be known as the Mississippi Major Economic Impact  
707 Authority Fund wherein shall be deposited the proceeds of the  
708 bonds issued under this chapter and all monies received by the  
709 authority to carry out the purposes of this chapter. Expenditures  
710 authorized herein shall be paid by the State Treasurer upon  
711 warrants drawn from the fund, and the Department of Finance and  
712 Administration shall issue warrants upon requisitions signed by  
713 the director of the authority.

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

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



723 loan and transfer agent as canceled and paid bonds and notes and  
724 thereafter all payments of interest thereon shall cease and the  
725 canceled bonds, notes and coupons, together with any other  
726 canceled bonds, notes and coupons, shall be destroyed as promptly  
727 as possible after cancellation but not later than two (2) years  
728 after cancellation. A certificate evidencing the destruction of  
729 the canceled bonds, notes and coupons shall be provided by the  
730 loan and transfer agent to the seller.

731 (c) The State Treasurer shall determine and report to  
732 the Department of Finance and Administration and Legislative  
733 Budget Office by September 1 of each year the amount of money  
734 necessary for the payment of the principal of and interest on  
735 outstanding obligations for the following fiscal year and the  
736 times and amounts of the payments. It shall be the duty of the  
737 Governor to include in every executive budget submitted to the  
738 Legislature full information relating to the issuance of bonds and  
739 notes under the provisions of this chapter and the status of the  
740 sinking fund for the payment of the principal of and interest on  
741 the bonds and notes.

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

744 27-7-312. Of the revenue collected under the provisions of  
745 this article from the new direct jobs of a qualified business or  
746 industry as defined in Section 57-62-5 of the Mississippi  
747 Advantage Jobs Act, an amount equal to the estimated amount of the  
748 quarterly incentive payment for which such qualified business or  
749 industry is eligible shall be deposited into the Mississippi  
750 Advantage Jobs Incentive Payment Fund created pursuant to Section  
751 57-62-1 et seq., on or before the twentieth day of the month  
752 following the close of each calendar quarter.

753 **SECTION 5.** This act shall take effect and be in force from  
754 and after its passage.

