

By: Representative Woods

To: Interstate Cooperation;
Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1054

1 AN ACT TO AMEND SECTIONS 57-36-1, 57-36-3 AND 57-36-5,
2 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE STATE OF MISSISSIPPI
3 TO ENTER INTO THE CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT
4 WHICH IS AN INTERSTATE COMPACT BETWEEN THE STATE OF MISSISSIPPI
5 AND THE STATE OF TENNESSEE, TO PROVIDE THAT SUCH SECTIONS SHALL BE
6 REPEALED FROM AND AFTER JUNE 30, 2003; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 57-36-1, Mississippi Code of 1972, is
9 amended as follows:

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

15 **CHICKASAW TRAIL ECONOMIC DEVELOPMENT COMPACT**

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

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



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

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

58 (a) "Board" means the board of directors of the
59 authority.

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



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

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

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

75 (e) "Compact study area" means that area described as
76 follows:

77 The general area for the Chickasaw Trail Economic
78 Development Compact consists of approximately eight
79 thousand (8,000) acres, located on both sides of
80 the Tennessee/Mississippi state line at the point
81 where Shelby County and Fayette County adjoin
82 Marshall County, Mississippi. The project
83 boundaries are Highway 72 on the north, Quinn Road
84 on the west, the proposed extension of Goodman Road
85 on the south, and Redbanks Road on the east.

86 Approximately one thousand one hundred (1,100)
87 acres of the study area are in southeast Shelby
88 County; six hundred (600) acres are in southwest
89 Fayette County; and the balance of six thousand
90 three hundred (6,300) acres is in north Marshall
91 County.

92 (f) "Cost of project" means all costs of site
93 preparation and other start-up costs; all costs of construction;
94 all costs of real and personal property acquired for the purposes
95 of the project and facilities related thereto, including land and



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

119 (g) "County" means Marshall County, Mississippi, or
120 Fayette County, Tennessee.

121 (h) "Enterprise" means any for profit or nonprofit
122 venture, business, service provided, industrial facility or
123 utility located within the compact area under any agreement or
124 contract with the authority.

125 (i) "Facilities" mean any plant, structure, building,
126 improvement, land or any other real or personal property of the
127 compact or authority or used or useful in a project under this
128 chapter.



129 (j) "Governing body" means the elected or duly
130 appointed officials constituting the governing body of a
131 municipality or county.

132 (k) "Municipality" means any incorporated city or town
133 within a county.

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

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

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

153 (o) "Public agency" means:

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

156 (ii) Any city, town, county, political
157 subdivision, school district or other district created or existing
158 under the laws of the state or any public agency of any such city,
159 town, county, political subdivision or district; and

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



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

165 (i) Facilities to provide utilities, as defined
166 herein;

167 (ii) Airports, airfields and air terminals;

168 (iii) Rail lines;

169 (iv) Highways, streets and other roadways;

170 (v) Conference centers, classrooms and
171 instructional facilities, including any functionally related
172 facilities;

173 (vi) Parks and outdoor recreation facilities;

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

176 (viii) Public or private health care facilities.

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



195 condemnation or guaranty pertaining to a facility or property
196 mortgaged to secure bonds or pertaining to the financing of a
197 facility; income and profit from the investment of the proceeds of
198 bonds or of any revenues and the proceeds of any special tax to
199 which it may be entitled.

200 (r) "State" means the State of Mississippi or the State
201 of Tennessee.

202 (s) "Unit of local government" means a county or
203 municipality within a county of the State of Mississippi or the
204 State of Tennessee.

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

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

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



227 shall nominate the appointee, and the city commission shall
228 confirm the nomination of such appointee.

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

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



260 shall keep a record of the proceedings of the authority and shall
261 be custodian of all books, documents and papers filed with the
262 authority, the minute book or journal, and the official seal. The
263 secretary may make copies of all minutes and other records and
264 documents of the compact and certify under the seal of the
265 authority that such copies are true and accurate copies, and all
266 persons dealing with the compact authority may rely upon such
267 certification.

268 (3) Regular meetings of the board shall be held as set forth
269 in its bylaws, rules or regulations. Additional meetings of the
270 board shall be held at the call of the chairman or general manager
271 whenever any three (3) members of the board so request in writing.
272 Members of the property owner group shall be notified of the
273 meetings of the board in the same manner as board members are
274 notified.

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

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

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

283 **authority.** From and after the creation of the compact, the
284 authority shall be a public corporation, body politic with all the
285 rights and powers now or hereafter conferred as may be deemed
286 necessary to carry out the purposes of this chapter including the
287 following:

288 (a) To maintain an office at a place or places within
289 either state.

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

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



292 (d) To employ or contract with architects, engineers,
293 attorneys, accountants, construction and financial experts and
294 such other advisors, consultants and agents as may be necessary in
295 its judgment and to fix and pay their compensation.

296 (e) To make, adopt, enforce, amend and repeal bylaws
297 and rules and regulations for the management of its business and
298 affairs for the use, maintenance and operation of the compact, any
299 of the project facilities and any other of its properties.

300 (f) To borrow money and to issue bonds, notes and other
301 evidence of indebtedness, without the authority to levy ad valorem
302 taxes, for any of its purposes and to provide for and secure the
303 payment thereof and to provide for the rights of the holders
304 thereof.

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

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



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

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

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

353 (k) To acquire by purchase, lease, gift, investment,
354 trade, exchange or in other manner, including eminent domain as
355 may be authorized under this chapter, or obtain options to
356 acquire, and to own, maintain, use, operate and convey any and all
357 property of any kind, real, personal or mixed or easement therein



358 or any interest or estate therein, within the compact area,
359 necessary for the project or any facility related to the project.

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

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

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

376 (o) To enter into joint agreements, development
377 agreements or other agreements with any person or participant in a
378 joint venture with any private firm, person or public agency to
379 form and participate in real estate investment trusts and limited
380 liability partnerships, joint ventures, joint ownerships and
381 agreements for the construction and operation of any project of
382 the authority with the compact area.

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



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

394 (r) To lease, sell, mortgage, pledge, trade, exchange
395 or otherwise convey any or all property acquired by the authority
396 under the provisions of this chapter to the enterprise, its
397 successors or assigns, and in connection therewith to pay the
398 costs of title search, perfection of title, title insurance and
399 recording fees as may be required. The authority may provide in
400 the instrument conveying such property a provision that the
401 property shall revert to the authority if, as and when the
402 property is declared by the enterprise to be no longer needed.

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

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

422 (u) To establish and maintain reasonable rates and
423 charges for the use of any facility within the compact area owned



424 or operated by or under the authority, or services provided by the
425 authority and from time to time to adjust such rates and to impose
426 penalties for failure to pay such rates and charges when due.

427 (v) To adopt and enforce exclusively all necessary and
428 reasonable rules and regulations to carry out and effectuate the
429 implementation of this chapter, the purpose of the authority and
430 any project and any land use plan classification adopted for the
431 compact area, including, but not limited to, rules, regulations,
432 zoning and restrictions concerning mining, construction,
433 excavation or any other activity the occurrence of which may
434 endanger the structure or operation of the authority or any
435 project. However, the exercise of this power shall not conflict
436 with the provisions of Article VII, subsection (2) of this
437 section.

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

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

445 (y) To consult with the State Department of Education
446 and other public agencies for the purpose of improving public
447 schools and curricula and training programs within the compact
448 area.

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

453 (aa) To do any and all things necessary or proper for
454 the accomplishment of the objectives of this chapter and to
455 exercise any power usually possessed by private corporations
456 performing similar functions which is not in conflict with the



457 constitutions and laws of the respective states, including the
458 power to employ professional and administrative staff and
459 personnel and to retain legal, engineering, fiscal, accounting and
460 other professional services; the power to purchase all kinds of
461 insurance, including without limitations, insurance against tort
462 liability and against risks of damage to property; and the power
463 to act as self-insurer with respect to any loss or liability.

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

465 The authority may adopt and promulgate all reasonable rules and
466 regulations regarding the operation of the authority, its
467 projects, the compact area, and the specifications and standards
468 relating to the construction, operation and maintenance of any
469 facility.

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

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



490 authority incident to or necessary or convenient to carry out its
491 corporate purposes and powers.

492 (2) The authority may issue such types of bonds or notes, in
493 its discretion, subject only to any agreement with the holders of
494 particular bonds, including bonds as to which the principal and
495 interest are payable exclusively from all or a portion of the
496 revenues derived from one or more facilities under the contracts
497 entered into by public agencies, and other persons, or any
498 combination of any of the foregoing, or which may be secured by a
499 pledge or any grant, subsidy or contribution from any public
500 agency or other person, or a pledge of an income or revenues,
501 funds or monies of the authority from any source whatsoever,
502 except that the authority may not issue bonds or notes that are
503 secured by ad valorem taxes.

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

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



522 (5) Any pledge of earnings, revenues or other monies made by
523 the authority shall be valid and binding from the time the pledge
524 is made and the earnings, revenues or other monies so pledged and
525 thereafter received by the authority immediately shall be subject
526 to the lien of such pledge without any physical delivery thereof
527 or further act. The lien of any such pledge shall be valid and
528 binding as against all parties having claims of any kind in tort,
529 contract or otherwise against the authority regardless of whether
530 such parties have notice thereof. Neither the resolution nor any
531 other instrument by which a pledge is created need be recorded.

532 (6) Neither the board members nor any person executing the
533 bonds shall be personally liable on the bonds or be subject to any
534 personal liability or accountability by reason of the issuance
535 thereof.

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

548 (8) The bonds issued by the authority under authority of the
549 compact shall be limited obligations of such compact. The
550 principal, interest and redemption premium, if any, shall be
551 payable solely out of the monies to be derived by the compact.
552 Revenue bonds and interest coupons issued under authority of this
553 chapter shall never constitute an indebtedness of the state or any
554 county or municipality within the meaning of any state



555 constitutional provision or statutory limitation and shall never
556 constitute nor give rise to a pecuniary liability of a county or
557 municipality or the state, or a charge against its general credit
558 or taxing powers, and such fact shall be plainly stated on the
559 face of each bond.

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

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

583 **Article X. Refunding bonds.** The authority may issue
584 refunding bonds for the purpose of paying any of its bonds at or
585 prior to maturity or upon acceleration or redemption. Refunding
586 bonds may be issued at such time prior to the maturity or
587 redemption of the refunded bonds as the authority deems to be in



588 the public interest. The refunding bonds may be issued in
589 sufficient amounts to pay or provide the principal of the bonds
590 being refunded, together with any redemption premium thereof, any
591 interest accrued or to accrue to the date of payment of such
592 bonds, the expenses of issue of the refunding bonds, the expenses
593 of redeeming the bonds being refunded, and such reserves for debt
594 service or other capital or current expenses from the proceeds of
595 such refunding bonds as may be required by the resolution, trust
596 indenture or other security instruments.

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

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

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

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

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

611 (d) Covenant and prescribe as to events of default and
612 terms and conditions upon which any or all of its bonds shall
613 become or may be declared due before maturity, as to the terms and
614 conditions upon which such declaration and its consequences may be
615 waived and as to the consequences of default and the remedies of
616 bondholders.

617 (e) Covenant as to the mortgage or pledge of or the
618 grant of a security interest in any real or personal property and
619 all or any part of the revenues from any facilities or any
620 revenue-producing contract or contracts made by the compact with



621 any person to secure the payment of bonds, subject to such
622 agreements with the holders of bonds as may then exist.

623 (f) Covenant as to the custody, collection, securing,
624 investment and payment of any revenue assets, monies, funds or
625 property with respect to which the compact may have any rights or
626 interest.

627 (g) Covenant as to the purpose to which the proceeds
628 from the sale of any bonds then or thereafter to be issued may be
629 applied, and the pledge of such proceeds to secure the payment of
630 the bonds.

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

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

636 (j) Covenant as to the procedure by which the terms of
637 any contract with or for the benefit of the holders of bonds may
638 be amended or abrogated, the amount of bonds the holders of which
639 must consent thereto, and the manner in which such consent may be
640 given.

641 (k) Covenant as to the custody of any of its properties
642 or investments, the safekeeping thereof, the insurance to be
643 carried thereon, and the use and disposition of insurance
644 proceeds.

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

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

651 (n) Make all other covenants and to do any and all such
652 acts and things as may be necessary or convenient or desirable in
653 order to secure its bonds without a pledge of ad valorem taxes, or



654 in the absolute discretion of the authority tend to make the bonds
655 more marketable, notwithstanding that such covenants, acts or
656 things may not be enumerated herein; it being the intention hereof
657 to give the authority power to do all things in the issuance of
658 bonds and in the provisions for security thereof which are not
659 inconsistent with the Constitution of the state.

660 (o) Execute all instruments necessary or convenient in
661 the exercise of the powers herein granted or in the performance of
662 covenants or duties, which may contain such covenants and
663 provisions, as any purchaser of the bonds of the authority may
664 reasonably require.

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



687 from such facilities, and perform the public duties and carry out
688 the contracts and obligations of the authority in the same manner
689 as the authority itself might do, all under the direction of such
690 a proper court.

691 **Article XIII. Exemption from taxation.** (1) The exercise of
692 the powers granted by this chapter will be in all respects for the
693 benefit of the people of the states for their well-being and
694 prosperity and for the improvement of their social and economic
695 conditions, and neither the compact or authority shall be required
696 to pay any tax or assessment on any property owned by the compact
697 or the authority upon the income therefrom.

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

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

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

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

718 (c) Do any and all things, whether or not specifically
719 authorized in this section, not otherwise prohibited by law, that



720 are necessary or convenient to aid and cooperate with any
721 authority in attaining the objectives of this chapter.

722 **Article XV. Contracting for projects.** Contracts for
723 acquisition, purchase, construction or installation of a project
724 shall be effected in the manner prescribed by law for public
725 contracts, except when:

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

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

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

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

744 (a) To enter into agreements, which may extend over any
745 period, with the authority respecting action to be taken by such
746 public agency with respect to the acquisition, planning,
747 construction, improvement, operation, maintenance or funding of
748 the project or any such facility, and which agreements may include
749 (i) the appropriation or payment of funds to the compact or
750 authority or to a trustee in amounts which shall be sufficient to
751 enable the authority to defray any designated portion or
752 percentage of the expenses of administering, planning, designing,



753 constructing, acquiring, improving, operating and maintaining the
754 project or any facility related to the project, and (ii) the
755 furnishing of other assistance in connection with the project or
756 facility related to the project;

757 (b) To dedicate, sell, donate, convey or lease any
758 property or interest in property to the authority or grant
759 easements, licenses or other rights or privileges therein to the
760 authority;

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

764 (d) To lend, grant or contribute funds to the
765 authority;

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

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

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

778 (h) To cause administrative and other services to be
779 furnished to the authority, including services pertaining to the
780 acquisition of real property and the furnishing of relocation
781 assistance. Any contract between a public agency entered into
782 with the authority pursuant to any of the powers granted by this
783 chapter shall be binding upon the public agency according to its
784 terms, and the public agency shall have the power to enter into
785 such contracts as in the discretion of the governing authorities



786 thereof, would be to the best interest of the people of the public
787 agency. If at any time title to or possession of the project or
788 any such facility is held by any public body or governmental
789 agency other than the authority, including any agency or
790 instrumentality of the United States of America, the agreements
791 referred to in this section shall inure to the benefit of and may
792 be enforced by such public body or governmental agency.

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

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



818 **Article XIX. Lease of facilities.** Whenever deemed necessary
819 or desirable by the authority, the authority may lease as lessor
820 or lessee to or from any person, firm, corporation, association or
821 body public or private, any projects of the type that the
822 authority is authorized to undertake and facilities or property of
823 any nature for the use of the authority and to carry out any of
824 the purposes of the compact.

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

831 (a) Reclamation and drainage. To adopt a plan of
832 reclamation, and own, acquire, construct, reconstruct, equip,
833 operate, maintain, extend and improve canals, ditches, drains,
834 dikes, levees, pumps, plants and pumping systems and other works,
835 machinery and plants.

836 (b) Water and sewer systems. To facilitate the
837 development or own, acquire, construct, reconstruct, equip,
838 operate, maintain, extend and improve water systems and sewer
839 systems or combined water and sewer systems; to cooperate with the
840 proper public agency to regulate the use of sewers and the supply
841 of water within the compact area and cooperate with the proper
842 public agency in prohibiting or regulating the use and maintenance
843 of outhouses, privies, septic tanks or other sanitary structures
844 or appliances within the compact area; to coordinate with the
845 proper public agencies in prescribing methods of pretreatment of
846 wastes not amenable to treatment with domestic sewage before
847 accepting such wastes for treatment and to refuse to accept such
848 wastes when not sufficiently pretreated as may be prescribed by
849 the proper public agency; to sell or otherwise dispose of the
850 effluent, sludge or other by-products as a result of sewage



851 treatment; and to construct and operate connecting, intercepting
852 or outlet sewers and sewer mains and pipes and water mains,
853 conduits or pipelines in, along or under any street, alleys,
854 highways or other public places or ways within the compact
855 services area, when deemed necessary or desirable by the authority
856 and the proper public agency in accomplishing the purposes of this
857 chapter.

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

864 (d) Recreation facilities. To provide, acquire,
865 construct, equip, operate, maintain, if necessary, extend and
866 improve parks, playgrounds, picnic grounds, golf courses,
867 auditoriums, libraries, recreational centers, convention halls and
868 facilities, and cultural, recreational and other appropriate
869 projects.

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

877 (f) Fire protection. To provide for or own, acquire,
878 construct, reconstruct, equip, maintain, operate, extend and
879 improve fire control facilities for the compact, including fire
880 stations, water mains and plugs, fire trucks and other vehicles
881 and equipment, and to undertake such works and construct such
882 facilities as may be determined necessary by the board to carry



883 out a program of fire prevention and fire control within the
884 compact or service area.

885 (g) Conservation areas and sanctuaries. To designate,
886 set aside and maintain lands and areas within the compact area as
887 conservation areas; to promulgate and enforce rules and
888 regulations with respect thereto and to protect and preserve the
889 natural beauty thereof.

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

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

908 **Article XXII. Short term borrowings.** The authority at any
909 time may obtain loans, in such amount and on such terms and
910 conditions as the board may approve, for the purpose of paying any
911 of the expenses of the authority or any costs incurred or that may
912 be incurred in connection with any of the projects of the
913 authority, which loans shall have a term not exceeding two (2)
914 years from the date of issuance thereof, and may be renewable for
915 a like term or terms, and may be payable from and secured by a



916 pledge of such funds, revenues and assessments, other than a levy
917 of ad valorem taxes, as the board may determine.

918 **Article XXIII. Cooperation agreements with the state,**
919 **counties and municipalities.** (1) The states of Mississippi and
920 Tennessee and the counties, municipalities and other political
921 subdivisions and public bodies and agencies thereof, or any of
922 them, whether now existing or hereafter created, are authorized to
923 aid and cooperate with the compact in carrying out any of the
924 purposes and projects of the authority to enter into cooperation
925 agreements with the authority, to provide in any such cooperation
926 agreement for the making of loans, gifts, grants or contributions
927 to the authority and the granting and conveyance to the authority
928 of real or personal property of any kind or nature, or any
929 interest therein, for the carrying out of the purposes and
930 projects of the authority, to covenant in any such cooperation
931 agreement to pay all or any part of the costs of acquisition,
932 construction, reconstruction, extension, improvement, operation
933 and maintenance of any of the projects of the authority, and to
934 pay all or any part of the principal and interest on any bonds of
935 the authority and all or any part of the deposits required to be
936 made into any reserve, renewal and replacement or other funds
937 created and established by the indenture, resolution, deed of
938 trust or other instrument securing such bonds.

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

945 **Article XXIV. Interstate and federal cooperation.** The
946 authority is authorized to cooperate and coordinate with economic
947 development commissions, travel, and other similar commissions and
948 boards, or other similar agencies of other states, the federal



949 government, and with county, municipal, and regional economic
950 development, travel, and other similar commissions or boards, or
951 other agencies thereof, for the purposes of securing economic
952 development within the states of Mississippi and Tennessee, and to
953 accomplish this purpose.

954 **Article XXV. Publicity and advertising.** It shall be the
955 duty of the authority to prepare and execute a program of
956 publicity and advertising that will bring into favorable notice
957 the industrial, commercial, recreational, educational and social
958 advantages, opportunities, possibilities, resources and facilities
959 of the compact, and in the preparation and execution of such
960 program the compact may use any funds which may be appropriated or
961 otherwise made available.

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



982 retirement of such bonds if any are outstanding for the sale year
983 and the interest thereon. Such income or proceeds related to a
984 bond issue shall not be used by the authority for any other
985 purpose except as to disposition of surplus income authorized
986 above, and shall be subject to all of the provisions regarding the
987 sinking fund.

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

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



1015 project in good repair and keeping it properly insured. Such
1016 lease shall be made upon such other terms and conditions and for
1017 the time which may be determined by the authority and may contain
1018 provisions authorizing the purchase of the entire project or any
1019 portion thereof by the industry or its assignee after all bonds
1020 issued thereunder have been paid in full, for such consideration
1021 and upon such terms and conditions as the authority may determine.

1022 **Article XXVIII. Plans for industrial plant training and**
1023 **recruitment.** The authority is authorized and empowered to
1024 formulate plans for industrial plant training, workplace skills or
1025 other educational activities to aid in recruitment for new and
1026 expanded industries, or both, and to enter into agreements for
1027 such training with a college, university or training institution
1028 in either or both member states.

1029 **Article XXIX. Lease/sale agreements between compact**
1030 **and industries.** Any agreement made under this chapter may provide
1031 that the project will be owned by the authority, and leased to the
1032 industry; may provide the industry with an option to purchase the
1033 project upon such terms and conditions as the board and the
1034 industry shall agree upon, at a price which represents the fair
1035 market value at the time of purchase or may provide that the
1036 project shall become the property of the industry upon the
1037 acquisition thereof. Any such agreement may also, but is not
1038 required to, include a guaranty agreement whereby a corporation,
1039 foreign or domestic, other than the industry guarantees in whole
1040 or in part the obligations of the industry under the lease or sale
1041 upon such terms and conditions as the board may deem appropriate.

1042 **Article XXX.** Nothing in this section shall be construed so
1043 as to conflict with or modify any existing statute, or to limit
1044 the powers of any party state, or to repeal or prevent
1045 legislation, or to authorize or permit curtailment or diminution
1046 of any other economic development project, or to affect any
1047 existing or future cooperative arrangement or relationship between



1048 any federal agency and a party state. The authority conferred by
1049 this compact shall not be construed as an exemption from the
1050 provisions of Tennessee Code Annotated, Title 65, or from the
1051 provisions of Section 77-3-1 et seq., Mississippi Code of 1972, as
1052 to the requirements for obtaining a certificate of public
1053 convenience and necessity, the jurisdiction of the Tennessee
1054 Regulatory Authority or the jurisdiction of the Mississippi Public
1055 Service Commission to regulate rates or any other provisions of
1056 the laws of either state, and to the extent that the authority
1057 provides telephone, telegraph and telecommunications services or
1058 any similar services in Tennessee, the authority is deemed to be a
1059 public utility subject to the jurisdiction of the Tennessee
1060 Regulatory Authority. Furthermore, nothing in this compact shall
1061 be construed to deprive, prevent, or hinder an electric or other
1062 public utility from exclusively providing its services in those
1063 portions of the compact area that are now or hereafter included
1064 within a certificate of public convenience and necessity issued to
1065 the public utility by the Tennessee Regulatory Authority, the
1066 Mississippi Public Service Commission or other appropriate
1067 regulatory agency. The authority conferred by this compact shall
1068 not be construed as a grant of authority to provide electric,
1069 telephone, telegraph, telecommunications services, cable
1070 television, video transmission, video programming services or
1071 other similar service, and this compact shall be subject to all
1072 federal, state and local laws, ordinances, rules and regulations
1073 governing such services.

1074 **Article XXXI.** (1) This compact shall continue in force and
1075 remain binding upon each party state until the Governor, with the
1076 consent of the Legislature, of each or either state takes action
1077 to withdraw therefrom; provided that such withdrawal shall not
1078 become effective until six (6) months after the date of the action
1079 taken. Notice of such action shall be given by the Secretary of
1080 State of the party state which takes such action.



1081 (2) This section shall be repealed from and after June 30,
1082 2003.

1083 **SECTION 2.** Section 57-36-3, Mississippi Code of 1972, is
1084 amended as follows:

1085 57-36-3. There is hereby granted to the Governor and to the
1086 authority under Mississippi law all the powers provided for in the
1087 compact and in this chapter. All officers of the State of
1088 Mississippi are authorized and directed to do all things falling
1089 within their respective jurisdictions which are necessary or
1090 incidental to carrying out the purpose of this compact.

1091 This section shall be repealed from and after June 30, 2003.

1092 **SECTION 3.** Section 57-36-5, Mississippi Code of 1972, is
1093 amended as follows:

1094 57-36-5. The provisions of this chapter are severable. If
1095 any part of the chapter is declared invalid or unconstitutional,
1096 such declaration shall not affect the part which remains.

1097 This section shall be repealed from and after June 30, 2003.

1098 **SECTION 4.** This act shall take effect and be in force from
1099 and after its passage.

