

By: Representative Ford

To: Ways and Means

HOUSE BILL NO. 1418

1 AN ACT TO AMEND SECTION 57-64-9, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE AN ALTERNATIVE METHOD FOR THE CREATION OF REGIONAL
 3 ECONOMIC DEVELOPMENT ALLIANCES UNDER THE REGIONAL ECONOMIC
 4 DEVELOPMENT ACT; TO PROVIDE THAT LOCAL GOVERNMENTAL UNITS DESIRING
 5 TO CREATE A REGIONAL ECONOMIC DEVELOPMENT ALLIANCE MAY APPLY TO
 6 THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR THE CREATION OF AN
 7 ALLIANCE WITHOUT DETAILING OR IDENTIFYING A SPECIFIC PROJECT FOR
 8 WHICH THE LOCAL GOVERNMENTAL UNITS DESIRE TO CREATE AN ALLIANCE;
 9 TO PROVIDE THAT A REGIONAL ECONOMIC DEVELOPMENT ALLIANCE CREATED
 10 UNDER THE ALTERNATIVE METHOD AUTHORIZED BY THIS ACT MAY MAKE A
 11 SUBSEQUENT APPLICATION TO THE MISSISSIPPI DEVELOPMENT AUTHORITY
 12 DETAILING AND IDENTIFYING A SPECIFIC PROJECT OR PROJECTS ALONG
 13 WITH THE METHODS OF FINANCING OR AMOUNTS REQUIRED FOR EACH
 14 PROJECT; TO PROVIDE THAT A CERTIFICATE OF PUBLIC CONVENIENCE AND
 15 NECESSITY ISSUED UNDER SUCH ALTERNATIVE METHOD SHALL NOT EXPIRE
 16 UNTIL THE LOCAL GOVERNMENTAL UNITS COMPRISING THE REGIONAL
 17 ECONOMIC DEVELOPMENT ALLIANCE TERMINATE AND DISSOLVE THE REGIONAL
 18 ECONOMIC DEVELOPMENT ALLIANCE; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 57-64-9, Mississippi Code of 1972, is
 21 amended as follows:

22 57-64-9. (1) Prior to issuing bonds to finance any proposed
 23 project under this chapter, the local government unit shall submit
 24 an application to the MDA for a certificate of public convenience
 25 and necessity. The application shall be in such form and content
 26 as the MDA shall from time to time prescribe.

27 (2) The MDA shall investigate, find and determine, upon
 28 application of any local government unit therefor, as to whether a
 29 certificate of public convenience and necessity shall be issued to
 30 such local government unit to authorize creation of an alliance.
 31 The MDA is authorized and empowered, having due regard to the
 32 promotion of the public policy and the general welfare herein
 33 declared, to issue or refuse to issue a certificate of public
 34 convenience and necessity for the alliance to the local government
 35 unit. The MDA shall issue or refuse to issue the certificate of



36 public convenience and necessity within six (6) months after it
37 receives such application. If and when such certificate is
38 issued, it shall authorize the particular local government unit to
39 create and operate the alliance but, except as otherwise provided
40 in subsection (4) of this section, the certificate shall expire
41 twelve (12) months from its date unless within that time such
42 alliance shall have been created. Any application rejected may be
43 resubmitted.

44 (3) If and when a certificate is issued, the MDA therein
45 shall fix and determine:

46 (a) The extent and amount to which the local government
47 unit may issue bonds or make expenditures for such alliance;

48 (b) The extent and amount that the revenues derived
49 from the project shall be shared by the local government unit with
50 other members of the alliance;

51 (c) The extent and amount that the revenues derived
52 from the project may be pledged to secure payment of the bonds
53 issued to finance the project;

54 (d) What property may be acquired therefor;

55 (e) The terms upon which such acquisition may be had;

56 (f) What expenditures may be made; and

57 (g) The construction of buildings and of equipment with
58 its installation.

59 If the governing body of the local government unit fails or
60 refuses to follow the requirements made by the MDA in the
61 certificate, then the members of the governing body of the local
62 government unit voting for such failure or refusal shall be
63 individually and personally liable until they have been out of
64 office for one (1) year, and liable upon their official bonds for
65 any loss that the local government unit may sustain by reason of
66 such failure or refusal to follow the requirements, and in
67 addition may be compelled by injunction to comply with such
68 requirements.



69 (4) (a) As an alternative to the procedure provided in
70 subsection (1) of this section, local governmental units desiring
71 to create an alliance may initially apply to the MDA for the
72 creation of an alliance without identifying or providing details
73 about a specific project for which the local governmental units
74 desire to create an alliance. Upon receipt of such an
75 application, the MDA shall review the application and determine
76 whether it is appropriate for the issuance of an initial
77 certificate of public convenience and necessity to the local
78 government units authorizing the creation of an alliance. If the
79 MDA determines the application for the creation of an alliance is
80 appropriate, the MDA shall issue an initial certificate of public
81 convenience and necessity authorizing the creation of an alliance
82 and authorizing the expenditure of funds by the alliance. An
83 alliance created under this subsection (4) may make a subsequent
84 application to the MDA identifying and providing details about a
85 specific project or projects along with the methods of financing
86 or amounts required for each project as provided under subsection
87 (3) of this section. Upon receipt of such an application, the MDA
88 shall review the application and determine whether it is
89 appropriate for the issuance of a subsequent certificate of public
90 convenience and necessity. If the MDA determines the application
91 for a subsequent certificate of public convenience and necessity
92 is appropriate, the MDA shall issue a subsequent certificate of
93 public convenience and necessity authorizing and approving the
94 project including the items provided in subsection (3) of this
95 section.

96 (b) A certificate of public convenience and necessity
97 issued under this subsection (4) shall not expire until the local
98 governmental units comprising the alliance terminate and dissolve
99 the alliance.

100 **SECTION 2.** This act shall take effect and be in force from
101 and after its passage.

