HOUSE BILL NO. 1418

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

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

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

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

(2) The MDA shall investigate, find and determine, upon application of any local government unit therefor, as to whether a certificate of public convenience and necessity shall be issued to such local government unit to authorize creation of an alliance. The MDA is authorized and empowered, having due regard to the promotion of the public policy and the general welfare herein declared, to issue or refuse to issue a certificate of public convenience and necessity for the alliance to the local government unit. The MDA shall issue or refuse to issue the certificate of
public convenience and necessity within six (6) months after it receives such application. If and when such certificate is issued, it shall authorize the particular local government unit to create and operate the alliance but, except as otherwise provided in subsection (4) of this section, the certificate shall expire twelve (12) months from its date unless within that time such alliance shall have been created. Any application rejected may be resubmitted.

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

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

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

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

(d) What property may be acquired therefor;

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

(f) What expenditures may be made; and

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

If the governing body of the local government unit fails or refuses to follow the requirements made by the MDA in the certificate, then the members of the governing body of the local government unit voting for such failure or refusal shall be individually and personally liable until they have been out of office for one (1) year, and liable upon their official bonds for any loss that the local government unit may sustain by reason of such failure or refusal to follow the requirements, and in addition may be compelled by injunction to comply with such requirements.
(4) (a) As an alternative to the procedure provided in subsection (1) of this section, local governmental units desiring to create an alliance may initially apply to the MDA for the creation of an alliance without identifying or providing details about a specific project for which the local governmental units desire to create an alliance. Upon receipt of such an application, the MDA shall review the application and determine whether it is appropriate for the issuance of an initial certificate of public convenience and necessity to the local government units authorizing the creation of an alliance. If the MDA determines the application for the creation of an alliance is appropriate, the MDA shall issue an initial certificate of public convenience and necessity authorizing the creation of an alliance and authorizing the expenditure of funds by the alliance. An alliance created under this subsection (4) may make a subsequent application to the MDA identifying and providing details about a specific project or projects along with the methods of financing or amounts required for each project as provided under subsection (3) of this section. Upon receipt of such an application, the MDA shall review the application and determine whether it is appropriate for the issuance of a subsequent certificate of public convenience and necessity. If the MDA determines the application for a subsequent certificate of public convenience and necessity is appropriate, the MDA shall issue a subsequent certificate of public convenience and necessity authorizing and approving the project including the items provided in subsection (3) of this section.

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

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