

By: Senator(s) Minor

To: Finance

SENATE BILL NO. 2322
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 29-1-1, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT CERTAIN PURCHASES OF LAND UNDER THE MISSISSIPPI MAJOR
3 ECONOMIC IMPACT ACT FROM THE PROVISIONS THAT THE TITLE OF ALL LAND
4 HELD BY A STATE AGENCY SHALL APPEAR UNDER THE NAME OF THE STATE
5 THAT GIVES THE SECRETARY OF STATE CERTAIN POWERS AND DUTIES WITH
6 REGARD TO THE SALE AND PURCHASE OF LAND BY A STATE AGENCY AND THAT
7 REQUIRE CERTAIN NOTICE TO BE GIVEN PRIOR TO THE PURCHASE OR SALE
8 OF LAND BY A STATE AGENCY; TO AMEND SECTION 57-75-5, MISSISSIPPI
9 CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" FOR
10 PURPOSES OF THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND
11 SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
12 MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY TO CONVEY CERTAIN
13 PROPERTY ACQUIRED BY THE AUTHORITY UNDER THE MISSISSIPPI MAJOR
14 ECONOMIC IMPACT ACT TO CERTAIN LOCAL GOVERNMENTS; TO MAKE IT CLEAR
15 THAT THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY MAY PURCHASE
16 AND PROVIDE WATER TO CERTIFICATED WATER PROVIDERS FOR CONNECTION
17 WITH SURFACE WATER TRANSMISSION LINES OWNED BY THE AUTHORITY, AND
18 THAT THE AUTHORITY MAY LEASE SUCH LINES TO CERTIFICATED WATER
19 PROVIDERS; TO GRANT CERTAIN ADDITIONAL POWERS TO THE MISSISSIPPI
20 MAJOR ECONOMIC IMPACT AUTHORITY; TO AMEND SECTION 57-75-15,
21 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF STATE
22 GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$38,500,000.00 FOR
23 CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT;
24 TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE
25 AMOUNT OF \$11,500,000.00 FOR CERTAIN PROJECTS UNDER THE
26 MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO REVISE THE PURPOSES FOR
27 WHICH THE BOND PROCEEDS MAY BE UTILIZED UNDER THE MISSISSIPPI
28 MAJOR ECONOMIC IMPACT ACT; TO PROVIDE THAT THE MATURITY DATE FOR
29 BOND ANTICIPATORY NOTES ISSUED UNDER THE MISSISSIPPI MAJOR
30 ECONOMIC IMPACT ACT MAY NOT EXCEED THREE YEARS FOLLOWING THE DATE
31 OF ITS ISSUANCE; TO AUTHORIZE THE STATE BOND COMMISSION TO
32 AUTHORIZE THE STATE TREASURER TO BORROW MONEY FROM ANY SPECIAL
33 FUND IN THE STATE TREASURY NOT OTHERWISE APPROPRIATED TO BE USED
34 BY THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY FOR COSTS
35 INCURRED WITH RESPECT TO CERTAIN PROJECTS; TO PROVIDE THAT THE
36 MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY SHALL REQUEST AN
37 APPROPRIATION OR ADDITIONAL AUTHORITY TO ISSUE GENERAL OBLIGATION
38 BONDS TO REPAY THE BORROWED FUNDS AND ESTABLISH A DATE FOR THE
39 REPAYMENT OF THE FUNDS SO BORROWED; TO LIMIT TO \$500,000.00 THE
40 AMOUNT THAT MAY BE SO BORROWED AT ANY ONE TIME; AND FOR RELATED
41 PURPOSES.

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

43 **SECTION 1.** Section 29-1-1, Mississippi Code of 1972, is
44 amended as follows:

45 29-1-1. (1) Except as otherwise provided in subsections
46 (7), * * * (8) and (9) of this section, the title to all lands



47 held by any agency of the State of Mississippi which were acquired
48 solely by the use of funds appropriated by the state shall appear
49 on all deeds and land records under the name of the "State of
50 Mississippi." For the purpose of this section, the term "agency"
51 shall be defined as set forth in Section 31-7-1(a). The
52 provisions of this section shall not affect the authority of any
53 agency to use any land held by the agency. No assets or property
54 of the Public Employees' Retirement System of Mississippi shall be
55 transferred in violation of Section 272A of the Mississippi
56 Constitution of 1890. Before September 1, 1993, each state agency
57 shall inventory any state-held lands which were acquired solely by
58 the use of funds appropriated by the state, and which are titled
59 in the name of the agency. The agency shall execute quitclaim
60 deeds and any other necessary documents to transfer the name and
61 title of the property to the State of Mississippi.

62 (2) The Secretary of State, under the general direction of
63 the Governor and as authorized by law, shall sell and convey the
64 public lands in the manner and on the terms provided herein for
65 the several classes thereof; he shall perform all the
66 administrative and executive duties appertaining to the selection,
67 location, surveying, platting, listing, and registering these
68 lands or otherwise concerning them; and he shall investigate the
69 status of the various "percent" funds accrued and accruing to the
70 state from the sale of lands by the United States, and shall
71 collect and pay the funds into the treasury in the manner provided
72 by law.

73 (3) In accordance with Sections 7-11-11 and 7-11-13, the
74 Secretary of State shall be required to sign all conveyances of
75 all state-held land. For purposes of this section, the term
76 "conveyance" shall mean any sale or purchase of land by the State
77 of Mississippi for use by any agency, board or commission thereof.
78 Failure to obtain legislative approval pursuant to subsection (4)
79 of this section and the signature of the Secretary of State on any



80 conveyance regarding the sale or purchase of lands for the state
81 including any agency, board or commission thereof, shall render
82 the attempted sale or purchase of the lands void. Nothing in this
83 section shall be construed to authorize any state agency, board,
84 commission or public official to convey any state-held land unless
85 this authority is otherwise granted by law. The Secretary of
86 State shall not withhold arbitrarily his signature from any
87 purchase or sale authorized by the Mississippi State Legislature.
88 All sales of state-held lands, except those lands forfeited to the
89 state for the nonpayment of taxes and those lands acquired by the
90 Mississippi Transportation Commission under Section 65-1-123,
91 shall be sold for not less than the fair market value as
92 determined by two (2) professional appraisers selected by the
93 State Department of Finance and Administration, who are certified
94 general appraisers of the State of Mississippi. The proceeds from
95 any sale by an agency, board, commission or public official of
96 state-held lands shall be deposited into the State General Fund
97 unless otherwise provided by law.

98 (4) Before any state-held land is sold to any individual or
99 private entity, thirty (30) days' advance notice of the intended
100 sale shall be provided by the Secretary of State to the State
101 Legislature, to all state agencies and to all governing
102 authorities within the state for the purpose of ascertaining
103 whether an agency or governing authority has a need for the land
104 and for the purpose of ascertaining whether the sale of the land
105 was authorized by law. If no agency or governing authority within
106 the state expresses in writing to the Secretary of State by the
107 end of the thirty-day period a desire to use the land, then the
108 Secretary of State, with the prior approval of the Mississippi
109 Legislature to sell the state-held land, may offer the land for
110 sale to any individual or private entity.

111 (5) A cultural resources survey may be performed on any
112 state-held land before the disposition of the land if the State



113 Department of Archives and History deems this survey necessary.
114 The cost of the survey and any archaeological studies deemed
115 necessary by the State Department of Archives and History shall be
116 paid by the selling agency and recouped from the proceeds of the
117 sale.

118 (6) Before any land may be purchased by the state for the
119 benefit of any state agency, the Secretary of State, or his
120 designee, shall search and examine all state land records to
121 determine whether the state owns any land that may fit the
122 particular need of the agency. The Secretary of State, or his
123 designee, shall notify the agency if it is determined that any
124 state-held land is available for use by the agency. The agency
125 shall determine if such land accommodates its needs and shall
126 determine whether to make an official request to the proper
127 authorities to have the use of the land.

128 (7) Any lands purchased or acquired for construction and
129 maintenance of highways or highway rights-of-way by the
130 Mississippi Department of Transportation shall be excluded from
131 the provisions of this section.

132 (8) This section shall not apply to any agency of the State
133 of Mississippi that holds title to lands purchased solely by the
134 use of federal funds or whose authority to transfer or dispose of
135 these lands is governed by federal law or federal regulations.

136 (9) Any lands purchased by the Mississippi Major Economic
137 Impact Authority for a "project" as defined in Section 57-75-5
138 shall be excluded from the provisions of this section.

139 (10) The Secretary of State may recover from any agency,
140 corporation, board, commission, entity or individual any cost that
141 is incurred by his office for the record-keeping responsibilities
142 regarding the sale or purchase of any state-held lands.

143 (11) Subsections (3), (4), (5) and (6) of this section shall
144 not apply to sales or purchases of land when the Legislature
145 expressly authorizes or directs a state agency to sell, purchase



146 or lease-purchase a specifically described property. However,
147 when the Legislature authorizes a state agency to sell or
148 otherwise convey specifically described real property to another
149 state agency or other entity such as a county, municipality,
150 economic development district created under Section 19-5-99 or
151 similar entity, without providing that the conveyance may not be
152 made for less than the fair market value of the property, then the
153 state agency authorized to convey such property must make the
154 following determinations before conveying the property:

155 (a) That the state agency or other entity to which the
156 proposed conveyance is to be made has an immediate need for the
157 property;

158 (b) That there are quantifiable benefits that will
159 inure to the state agency or other entity to which the proposed
160 conveyance is to be made which outweigh any quantifiable costs to
161 the state agency authorized to make the conveyance; and

162 (c) That the state agency or other entity to which the
163 proposed conveyance is to be made lacks available funds to pay
164 fair market value for the property. If the state agency
165 authorized to convey such property fails to make such
166 determinations, then it shall not convey the property for less
167 than the fair market value of the property.

168 **SECTION 2.** Section 57-75-5, Mississippi Code of 1972, as
169 amended by Senate Bill No. 2584, 2003 Regular Session, is amended
170 as follows:

171 57-75-5. Words and phrases used in this chapter shall have
172 meanings as follows, unless the context clearly indicates a
173 different meaning:

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

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



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

181 (d) "Facility related to the project" means and
182 includes any of the following, as the same may pertain to the
183 project within the project area: (i) facilities to provide
184 potable and industrial water supply systems, sewage and waste
185 disposal systems and water, natural gas and electric transmission
186 systems to the site of the project; (ii) airports, airfields and
187 air terminals; (iii) rail lines; (iv) port facilities; (v)
188 highways, streets and other roadways; (vi) public school
189 buildings, classrooms and instructional facilities, training
190 facilities and equipment, including any functionally related
191 facilities; (vii) parks, outdoor recreation facilities and
192 athletic facilities; (viii) auditoriums, pavilions, campgrounds,
193 art centers, cultural centers, folklore centers and other public
194 facilities; (ix) health care facilities, public or private; and
195 (x) fire protection facilities, equipment and elevated water
196 tanks.

197 (e) "Person" means any natural person, corporation,
198 association, partnership, receiver, trustee, guardian, executor,
199 administrator, fiduciary, governmental unit, public agency,
200 political subdivision, or any other group acting as a unit, and
201 the plural as well as the singular.

202 (f) "Project" means:

203 (i) Any industrial, commercial, research and
204 development, warehousing, distribution, transportation,
205 processing, mining, United States government or tourism enterprise
206 together with all real property required for construction,
207 maintenance and operation of the enterprise with an initial
208 capital investment of not less than Three Hundred Million Dollars
209 (\$300,000,000.00) from private or United States government sources
210 together with all buildings, and other supporting land and



211 facilities, structures or improvements of whatever kind required
212 or useful for construction, maintenance and operation of the
213 enterprise; or with an initial capital investment of not less than
214 One Hundred Fifty Million Dollars (\$150,000,000.00) from private
215 or United States government sources together with all buildings
216 and other supporting land and facilities, structures or
217 improvements of whatever kind required or useful for construction,
218 maintenance and operation of the enterprise and which creates at
219 least one thousand (1,000) net new full-time jobs; or which
220 creates at least one thousand (1,000) net new full-time jobs which
221 provides an average salary, excluding benefits which are not
222 subject to Mississippi income taxation, of at least one hundred
223 twenty-five percent (125%) of the most recently published average
224 annual wage of the state as determined by the Mississippi
225 Employment Security Commission. "Project" shall include any
226 addition to or expansion of an existing enterprise if such
227 addition or expansion has an initial capital investment of not
228 less than Three Hundred Million Dollars (\$300,000,000.00) from
229 private or United States government sources, or has an initial
230 capital investment of not less than One Hundred Fifty Million
231 Dollars (\$150,000,000.00) from private or United States government
232 sources together with all buildings and other supporting land and
233 facilities, structures or improvements of whatever kind required
234 or useful for construction, maintenance and operation of the
235 enterprise and which creates at least one thousand (1,000) net new
236 full-time jobs; or which creates at least one thousand (1,000) net
237 new full-time jobs which provides an average salary, excluding
238 benefits which are not subject to Mississippi income taxation, of
239 at least one hundred twenty-five percent (125%) of the most
240 recently published average annual wage of the state as determined
241 by the Mississippi Employment Security Commission. "Project"
242 shall also include any ancillary development or business resulting
243 from the enterprise, of which the authority is notified, within



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

247 (ii) Any major capital project designed to
248 improve, expand or otherwise enhance any active duty United States
249 Air Force or Navy training bases or naval stations, their support
250 areas or their military operations, upon designation by the
251 authority that any such base was or is at risk to be recommended
252 for closure or realignment pursuant to the Defense Base Closure
253 and Realignment Act of 1990; or any major development project
254 determined by the authority to be necessary to acquire base
255 properties and to provide employment opportunities through
256 construction of projects as defined in Section 57-3-5, which shall
257 be located on or provide direct support service or access to such
258 military installation property as such property exists on July 1,
259 1993, in the event of closure or reduction of military operations
260 at the installation. From and after July 1, 1997, projects
261 described in this subparagraph (ii) shall not be considered to be
262 within the meaning of the term "project" for purposes of this
263 section, unless such projects are commenced before July 1, 1997,
264 and shall not be eligible for any funding provided under the
265 Mississippi Major Economic Impact Act.

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

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

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



277 the authority is notified, within three (3) years from the date
278 that the enterprise entered into commercial production, that the
279 state has been selected as the site for the ancillary development
280 or business.

281 (v) Any manufacturing, processing or industrial
282 project determined by the authority, in its sole discretion, to
283 contribute uniquely and significantly to the economic growth and
284 development of the state, and which meets the following criteria:

285 1. The project shall create at least two
286 thousand (2,000) net new full-time jobs meeting criteria
287 established by the authority, which criteria shall include, but
288 not be limited to, the requirement that such jobs must be held by
289 persons eligible for employment in the United States under
290 applicable state and federal law.

291 2. The project and any facility related to
292 the project shall include a total investment from private sources
293 of not less than Sixty Million Dollars (\$60,000,000.00), or from
294 any combination of sources of not less than Eighty Million Dollars
295 (\$80,000,000.00).

296 (vi) Any real property owned or controlled by the
297 National Aeronautics and Space Administration, the United States
298 government, or any agency thereof, which is legally conveyed to
299 the State of Mississippi or to the State of Mississippi for the
300 benefit of the Mississippi Major Economic Impact Authority, its
301 successors and assigns pursuant to Section 212 of Public Law
302 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

303 (vii) Any major capital project related to the
304 establishment, improvement, expansion and/or other enhancement of
305 any active duty military installation and having a minimum capital
306 investment from any source or combination of sources other than
307 the State of Mississippi of at least Forty Million Dollars
308 (\$40,000,000.00), and which will create at least four hundred
309 (400) military installation related full-time jobs, which jobs may



310 be military jobs, civilian jobs or a combination of military and
311 civilian jobs. The authority shall require that binding
312 commitments be entered into requiring that the minimum
313 requirements for the project provided for in this subparagraph
314 shall be met not later than July 1, 2008.

315 (viii) Any major capital project with an initial
316 capital investment from any source or combination of sources of
317 not less than Ten Million Dollars (\$10,000,000.00) which will
318 create at least eighty (80) full-time jobs which provide an
319 average annual salary, excluding benefits which are not subject to
320 Mississippi income taxes, of at least one hundred thirty-five
321 percent (135%) of the most recently published average annual wage
322 of the state or the most recently published average annual wage of
323 the county in which the project is located as determined by the
324 Mississippi Employment Security Commission, whichever is the
325 lesser. The authority shall require that binding commitments be
326 entered into requiring that:

327 1. The minimum requirements for the project
328 provided for in this subparagraph shall be met, and

329 2. That if such commitments are not met, all
330 or a portion of the funds provided by the state for the project as
331 determined by the authority shall be repaid.

332 (ix) Any regional retail shopping mall with an
333 initial capital investment from private sources in excess of One
334 Hundred Fifty Million Dollars (\$150,000,000.00), with a square
335 footage in excess of eight hundred thousand (800,000) square feet,
336 which will create at least seven hundred (700) full-time jobs with
337 an average hourly wage of Eleven Dollars (\$11.00) per hour. The
338 authority shall require that binding commitments be entered into
339 requiring that:

340 1. The minimum requirements for the project
341 provided for in this subparagraph shall be met, and



342 2. That if such commitments are not met, all
343 or a portion of the funds provided by the state for the project as
344 determined by the authority shall be repaid.

345 (x) Any major capital project with an initial
346 capital investment from any source or combination of sources of
347 not less than Seventy-five Million Dollars (\$75,000,000.00) which
348 will create at least one hundred twenty-five (125) full-time jobs
349 which provide an average annual salary, excluding benefits which
350 are not subject to Mississippi income taxes, of at least one
351 hundred thirty-five percent (135%) of the most recently published
352 average annual wage of the state or the most recently published
353 average annual wage of the county in which the project is located
354 as determined by the Mississippi Employment Security Commission,
355 whichever is the greater. The authority shall require that
356 binding commitments be entered into requiring that:

357 1. The minimum requirements for the project
358 provided for in this subparagraph shall be met; and

359 2. That if such commitments are not met, all
360 or a portion of the funds provided by the state for the project as
361 determined by the authority shall be repaid.

362 (xi) Any potential major capital project that the
363 authority has determined is feasible to recruit.

364 (g) "Project area" means the project site, together
365 with any area or territory within the state lying within
366 sixty-five (65) miles of any portion of the project site whether
367 or not such area or territory be contiguous; provided, however,
368 that for the project defined in paragraph (f)(iv) of this section
369 the term "project area" means any area or territory within the
370 state. The project area shall also include all territory within a
371 county if any portion of such county lies within sixty-five (65)
372 miles of any portion of the project site. "Project site" means
373 the real property on which the principal facilities of the
374 enterprise will operate.



375 (h) "Public agency" means:
376 (i) Any department, board, commission, institution
377 or other agency or instrumentality of the state;
378 (ii) Any city, town, county, political
379 subdivision, school district or other district created or existing
380 under the laws of the state or any public agency of any such city,
381 town, county, political subdivision or district or any other
382 public entity created or existing under local and private
383 legislation;
384 (iii) Any department, commission, agency or
385 instrumentality of the United States of America; and
386 (iv) Any other state of the United States of
387 America which may be cooperating with respect to location of the
388 project within the state, or any agency thereof.
389 (i) "State" means State of Mississippi.
390 (j) "Fee-in-lieu" means a negotiated fee to be paid by
391 the project in lieu of any franchise taxes imposed on the project
392 by Chapter 13, Title 27, Mississippi Code of 1972. The
393 fee-in-lieu shall not be less than Twenty-five Thousand Dollars
394 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an
395 enterprise operating an existing project defined in Section
396 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated
397 for other existing enterprises that fall within the definition of
398 the term "project."
399 **SECTION 3.** Section 57-75-11, Mississippi Code of 1972, as
400 amended by Senate Bill No. 2584, 2003 Regular Session, is amended
401 as follows:
402 57-75-11. The authority, in addition to any and all powers
403 now or hereafter granted to it, is empowered and shall exercise
404 discretion and the use of these powers depending on the
405 circumstances of the project or projects:
406 (a) To maintain an office at a place or places within
407 the state.



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

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

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

419 (e) (i) To acquire by purchase, lease, gift, or in
420 other manner, including quick-take eminent domain, or obtain
421 options to acquire, and to own, maintain, use, operate and convey
422 any and all property of any kind, real, personal, or mixed, or any
423 interest or estate therein, within the project area, necessary for
424 the project or any facility related to the project. The
425 provisions of this paragraph that allow the acquisition of
426 property by quick-take eminent domain shall be repealed by
427 operation of law on July 1, 1994; and

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

435 (f) To acquire by purchase or lease any public lands
436 and public property, including sixteenth section lands and lieu
437 lands, within the project area, which are necessary for the
438 project. Sixteenth section lands or lieu lands acquired under
439 this act shall be deemed to be acquired for the purposes of
440 industrial development thereon and such acquisition will serve a



441 higher public interest in accordance with the purposes of this
442 act.

443 (g) If the authority identifies any land owned by the
444 state as being necessary, for the location or use of the project,
445 or any facility related to the project, to recommend to the
446 Legislature the conveyance of such land or any interest therein,
447 as the Legislature deems appropriate.

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

451 (i) From and after the date of notification to the
452 authority by the enterprise that the state has been finally
453 selected as the site of the project, to acquire by condemnation
454 and to own, maintain, use, operate and convey or otherwise dispose
455 of any and all property of any kind, real, personal or mixed, or
456 any interest or estate therein, within the project area, necessary
457 for the project or any facility related to the project, with the
458 concurrence of the affected public agency, and the exercise of the
459 powers granted by this act, according to the procedures provided
460 by Chapter 27, Title 11, Mississippi Code of 1972, except as
461 modified by this act.

462 (i) Except as otherwise provided in subparagraph
463 (iii) of this paragraph (i), in acquiring lands by condemnation,
464 the authority shall not acquire minerals or royalties in minerals
465 unless a competent registered professional engineer shall have
466 certified that the acquisition of such minerals and royalties in
467 minerals is necessary for purposes of the project; provided that
468 limestone, clay, chalk, sand and gravel shall not be considered as
469 minerals for the purposes of subparagraphs (i) and (ii) of this
470 paragraph (i);

471 (ii) Unless minerals or royalties in minerals have
472 been acquired by condemnation or otherwise, no person or persons
473 owning the drilling rights or the right to share in production of



474 minerals shall be prevented from exploring, developing, or
475 producing oil or gas with necessary rights-of-way for ingress and
476 egress, pipelines and other means of transporting interests on any
477 land or interest therein of the authority held or used for the
478 purposes of this act; but any such activities shall be under such
479 reasonable regulation by the authority as will adequately protect
480 the project contemplated by this act as provided in paragraph (r)
481 of this section; and

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

486 (j) To negotiate the necessary relocation or rerouting
487 of roads and highways, railroad, telephone and telegraph lines and
488 properties, electric power lines, pipelines and related
489 facilities, or to require the anchoring or other protection of any
490 of these, provided due compensation is paid to the owners thereof
491 or agreement is had with such owners regarding the payment of the
492 cost of such relocation, and to acquire by condemnation or
493 otherwise easements or rights-of-way for such relocation or
494 rerouting and to convey the same to the owners of the facilities
495 being relocated or rerouted in connection with the purposes of
496 this act.

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

499 (l) To perform or have performed any and all acts and
500 make all payments necessary to comply with all applicable federal
501 laws, rules or regulations including, but not limited to, the
502 Uniform Relocation Assistance and Real Property Acquisition
503 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
504 to 4655) and relocation rules and regulations promulgated by any
505 agency or department of the federal government.



506 (m) To construct, extend, improve, maintain, and
507 reconstruct, to cause to be constructed, extended, improved,
508 maintained, and reconstructed, and to use and operate any and all
509 components of the project or any facility related to the project,
510 with the concurrence of the affected public agency, within the
511 project area, necessary to the project and to the exercise of such
512 powers, rights, and privileges granted the authority.

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

516 (o) (i) To lease, sell or convey any or all property
517 acquired by the authority under the provisions of this act to the
518 enterprise, its successors or assigns, and in connection therewith
519 to pay the costs of title search, perfection of title, title
520 insurance and recording fees as may be required. The authority
521 may provide in the instrument conveying such property a provision
522 that such property shall revert to the authority if, as and when
523 the property is declared by the enterprise to be no longer needed.

524 (ii) To lease, sell, transfer or convey on any
525 terms agreed upon by the authority any or all real and personal
526 property, improvements, leases, funds and contractual obligations
527 of a project as defined in Section 57-75-5(f)(vi) and conveyed to
528 the State of Mississippi by a Quitclaim Deed from the United
529 States of America dated February 23, 1996, filed of record at
530 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,
531 Tishomingo County, Mississippi, to any governmental authority
532 located within the geographic boundaries of the county wherein
533 such project exists upon agreement of such governmental authority
534 to undertake and assume from the State of Mississippi all
535 obligations and responsibilities in connection with ownership and
536 operation of the project. Property leased, sold, transferred or
537 otherwise conveyed by the authority under this paragraph (o) shall
538 be used only for economic development purposes.



539 (p) To enter into contracts with any person or public
540 agency, including, but not limited to, contracts authorized by
541 Section 57-75-17, in furtherance of any of the purposes authorized
542 by this act upon such consideration as the authority and such
543 person or public agency may agree. Any such contract may extend
544 over any period of time, notwithstanding any rule of law to the
545 contrary, may be upon such terms as the parties thereto shall
546 agree, and may provide that it shall continue in effect until
547 bonds specified therein, refunding bonds issued in lieu of such
548 bonds, and all other obligations specified therein are paid or
549 terminated. Any such contract shall be binding upon the parties
550 thereto according to its terms. Such contracts may include an
551 agreement to reimburse the enterprise, its successors and assigns
552 for any assistance provided by the enterprise in the acquisition
553 of real property for the project or any facility related to the
554 project.

555 (q) To establish and maintain reasonable rates and
556 charges for the use of any facility within the project area owned
557 or operated by the authority, and from time to time to adjust such
558 rates and to impose penalties for failure to pay such rates and
559 charges when due.

560 (r) To adopt and enforce with the concurrence of the
561 affected public agency all necessary and reasonable rules and
562 regulations to carry out and effectuate the implementation of the
563 project and any land use plan or zoning classification adopted for
564 the project area, including, but not limited to, rules,
565 regulations, and restrictions concerning mining, construction,
566 excavation or any other activity the occurrence of which may
567 endanger the structure or operation of the project. Such rules
568 may be enforced within the project area and without the project
569 area as necessary to protect the structure and operation of the
570 project. The authority is authorized to plan or replan, zone or
571 rezone, and make exceptions to any regulations, whether local or



572 state, with the concurrence of the affected public agency which
573 are inconsistent with the design, planning, construction or
574 operation of the project and facilities related to the project.

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

578 (t) To develop plans for technology transfer activities
579 to ensure private sector conduits for exchange of information,
580 technology and expertise related to the project to generate
581 opportunities for commercial development within the state.

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

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

589 (w) To consult with the Office of Minority Business
590 Enterprise Development and other public agencies for the purpose
591 of developing plans for technical assistance and loan programs to
592 maximize the economic impact related to the project for minority
593 business enterprises within the State of Mississippi.

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

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

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

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



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

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

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

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

615 (dd) (i) To own surface water transmission lines
616 constructed with the proceeds of bonds issued pursuant to this act
617 and in connection therewith to purchase and provide water to any
618 project defined in Section 57-75-5(f)(iv) and to certificated
619 water providers; and

620 (ii) To lease such surface water transmission
621 lines to a public agency or public utility to provide water to
622 such project and to certificated water providers.

623 (ee) To provide grant funds to an enterprise operating
624 a project defined in Section 57-75-5(f)(v) or, in connection with
625 a facility related to such a project, for job training, recruiting
626 and infrastructure.

627 (ff) To enter into negotiations with persons proposing
628 projects defined in Section 57-75-5(f)(xi) and execute acquisition
629 options and conduct planning, design and environmental impact
630 studies with regard to such project.

631 (gg) To establish such guidelines, rules and
632 regulations as the authority may deem necessary and appropriate
633 from time to time in its sole discretion, to promote the purposes
634 of this act.



635 **SECTION 4.** Section 57-75-15, Mississippi Code of 1972, as
636 amended by Senate Bill No. 2584, 2003 Regular Session, is amended
637 as follows:

638 57-75-15. (1) Upon notification to the authority by the
639 enterprise that the state has been finally selected as the site
640 for the project, the State Bond Commission shall have the power
641 and is hereby authorized and directed, upon receipt of a
642 declaration from the authority as hereinafter provided, to borrow
643 money and issue general obligation bonds of the state in one or
644 more series for the purposes herein set out. Upon such
645 notification, the authority may thereafter from time to time
646 declare the necessity for the issuance of general obligation bonds
647 as authorized by this section and forward such declaration to the
648 State Bond Commission, provided that before such notification, the
649 authority may enter into agreements with the United States
650 government, private companies and others that will commit the
651 authority to direct the State Bond Commission to issue bonds for
652 eligible undertakings set out in subsection (4) of this section,
653 conditioned on the siting of the project in the state.

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

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

663 (b) Bonds issued under the authority of this section
664 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
665 Fifty Million Dollars (\$50,000,000.00), nor shall the bonds issued
666 for projects related to any single military installation exceed
667 Sixteen Million Six Hundred Sixty-seven Thousand Dollars



668 (\$16,667,000.00). If any proceeds of bonds issued for projects
669 related to the Meridian Naval Auxiliary Air Station ("NAAS") are
670 used for the development of a water and sewer service system by
671 the City of Meridian, Mississippi, to serve the NAAS and if the
672 City of Meridian annexes any of the territory served by the water
673 and sewer service system, the city shall repay the State of
674 Mississippi the amount of all bond proceeds expended on any
675 portion of the water and sewer service system project; and if
676 there are any monetary proceeds derived from the disposition of
677 any improvements located on real property in Kemper County
678 purchased pursuant to this act for projects related to the NAAS
679 and if there are any monetary proceeds derived from the
680 disposition of any timber located on real property in Kemper
681 County purchased pursuant to this act for projects related to the
682 NAAS, all of such proceeds (both from the disposition of
683 improvements and the disposition of timber) commencing July 1,
684 1996, through June 30, 2010, shall be paid to the Board of
685 Education of Kemper County, Mississippi, for expenditure by such
686 board of education to benefit the public schools of Kemper County.
687 No bonds shall be issued under this paragraph (b) until the State
688 Bond Commission by resolution adopts a finding that the issuance
689 of such bonds will improve, expand or otherwise enhance the
690 military installation, its support areas or military operations,
691 or will provide employment opportunities to replace those lost by
692 closure or reductions in operations at the military installation.
693 From and after July 1, 1997, bonds shall not be issued for any
694 projects, as defined in Section 57-75-5(f)(ii), which are not
695 commenced before July 1, 1997. The proceeds of any bonds issued
696 for projects commenced before July 1, 1997, shall be used for the
697 purposes for which the bonds were issued until completion of the
698 projects.

699 (c) Bonds issued under the authority of this section
700 for projects as defined in Section 57-75-5(f)(iii) shall not



701 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
702 issued under this paragraph after December 31, 1996.

703 (d) Bonds issued under the authority of this section
704 for projects defined in Section 57-75-5(f)(iv) shall not exceed
705 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
706 additional amount of bonds in an amount not to exceed Twelve
707 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
708 issued under the authority of this section for the purpose of
709 defraying costs associated with the construction of surface water
710 transmission lines for a project defined in Section 57-75-5(f)(iv)
711 or for any facility related to the project. No bonds shall be
712 issued under this paragraph after June 30, 2005.

713 (e) Bonds issued under the authority of this section
714 for * * * projects defined in Section 57-75-5(f)(v) and for
715 facilities related to such projects shall not exceed Thirty-eight
716 Million Five Hundred Thousand Dollars (\$38,500,000.00). * * * No
717 bonds shall be issued under this paragraph after December 31,
718 2005.

719 (f) Bonds issued under the authority of this section
720 for projects defined in Section 57-75-5(f)(vii) shall not exceed
721 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
722 under this paragraph after June 30, 2006.

723 (g) Bonds issued under the authority of this section
724 for projects defined in Section 57-75-5(f)(viii) shall not exceed
725 One Million Five Hundred Thousand Dollars (\$1,500,000.00). No
726 bonds shall be issued under this paragraph after June 30, 2007.

727 * * *

728 (h) Bonds issued under the authority of this section
729 for projects defined in Section 57-75-5(f)(ix) shall not exceed
730 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
731 under this paragraph after June 30, 2007.

732 (i) Bonds issued under the authority of this section
733 for projects defined in Section 57-75-5(f)(x) shall not exceed



734 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
735 under this paragraph after June 30, 2007.

736 (4) (a) The proceeds from the sale of the bonds issued
737 under this section may be applied for the following
738 purposes * * *:

739 (i) Defraying all or any designated portion of the
740 costs incurred with respect to acquisition, planning, design,
741 construction, installation, rehabilitation, improvement,
742 relocation and with respect to state-owned property, operation and
743 maintenance of the project and any facility related to the project
744 located within the project area, including costs of design and
745 engineering, all costs incurred to provide land, easements and
746 rights-of-way, relocation costs with respect to the project and
747 with respect to any facility related to the project located within
748 the project area, and costs associated with mitigation of
749 environmental impacts and environmental impact studies;

750 (ii) Defraying the cost of providing for the
751 recruitment, screening, selection, training or retraining of
752 employees, candidates for employment or replacement employees of
753 the project and any related activity;

754 (iii) Reimbursing the Mississippi Development
755 Authority for expenses it incurred in regard to projects defined
756 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
757 Mississippi Development Authority shall submit an itemized list of
758 expenses it incurred in regard to such projects to the Chairmen of
759 the Finance and Appropriations Committees of the Senate and the
760 Chairmen of the Ways and Means and Appropriations Committees of
761 the House of Representatives;

762 (iv) Providing grants to enterprises operating
763 projects defined in Section 57-75-5(f)(iv)1;

764 (v) Paying any warranty made by the authority
765 regarding site work for a project defined in Section
766 57-75-5(f)(iv)1;



767 (vi) Defraying the cost of marketing and promotion
768 of a project as defined in Section 57-75-5(f)(iv)1. The authority
769 shall submit an itemized list of costs incurred for marketing and
770 promotion of such project to the Chairmen of the Finance and
771 Appropriations Committees of the Senate and the Chairmen of the
772 Ways and Means and Appropriations Committees of the House of
773 Representatives;

774 (vii) Providing for the payment of interest on the
775 bonds;

776 (viii) Providing debt service reserves;

777 (ix) Paying underwriters' discount, original issue
778 discount, accountants' fees, engineers' fees, attorneys' fees,
779 rating agency fees and other fees and expenses in connection with
780 the issuance of the bonds; * * *

781 (x) For purposes authorized in paragraphs (b) and
782 (c) of this subsection (4); and

783 (xi) Providing grants to enterprises operating
784 projects defined in Section 57-75-5(f)(v), or, in connection with
785 a facility related to such a project, for any purposes deemed by
786 the authority in its sole discretion to be necessary and
787 appropriate.

788 Such bonds shall be issued from time to time and in such
789 principal amounts as shall be designated by the authority, not to
790 exceed in aggregate principal amounts the amount authorized in
791 subsection (3) of this section. Proceeds from the sale of the
792 bonds issued under this section may be invested, subject to
793 federal limitations, pending their use, in such securities as may
794 be specified in the resolution authorizing the issuance of the
795 bonds or the trust indenture securing them, and the earning on
796 such investment applied as provided in such resolution or trust
797 indenture.

798 (b) (i) The proceeds of bonds issued after June 21,
799 2002, under this section for projects described in Section



800 57-75-5(f)(iv) may be used to reimburse reasonable actual and
801 necessary costs incurred by the Mississippi Development Authority
802 in providing assistance related to a project for which funding is
803 provided from the use of proceeds of such bonds. The Mississippi
804 Development Authority shall maintain an accounting of actual costs
805 incurred for each project for which reimbursements are sought.
806 Reimbursements under this paragraph (b) shall not exceed Three
807 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
808 Reimbursements under this paragraph (b) shall satisfy any
809 applicable federal tax law requirements.

810 (c) The proceeds of bonds issued after June 21, 2002,
811 under this section for projects described in Section
812 57-75-5(f)(iv) may be used to reimburse reasonable actual and
813 necessary costs incurred by the Department of Audit in providing
814 services related to a project for which funding is provided from
815 the use of proceeds of such bonds. The Department of Audit shall
816 maintain an accounting of actual costs incurred for each project
817 for which reimbursements are sought. The Department of Audit may
818 escalate its budget and expend such funds in accordance with rules
819 and regulations of the Department of Finance and Administration in
820 a manner consistent with the escalation of federal funds.
821 Reimbursements under this paragraph (c) shall not exceed One
822 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
823 Reimbursements under this paragraph (c) shall satisfy any
824 applicable federal tax law requirements.

825 (d) The proceeds of bonds issued under this section for
826 projects described in Section 57-75-5(f)(ix) may be used to
827 reimburse reasonable actual and necessary costs incurred by the
828 Mississippi Development Authority in providing assistance related
829 to a project for which funding is provided for the use of proceeds
830 of such bonds. The Mississippi Development Authority shall
831 maintain an accounting of actual costs incurred for each project
832 for which reimbursements are sought. Reimbursements under this



833 paragraph shall not exceed Twenty-five Thousand Dollars
834 (\$25,000.00) in the aggregate.

835 (e) The proceeds of bonds issued under this section for
836 projects described in Section 57-75-5(f)(ix) may be used to
837 reimburse reasonable actual and necessary costs incurred by the
838 Department of Audit in providing services related to a project for
839 which funding is provided from the use of proceeds of such bonds.
840 The Department of Audit shall maintain an accounting of actual
841 costs incurred for each project for which reimbursements are
842 sought. The Department of Audit may escalate its budget and
843 expend such funds in accordance with rules and regulations of the
844 Department of Finance and Administration in a manner consistent
845 with the escalation of federal funds. Reimbursements under this
846 paragraph shall not exceed Twenty-five Thousand Dollars
847 (\$25,000.00) in the aggregate. Reimbursements under this
848 paragraph shall satisfy any applicable federal tax law
849 requirements.

850 (f) The proceeds of bonds issued under this section for
851 projects described in Section 57-75-5(f)(x) may be used to
852 reimburse reasonable actual and necessary costs incurred by the
853 Mississippi Development Authority in providing assistance related
854 to a project for which funding is provided for the use of proceeds
855 of such bonds. The Mississippi Development Authority shall
856 maintain an accounting of actual costs incurred for each project
857 for which reimbursements are sought. Reimbursements under this
858 paragraph shall not exceed Twenty-five Thousand Dollars
859 (\$25,000.00) in the aggregate.

860 (g) The proceeds of bonds issued under this section for
861 projects described in Section 57-75-5(f)(x) may be used to
862 reimburse reasonable actual and necessary costs incurred by the
863 Department of Audit in providing services related to a project for
864 which funding is provided from the use of proceeds of such bonds.
865 The Department of Audit shall maintain an accounting of actual



866 costs incurred for each project for which reimbursements are
867 sought. The Department of Audit may escalate its budget and
868 expend such funds in accordance with rules and regulations of the
869 Department of Finance and Administration in a manner consistent
870 with the escalation of federal funds. Reimbursements under this
871 paragraph shall not exceed Twenty-five Thousand Dollars
872 (\$25,000.00) in the aggregate. Reimbursements under this
873 paragraph shall satisfy any applicable federal tax law
874 requirements.

875 (5) The principal of and the interest on the bonds shall be
876 payable in the manner hereinafter set forth. The bonds shall bear
877 date or dates; be in such denomination or denominations; bear
878 interest at such rate or rates; be payable at such place or places
879 within or without the state; mature absolutely at such time or
880 times; be redeemable before maturity at such time or times and
881 upon such terms, with or without premium; bear such registration
882 privileges; and be substantially in such form; all as shall be
883 determined by resolution of the State Bond Commission except that
884 such bonds shall mature or otherwise be retired in annual
885 installments beginning not more than five (5) years from the date
886 thereof and extending not more than twenty-five (25) years from
887 the date thereof. The bonds shall be signed by the Chairman of
888 the State Bond Commission, or by his facsimile signature, and the
889 official seal of the State Bond Commission shall be imprinted on
890 or affixed thereto, attested by the manual or facsimile signature
891 of the Secretary of the State Bond Commission. Whenever any such
892 bonds have been signed by the officials herein designated to sign
893 the bonds, who were in office at the time of such signing but who
894 may have ceased to be such officers before the sale and delivery
895 of such bonds, or who may not have been in office on the date such
896 bonds may bear, the signatures of such officers upon such bonds
897 shall nevertheless be valid and sufficient for all purposes and
898 have the same effect as if the person so officially signing such



899 bonds had remained in office until the delivery of the same to the
900 purchaser, or had been in office on the date such bonds may bear.

901 (6) All bonds issued under the provisions of this section
902 shall be and are hereby declared to have all the qualities and
903 incidents of negotiable instruments under the provisions of the
904 Uniform Commercial Code and in exercising the powers granted by
905 this chapter, the State Bond Commission shall not be required to
906 and need not comply with the provisions of the Uniform Commercial
907 Code.

908 (7) The State Bond Commission shall sell the bonds on sealed
909 bids at public sale, and for such price as it may determine to be
910 for the best interest of the State of Mississippi, but no such
911 sale shall be made at a price less than par plus accrued interest
912 to date of delivery of the bonds to the purchaser. The bonds
913 shall bear interest at such rate or rates not exceeding the limits
914 set forth in Section 75-17-101 as shall be fixed by the State Bond
915 Commission. All interest accruing on such bonds so issued shall
916 be payable semiannually or annually; provided that the first
917 interest payment may be for any period of not more than one (1)
918 year.

919 Notice of the sale of any bonds shall be published at least
920 one time, the first of which shall be made not less than ten (10)
921 days prior to the date of sale, and shall be so published in one
922 or more newspapers having a general circulation in the City of
923 Jackson and in one or more other newspapers or financial journals
924 with a large national circulation, to be selected by the State
925 Bond Commission.

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



931 (8) State bonds issued under the provisions of this section
932 shall be the general obligations of the state and backed by the
933 full faith and credit of the state. The Legislature shall
934 appropriate annually an amount sufficient to pay the principal of
935 and the interest on such bonds as they become due. All bonds
936 shall contain recitals on their faces substantially covering the
937 foregoing provisions of this section.

938 (9) The State Treasurer is authorized to certify to the
939 Department of Finance and Administration the necessity for
940 warrants, and the Department of Finance and Administration is
941 authorized and directed to issue such warrants payable out of any
942 funds appropriated by the Legislature under this section for such
943 purpose, in such amounts as may be necessary to pay when due the
944 principal of and interest on all bonds issued under the provisions
945 of this section. The State Treasurer shall forward the necessary
946 amount to the designated place or places of payment of such bonds
947 in ample time to discharge such bonds, or the interest thereon, on
948 the due dates thereof.

949 (10) The bonds may be issued without any other proceedings
950 or the happening of any other conditions or things other than
951 those proceedings, conditions and things which are specified or
952 required by this chapter. Any resolution providing for the
953 issuance of general obligation bonds under the provisions of this
954 section shall become effective immediately upon its adoption by
955 the State Bond Commission, and any such resolution may be adopted
956 at any regular or special meeting of the State Bond Commission by
957 a majority of its members.

958 (11) In anticipation of the issuance of bonds hereunder, the
959 State Bond Commission is authorized to negotiate and enter into
960 any purchase, loan, credit or other agreement with any bank, trust
961 company or other lending institution or to issue and sell interim
962 notes for the purpose of making any payments authorized under this
963 section. All borrowings made under this provision shall be



964 evidenced by notes of the state which shall be issued from time to
965 time, for such amounts not exceeding the amount of bonds
966 authorized herein, in such form and in such denomination and
967 subject to such terms and conditions of sale and issuance,
968 prepayment or redemption and maturity, rate or rates of interest
969 not to exceed the maximum rate authorized herein for bonds, and
970 time of payment of interest as the State Bond Commission shall
971 agree to in such agreement. Such notes shall constitute general
972 obligations of the state and shall be backed by the full faith and
973 credit of the state. Such notes may also be issued for the
974 purpose of refunding previously issued notes. No note shall
975 mature more than three (3) years following the date of its
976 issuance * * *. The State Bond Commission is authorized to
977 provide for the compensation of any purchaser of the notes by
978 payment of a fixed fee or commission and for all other costs and
979 expenses of issuance and service, including paying agent costs.
980 Such costs and expenses may be paid from the proceeds of the
981 notes.

982 (12) The bonds and interim notes authorized under the
983 authority of this section may be validated in the First Judicial
984 District of the Chancery Court of Hinds County, Mississippi, in
985 the manner and with the force and effect provided now or hereafter
986 by Chapter 13, Title 31, Mississippi Code of 1972, for the
987 validation of county, municipal, school district and other bonds.
988 The necessary papers for such validation proceedings shall be
989 transmitted to the State Bond Attorney, and the required notice
990 shall be published in a newspaper published in the City of
991 Jackson, Mississippi.

992 (13) Any bonds or interim notes issued under the provisions
993 of this chapter, a transaction relating to the sale or securing of
994 such bonds or interim notes, their transfer and the income
995 therefrom shall at all times be free from taxation by the state or



996 any local unit or political subdivision or other instrumentality
997 of the state, excepting inheritance and gift taxes.

998 (14) All bonds issued under this chapter shall be legal
999 investments for trustees, other fiduciaries, savings banks, trust
1000 companies and insurance companies organized under the laws of the
1001 State of Mississippi; and such bonds shall be legal securities
1002 which may be deposited with and shall be received by all public
1003 officers and bodies of the state and all municipalities and other
1004 political subdivisions thereof for the purpose of securing the
1005 deposit of public funds.

1006 (15) The Attorney General of the State of Mississippi shall
1007 represent the State Bond Commission in issuing, selling and
1008 validating bonds herein provided for, and the Bond Commission is
1009 hereby authorized and empowered to expend from the proceeds
1010 derived from the sale of the bonds authorized hereunder all
1011 necessary administrative, legal and other expenses incidental and
1012 related to the issuance of bonds authorized under this chapter.

1013 (16) There is hereby created a special fund in the State
1014 Treasury to be known as the Mississippi Major Economic Impact
1015 Authority Fund wherein shall be deposited the proceeds of the
1016 bonds issued under this chapter and all monies received by the
1017 authority to carry out the purposes of this chapter. Expenditures
1018 authorized herein shall be paid by the State Treasurer upon
1019 warrants drawn from the fund, and the Department of Finance and
1020 Administration shall issue warrants upon requisitions signed by
1021 the director of the authority.

1022 (17) (a) There is hereby created the Mississippi Economic
1023 Impact Authority Sinking Fund from which the principal of and
1024 interest on such bonds shall be paid by appropriation. All monies
1025 paid into the sinking fund not appropriated to pay accruing bonds
1026 and interest shall be invested by the State Treasurer in such
1027 securities as are provided by law for the investment of the
1028 sinking funds of the state.



1029 (b) In the event that all or any part of the bonds and
1030 notes are purchased, they shall be canceled and returned to the
1031 loan and transfer agent as canceled and paid bonds and notes and
1032 thereafter all payments of interest thereon shall cease and the
1033 canceled bonds, notes and coupons, together with any other
1034 canceled bonds, notes and coupons, shall be destroyed as promptly
1035 as possible after cancellation but not later than two (2) years
1036 after cancellation. A certificate evidencing the destruction of
1037 the canceled bonds, notes and coupons shall be provided by the
1038 loan and transfer agent to the seller.

1039 (c) The State Treasurer shall determine and report to
1040 the Department of Finance and Administration and Legislative
1041 Budget Office by September 1 of each year the amount of money
1042 necessary for the payment of the principal of and interest on
1043 outstanding obligations for the following fiscal year and the
1044 times and amounts of the payments. It shall be the duty of the
1045 Governor to include in every executive budget submitted to the
1046 Legislature full information relating to the issuance of bonds and
1047 notes under the provisions of this chapter and the status of the
1048 sinking fund for the payment of the principal of and interest on
1049 the bonds and notes.

1050 (18) (a) Upon receipt of a declaration by the authority
1051 that it has determined that the state is a potential site for a
1052 project, the State Bond Commission is authorized and directed to
1053 authorize the State Treasurer to borrow money from any special
1054 fund in the State Treasury not otherwise appropriated to be
1055 utilized by the authority for the purposes provided for in this
1056 subsection.

1057 (b) The proceeds of the money borrowed under this
1058 subsection may be utilized by the authority for the purpose of
1059 defraying all or a portion of the costs incurred by the authority
1060 with respect to acquisition options and planning, design and
1061 environmental impact studies with respect to a project defined in



1062 Section 57-75-5(f)(xi). The authority may escalate its budget and
1063 expend the proceeds of the money borrowed under this subsection in
1064 accordance with rules and regulations of the Department of Finance
1065 and Administration in a manner consistent with the escalation of
1066 federal funds.

1067 (c) The authority shall request an appropriation or
1068 additional authority to issue general obligation bonds to repay
1069 the borrowed funds and establish a date for the repayment of the
1070 funds so borrowed.

1071 (d) Borrowings made under the provisions of this
1072 subsection shall not exceed Five Hundred Thousand Dollars
1073 (\$500,000.00) at any one time.

1074 **SECTION 5.** This act shall take effect and be in force from
1075 and after July 1, 2003.

