SENATE BILL NO. 2584
(As Passed the Senate)

AN ACT TO AMEND SECTION 57-75-3, MISSISSIPPI CODE OF 1972, TO GRANT THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY A CERTAIN AMOUNT OF DISCRETION IN THE IMPLEMENTATION OF THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" FOR PURPOSES OF THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO MAKE IT CLEAR THAT THE AUTHORITY MAY PURCHASE AND PROVIDE WATER TO CERTIFICATED WATER PROVIDERS FOR CONNECTION WITH SURFACE WATER TRANSMISSION LINES OWNED BY THE AUTHORITY, AND THAT THE AUTHORITY LEASE SUCH LINES TO CERTIFICATED WATER PROVIDERS; TO GRANT CERTIFICATED ADDITIONAL POWERS TO THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS IN THE AMOUNT OF $40,000,000.00 FOR CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT AND TO REVISE THE PURPOSES FOR WHICH THE BOND PROCEEDS MAY BE UTILIZED; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 57-75-3, Mississippi Code of 1972, is amended as follows:

57-75-3. The Legislature hereby finds and declares that:

(a) There exists in the State of Mississippi a continuing need for gainful employment for the citizens of this state.

(b) To help provide employment opportunities, a division within the Mississippi Development Authority should be created with power to secure the location and expansion within this state of major economic impact projects by providing assistance and incentives in connection with such projects.

(c) In accomplishing this purpose, such division will be acting in all respects for the benefit of the people of the state in the performance of essential public functions and is serving a valid public purpose in improving and otherwise promoting their health, welfare and prosperity, and the enactment
of the provisions hereinafter set forth is for a valid public purpose.

(d) Public agencies of the state, as herein defined, must be authorized and empowered to contract with and cooperate with the authority for the purposes herein set out.

(e) The borrowing of money and the issuance of bonds for the purposes hereinafter set out serves valid public purposes in that the project will significantly contribute to the employment base and scientific and educational growth of the state.

(f) The Mississippi Major Economic Impact Authority created pursuant to this chapter shall implement the provisions of this chapter and exercise all power as authorized in this chapter; however, the application of this chapter or the offering of any assistance and incentives as to any particular project or person shall be in the sole discretion of the Mississippi Major Economic Impact Authority, and nothing in this chapter shall be deemed to vest in any person any right to any assistance or incentive contained herein unless the assistance or incentive is approved by the Mississippi Major Economic Impact Authority pursuant to this chapter. The exercise of powers conferred by this chapter shall be deemed and held to be the performance of essential public purposes.

SECTION 2. Section 57-75-5, Mississippi Code of 1972, is amended as follows:

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

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

(b) "Authority" means the Mississippi Major Economic Impact Authority created pursuant to the act.
(c) "Bonds" means general obligation bonds, interim notes and other evidences of debt of the State of Mississippi issued pursuant to this chapter.

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

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

(f) "Project" means:

   (i) Any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise with an initial capital investment of not less than Three Hundred Million Dollars ($300,000,000.00) from private or United States government sources together with all buildings, and other supporting land and
facilities, structures or improvements of whatever kind required
or useful for construction, maintenance and operation of the
enterprise; or with an initial capital investment of not less than
One Hundred Fifty Million Dollars ($150,000,000.00) from private
or United States government sources together with all buildings
and other supporting land and facilities, structures or
improvements of whatever kind required or useful for construction,
maintenance and operation of the enterprise and which creates at
least one thousand (1,000) net new full-time jobs; or which
creates at least one thousand (1,000) net new full-time jobs which
provides an average salary, excluding benefits which are not
subject to Mississippi income taxation, of at least one hundred
twenty-five percent (125%) of the most recently published average
annual wage of the state as determined by the Mississippi
Employment Security Commission. "Project" shall include any
addition to or expansion of an existing enterprise if such
addition or expansion has an initial capital investment of not
less than Three Hundred Million Dollars ($300,000,000.00) from
private or United States government sources, or has an initial
capital investment of not less than One Hundred Fifty Million
Dollars ($150,000,000.00) from private or United States government
sources together with all buildings and other supporting land and
facilities, structures or improvements of whatever kind required
or useful for construction, maintenance and operation of the
enterprise and which creates at least one thousand (1,000) net new
full-time jobs; or which creates at least one thousand (1,000) net
new full-time jobs which provides an average salary, excluding
benefits which are not subject to Mississippi income taxation, of
at least one hundred twenty-five percent (125%) of the most
recently published average annual wage of the state as determined
by the Mississippi Employment Security Commission. "Project"
shall also include any ancillary development or business resulting
from the enterprise, of which the authority is notified, within
three (3) years from the date that the enterprise entered into commercial production, that the project area has been selected as the site for the ancillary development or business.

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

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

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

2. "Project" shall also include any ancillary development or business resulting from an enterprise operating a project as defined in item 1 of this paragraph (f)(iv), of which
the authority is notified, within three (3) years from the date
that the enterprise entered into commercial production, that the
state has been selected as the site for the ancillary development
or business.

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

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

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

(vi) Any real property owned or controlled by the
National Aeronautics and Space Administration, the United States
government, or any agency thereof, which is legally conveyed to
the State of Mississippi or to the State of Mississippi for the
benefit of the Mississippi Major Economic Impact Authority, its
successors and assigns pursuant to Section 212 of Public Law

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

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

(h) "Public agency" means:

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

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

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

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

(i) "State" means State of Mississippi.

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

SECTION 3. Section 57-75-11, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) To lease, sell or convey any or all property
acquired by the authority under the provisions of this act to the
enterprise, its successors or assigns, and in connection therewith
to pay the costs of title search, perfection of title, title
insurance and recording fees as may be required. The authority
may provide in the instrument conveying such property a provision
that such property shall revert to the authority if, as and when
the property is declared by the enterprise to be no longer needed.
(p) To enter into contracts with any person or public agency, including, but not limited to, contracts authorized by Section 57-75-17, in furtherance of any of the purposes authorized by this act upon such consideration as the authority and such person or public agency may agree. Any such contract may extend over any period of time, notwithstanding any rule of law to the contrary, may be upon such terms as the parties thereto shall agree, and may provide that it shall continue in effect until bonds specified therein, refunding bonds issued in lieu of such bonds, and all other obligations specified therein are paid or terminated. Any such contract shall be binding upon the parties thereto according to its terms. Such contracts may include an agreement to reimburse the enterprise, its successors and assigns for any assistance provided by the enterprise in the acquisition of real property for the project or any facility related to the project.

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

(r) To adopt and enforce with the concurrence of the affected public agency all necessary and reasonable rules and regulations to carry out and effectuate the implementation of the project and any land use plan or zoning classification adopted for the project area, including, but not limited to, rules, regulations, and restrictions concerning mining, construction, excavation or any other activity the occurrence of which may endanger the structure or operation of the project. Such rules may be enforced within the project area and without the project area as necessary to protect the structure and operation of the project. The authority is authorized to plan or replan, zone or rezone, and make exceptions to any regulations, whether local or
state, with the concurrence of the affected public agency which are inconsistent with the design, planning, construction or operation of the project and facilities related to the project.

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

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

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

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

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

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

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

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

(y) To manage and develop the project described in Section 57-75-5(f)(vi).
(z) To promulgate rules and regulations necessary to effectuate the purposes of this act.

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

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

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

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

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

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

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

SECTION 4. Section 57-75-15, Mississippi Code of 1972, is amended as follows:

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

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

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

(b) Bonds issued under the authority of this section
for projects as defined in Section 57-75-5(f)(ii) shall not exceed
Fifty Million Dollars ($50,000,000.00), nor shall the bonds issued
for projects related to any single military installation exceed
Sixteen Million Six Hundred Sixty-seven Thousand Dollars
($16,667,000.00). If any proceeds of bonds issued for projects
related to the Meridian Naval Auxiliary Air Station ("NAAS") are
used for the development of a water and sewer service system by
the City of Meridian, Mississippi, to serve the NAAS and if the
City of Meridian annexes any of the territory served by the water
and sewer service system, the city shall repay the State of
Mississippi the amount of all bond proceeds expended on any
portion of the water and sewer service system project; and if there are any monetary proceeds derived from the disposition of any improvements located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS and if there are any monetary proceeds derived from the disposition of any timber located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS, all of such proceeds (both from the disposition of improvements and the disposition of timber) commencing July 1, 1996, through June 30, 2010, shall be paid to the Board of Education of Kemper County, Mississippi, for expenditure by such board of education to benefit the public schools of Kemper County. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation. From and after July 1, 1997, bonds shall not be issued for any projects, as defined in Section 57-75-5(f)(ii), which are not commenced before July 1, 1997. The proceeds of any bonds issued for projects commenced before July 1, 1997, shall be used for the purposes for which the bonds were issued until completion of the projects.

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

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

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities related to such projects shall not exceed Forty Million Dollars ($40,000,000.00). No bonds shall be issued under this paragraph after December 31, 2005.

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

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

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

(ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;
(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

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

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

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

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

(viii) Providing debt service reserves;

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

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

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

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

(b) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section 57-75-5(f)(iv) may be used to reimburse reasonable, actual and necessary costs incurred by the Mississippi Development Authority in providing assistance related to a project for which funding is provided from the use of proceeds of such bonds. The Mississippi Development Authority shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. Reimbursements under this paragraph (b) shall not exceed Three Hundred Thousand Dollars ($300,000.00) in the aggregate. Reimbursements under this paragraph (b) shall satisfy any applicable federal tax law requirements.

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

(5) The principal of and the interest on the bonds shall be
payable in the manner hereinafter set forth. The bonds shall bear
date or dates; be in such denomination or denominations; bear
interest at such rate or rates; be payable at such place or places
within or without the state; mature absolutely at such time or
times; be redeemable before maturity at such time or times and
upon such terms, with or without premium; bear such registration
privileges; and be substantially in such form; all as shall be
determined by resolution of the State Bond Commission except that
such bonds shall mature or otherwise be retired in annual
installments beginning not more than five (5) years from the date
thereof and extending not more than twenty-five (25) years from
the date thereof. The bonds shall be signed by the Chairman of
the State Bond Commission, or by his facsimile signature, and the
official seal of the State Bond Commission shall be imprinted on
or affixed thereto, attested by the manual or facsimile signature
of the Secretary of the State Bond Commission. Whenever any such
bonds have been signed by the officials herein designated to sign
the bonds, who were in office at the time of such signing but who
may have ceased to be such officers before the sale and delivery
of such bonds, or who may not have been in office on the date such
bonds may bear, the signatures of such officers upon such bonds
shall nevertheless be valid and sufficient for all purposes and
have the same effect as if the person so officially signing such
bonds had remained in office until the delivery of the same to the
purchaser, or had been in office on the date such bonds may bear.
(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

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

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

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

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state. The Legislature shall
appropriate annually an amount sufficient to pay the principal of
and the interest on such bonds as they become due. All bonds
shall contain recitals on their faces substantially covering the
foregoing provisions of this section.
(9) The State Treasurer is authorized to certify to the
Department of Finance and Administration the necessity for
warrants, and the Department of Finance and Administration is
authorized and directed to issue such warrants payable out of any
funds appropriated by the Legislature under this section for such
purpose, in such amounts as may be necessary to pay when due the
principal of and interest on all bonds issued under the provisions
of this section. The State Treasurer shall forward the necessary
amount to the designated place or places of payment of such bonds
in ample time to discharge such bonds, or the interest thereon, on
the due dates thereof.
(10) The bonds may be issued without any other proceedings
or the happening of any other conditions or things other than
those proceedings, conditions and things which are specified or
required by this chapter. Any resolution providing for the
issuance of general obligation bonds under the provisions of this
section shall become effective immediately upon its adoption by
the State Bond Commission, and any such resolution may be adopted
at any regular or special meeting of the State Bond Commission by
a majority of its members.
(11) In anticipation of the issuance of bonds hereunder, the
State Bond Commission is authorized to negotiate and enter into
any purchase, loan, credit or other agreement with any bank, trust
company or other lending institution or to issue and sell interim
notes for the purpose of making any payments authorized under this
section. All borrowings made under this provision shall be
evidenced by notes of the state which shall be issued from time to
time, for such amounts not exceeding the amount of bonds
authorized herein, in such form and in such denomination and
subject to such terms and conditions of sale and issuance, 
prepayment or redemption and maturity, rate or rates of interest 
not to exceed the maximum rate authorized herein for bonds, and 
time of payment of interest as the State Bond Commission shall 
agree to in such agreement. Such notes shall constitute general 
obligations of the state and shall be backed by the full faith and 
credit of the state. Such notes may also be issued for the 
purpose of refunding previously issued notes; except that no notes 
shall mature more than three (3) years following the date of 
issuance of the first note hereunder and provided further, that 
all outstanding notes shall be retired from the proceeds of the 
first issuance of bonds hereunder. The State Bond Commission is 
authorized to provide for the compensation of any purchaser of the 
notes by payment of a fixed fee or commission and for all other 
costs and expenses of issuance and service, including paying agent 
costs. Such costs and expenses may be paid from the proceeds of 
the notes.

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

(13) Any bonds or interim notes issued under the provisions 
of this chapter, a transaction relating to the sale or securing of 
such bonds or interim notes, their transfer and the income 
therefrom shall at all times be free from taxation by the state or 
any local unit or political subdivision or other instrumentality 
of the state, excepting inheritance and gift taxes.
(14) All bonds issued under this chapter shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of the state and all municipalities and other political subdivisions thereof for the purpose of securing the deposit of public funds.

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

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

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

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

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

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