

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2322**

**By Senator(s) Gordon**

1           Amend by inserting the following after line 489 and  
2 renumbering subsequent sections accordingly:

3           (18) (a) Upon receipt of a declaration by the authority  
4 that it has determined that the state is a potential site for a  
5 project, the State Bond Commission is authorized and directed to  
6 authorize the State Treasurer to borrow money from any special  
7 fund in the State Treasury not otherwise appropriated to be  
8 utilized by the authority for the purposes provided for in this  
9 subsection.

10           (b) The proceeds of the money borrowed under this  
11 subsection may be utilized by the authority for the purpose of  
12 defraying all or a portion of the costs incurred by the authority  
13 with respect to acquisition options and planning, design and  
14 environmental impact studies with respect to a project defined in  
15 Section 57-75-5(f) (x). The authority may escalate its budget and  
16 expend the proceeds of the money borrowed under this subsection in  
17 accordance with rules and regulations of the Department of Finance  
18 and Administration in a manner consistent with the escalation of  
19 federal funds.

20           (c) The authority shall request an appropriation or  
21 additional authority to issue general obligation bonds to repay  
22 the borrowed funds and establish a date for the repayment of the  
23 funds so borrowed.

24           (d) Borrowings made under the provisions of this  
25 subsection shall not exceed Five Hundred Thousand Dollars  
26 (\$500,000.00) at any one time.

27           **SECTION \*.** Section 57-75-5, Mississippi Code of 1972, is  
28 amended as follows:

29           57-75-5. Words and phrases used in this chapter shall have  
30 meanings as follows, unless the context clearly indicates a  
31 different meaning:

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33 Act as originally enacted or as hereafter amended.

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

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

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

55           (e) "Person" means any natural person, corporation,  
56 association, partnership, receiver, trustee, guardian, executor,  
57 administrator, fiduciary, governmental unit, public agency,  
58 political subdivision, or any other group acting as a unit, and

59 the plural as well as the singular.

60 (f) "Project" means:

61 (i) Any industrial, commercial, research and  
62 development, warehousing, distribution, transportation,  
63 processing, mining, United States government or tourism enterprise  
64 together with all real property required for construction,  
65 maintenance and operation of the enterprise with an initial  
66 capital investment of not less than Three Hundred Million Dollars  
67 (\$300,000,000.00) from private or United States government sources  
68 together with all buildings, and other supporting land and  
69 facilities, structures or improvements of whatever kind required  
70 or useful for construction, maintenance and operation of the  
71 enterprise; or with an initial capital investment of not less than  
72 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
73 or United States government sources together with all buildings  
74 and other supporting land and facilities, structures or  
75 improvements of whatever kind required or useful for construction,  
76 maintenance and operation of the enterprise and which creates at  
77 least one thousand (1,000) net new full-time jobs; or which  
78 creates at least one thousand (1,000) net new full-time jobs which  
79 provides an average salary, excluding benefits which are not  
80 subject to Mississippi income taxation, of at least one hundred  
81 twenty-five percent (125%) of the most recently published average  
82 annual wage of the state as determined by the Mississippi  
83 Employment Security Commission. "Project" shall include any  
84 addition to or expansion of an existing enterprise if such  
85 addition or expansion has an initial capital investment of not  
86 less than Three Hundred Million Dollars (\$300,000,000.00) from  
87 private or United States government sources, or has an initial  
88 capital investment of not less than One Hundred Fifty Million  
89 Dollars (\$150,000,000.00) from private or United States government  
90 sources together with all buildings and other supporting land and  
91 facilities, structures or improvements of whatever kind required  
92 or useful for construction, maintenance and operation of the  
93 enterprise and which creates at least one thousand (1,000) net new

94 full-time jobs; or which creates at least one thousand (1,000) net  
95 new full-time jobs which provides an average salary, excluding  
96 benefits which are not subject to Mississippi income taxation, of  
97 at least one hundred twenty-five percent (125%) of the most  
98 recently published average annual wage of the state as determined  
99 by the Mississippi Employment Security Commission. "Project"  
100 shall also include any ancillary development or business resulting  
101 from the enterprise, of which the authority is notified, within  
102 three (3) years from the date that the enterprise entered into  
103 commercial production, that the project area has been selected as  
104 the site for the ancillary development or business.

105 (ii) Any major capital project designed to  
106 improve, expand or otherwise enhance any active duty United States  
107 Air Force or Navy training bases or naval stations, their support  
108 areas or their military operations, upon designation by the  
109 authority that any such base was or is at risk to be recommended  
110 for closure or realignment pursuant to the Defense Base Closure  
111 and Realignment Act of 1990; or any major development project  
112 determined by the authority to be necessary to acquire base  
113 properties and to provide employment opportunities through  
114 construction of projects as defined in Section 57-3-5, which shall  
115 be located on or provide direct support service or access to such  
116 military installation property as such property exists on July 1,  
117 1993, in the event of closure or reduction of military operations  
118 at the installation. From and after July 1, 1997, projects  
119 described in this subparagraph (ii) shall not be considered to be  
120 within the meaning of the term "project" for purposes of this  
121 section, unless such projects are commenced before July 1, 1997,  
122 and shall not be eligible for any funding provided under the  
123 Mississippi Major Economic Impact Act.

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

127 (iv) 1. Any major capital project with an initial  
128 capital investment from private sources of not less than Seven

129 Hundred Fifty Million Dollars (\$750,000,000.00) which will create  
130 at least three thousand (3,000) jobs meeting criteria established  
131 by the Mississippi Development Authority.

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

139           (v) Any major capital project designed to  
140 construct the corporate headquarters and initial factory, to be  
141 located in the Golden Triangle Region of the state, for any  
142 Mississippi corporation that develops, constructs and operates  
143 automated robotic systems to improve the quality of, and reduce  
144 the costs of, manufacturing wire harness assemblies for certain  
145 industries, or manufactures thin film polymer lithium-ion  
146 rechargeable batteries which project has a ten-year strategic plan  
147 of supporting one thousand (1,000) direct project-related jobs for  
148 each group of wire harness contracts amounting to Thirty-five  
149 Million Dollars (\$35,000,000.00), or which has a ten-year  
150 strategic plan of supporting one thousand five hundred (1,500)  
151 direct project-related jobs for each group of polymer lithium-ion  
152 rechargeable battery contracts amounting to Forty Million Dollars  
153 (\$40,000,000.00).

154           (vi) Any real property owned or controlled by the  
155 National Aeronautics and Space Administration, the United States  
156 government, or any agency thereof, which is legally conveyed to  
157 the State of Mississippi or to the State of Mississippi for the  
158 benefit of the Mississippi Major Economic Impact Authority, its  
159 successors and assigns pursuant to Section 212 of Public Law  
160 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

161           (vii) Any major capital project designed to  
162 manufacture, produce and transmit electrical power using natural  
163 gas as its primary raw material to be constructed and maintained

164 in Panola County, Mississippi, with an initial capital investment  
165 of not less than Two Hundred Fifty Million Dollars  
166 (\$250,000,000.00).

167 (viii) Any major capital project related to the  
168 establishment, improvement, expansion and/or other enhancement of  
169 any active duty military installation and having a minimum capital  
170 investment from any source or combination of sources other than  
171 the State of Mississippi of at least Forty Million Dollars  
172 (\$40,000,000.00), and which will create at least five hundred  
173 (500) military installation related full-time jobs, which jobs may  
174 be military jobs, civilian jobs or a combination of military and  
175 civilian jobs.

176 (ix) Any major capital project to be constructed  
177 and maintained in Jones County, Mississippi, designed to  
178 manufacture, produce, assemble and distribute computers and  
179 electrical substations, with a capital investment from any source  
180 or combination of sources of not less than Eighty Million Dollars  
181 (\$80,000,000.00), which will create at least two thousand (2,000)  
182 full-time jobs meeting criteria established by the Mississippi  
183 Development Authority, and which criteria shall include, but not  
184 be limited to, the requirement that such jobs must be held by  
185 persons eligible for employment in the United States under  
186 applicable state and federal law.

187 (x) Any potential major capital project that the  
188 authority has determined is feasible to recruit.

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

199 enterprise will operate.

200 (h) "Public agency" means:

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

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

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

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

214 (i) "State" means State of Mississippi.

215 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
216 the project in lieu of any franchise taxes imposed on the project  
217 by Chapter 13, Title 27, Mississippi Code of 1972. The  
218 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
219 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
220 enterprise operating an existing project defined in Section  
221 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
222 for other existing enterprises that fall within the definition of  
223 the term "project."

224 **SECTION \*.** Section 57-75-11, Mississippi Code of 1972, is  
225 amended as follows:

226 57-75-11. The authority, in addition to any and all powers  
227 now or hereafter granted to it, is empowered and shall exercise  
228 discretion and the use of these powers depending on the  
229 circumstances of the project or projects:

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

232 (b) To employ or contract with architects, engineers,  
233 attorneys, accountants, construction and financial experts and

234 such other advisors, consultants and agents as may be necessary in  
235 its judgment and to fix and pay their compensation.

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

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

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

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

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

267 (g) If the authority identifies any land owned by the  
268 state as being necessary, for the location or use of the project,



269 or any facility related to the project, to recommend to the  
270 Legislature the conveyance of such land or any interest therein,  
271 as the Legislature deems appropriate.

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

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

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

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

304 the project contemplated by this act as provided in paragraph (r)  
305 of this section; and

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

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

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

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

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

337 (n) To incur or defray any designated portion of the  
338 cost of any component of the project or any facility related to

339 the project acquired or constructed by any public agency.

340 (o) To lease, sell or convey any or all property  
341 acquired by the authority under the provisions of this act to the  
342 enterprise, its successors or assigns, and in connection therewith  
343 to pay the costs of title search, perfection of title, title  
344 insurance and recording fees as may be required. The authority  
345 may provide in the instrument conveying such property a provision  
346 that such property shall revert to the authority if, as and when  
347 the property is declared by the enterprise to be no longer needed.

348 (p) To enter into contracts with any person or public  
349 agency, including, but not limited to, contracts authorized by  
350 Section 57-75-17, in furtherance of any of the purposes authorized  
351 by this act upon such consideration as the authority and such  
352 person or public agency may agree. Any such contract may extend  
353 over any period of time, notwithstanding any rule of law to the  
354 contrary, may be upon such terms as the parties thereto shall  
355 agree, and may provide that it shall continue in effect until  
356 bonds specified therein, refunding bonds issued in lieu of such  
357 bonds, and all other obligations specified therein are paid or  
358 terminated. Any such contract shall be binding upon the parties  
359 thereto according to its terms. Such contracts may include an  
360 agreement to reimburse the enterprise, its successors and assigns  
361 for any assistance provided by the enterprise in the acquisition  
362 of real property for the project or any facility related to the  
363 project.

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

369 (r) To adopt and enforce with the concurrence of the  
370 affected public agency all necessary and reasonable rules and  
371 regulations to carry out and effectuate the implementation of the  
372 project and any land use plan or zoning classification adopted for  
373 the project area, including, but not limited to, rules,

374 regulations, and restrictions concerning mining, construction,  
375 excavation or any other activity the occurrence of which may  
376 endanger the structure or operation of the project. Such rules  
377 may be enforced within the project area and without the project  
378 area as necessary to protect the structure and operation of the  
379 project. The authority is authorized to plan or replan, zone or  
380 rezone, and make exceptions to any regulations, whether local or  
381 state, with the concurrence of the affected public agency which  
382 are inconsistent with the design, planning, construction or  
383 operation of the project and facilities related to the project.

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

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

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

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

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

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

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

408 (ii) Any funds received from the sale or lease of

409 property from the project described in Section 57-75-5(f)(vi)  
410 pursuant to the powers exercised under this section.

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

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

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

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

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

424 (dd) (i) To own surface water transmission lines  
425 constructed with the proceeds of bonds issued pursuant to this act  
426 that may be utilized to provide water to any project defined in  
427 Section 57-75-5(f)(iv) and other consumers; and

428 (ii) To lease such surface water transmission  
429 lines to a public agency or public utility to provide water to the  
430 project and other consumers.

431 (ee) To enter into negotiations with persons proposing  
432 projects defined in Section 57-75-5(f)(x) and execute acquisition  
433 options and conduct planning, design and environmental impact  
434 studies with regard to such project.

435 **Further, amend the title by inserting the following after the**  
436 **semicolon on line 12:**

437 TO AUTHORIZE THE STATE BOND COMMISSION TO AUTHORIZE THE STATE  
438 TREASURER TO BORROW MONEY FROM ANY SPECIAL FUND IN THE STATE  
439 TREASURY NOT OTHERWISE APPROPRIATED TO BE USED BY THE MISSISSIPPI  
440 DEVELOPMENT AUTHORITY FOR COSTS INCURRED WITH RESPECT TO CERTAIN  
441 PROJECTS; TO PROVIDE THAT THE AUTHORITY SHALL REQUEST AN  
442 APPROPRIATION OR ADDITIONAL AUTHORITY TO ISSUE GENERAL OBLIGATION  
443 BONDS TO REPAY THE BORROWED FUNDS AND ESTABLISH A DATE FOR THE

444 REPAYMENT OF THE FUNDS SO BORROWED; TO LIMIT TO \$500,000.00 THE  
445 AMOUNT THAT MAY BE SO BORROWED AT ANY ONE TIME; TO AMEND SECTIONS  
446 57-75-5 AND 57-75-11, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
447 THERETO;