

By: The Entire Membership

To: Ways and Means

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1654

1 AN ACT TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI  
3 MAJOR ECONOMIC IMPACT ACT TO FURTHER ADDRESS INFRASTRUCTURE AND  
4 OTHER NEEDS AT MILITARY BASES IN MISSISSIPPI UPON DESIGNATION BY  
5 THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY THAT ANY SUCH BASE  
6 WAS OR IS AT RISK TO BE RECOMMENDED FOR CLOSURE OR REALIGNMENT  
7 PURSUANT TO THE DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990;  
8 TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
9 THE ISSUANCE OF AN ADDITIONAL \$11,000,000.00 IN STATE GENERAL  
10 OBLIGATION BONDS FOR SUCH PURPOSES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 57-75-5, Mississippi Code of 1972, is  
13 amended as follows:

14 57-75-5. Words and phrases used in this chapter shall have  
15 meanings as follows, unless the context clearly indicates a  
16 different meaning:

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18 Act as originally enacted or as hereafter amended.

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

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

24 (d) "Facility related to the project" means and  
25 includes any of the following, as the same may pertain to the  
26 project within the project area: (i) facilities to provide  
27 potable and industrial water supply systems, sewage and waste  
28 disposal systems and water, natural gas and electric transmission  
29 systems to the site of the project; (ii) airports, airfields and  
30 air terminals; (iii) rail lines; (iv) port facilities; (v)  
31 highways, streets and other roadways; (vi) public school

32 buildings, classrooms and instructional facilities, training  
33 facilities and equipment, including any functionally related  
34 facilities; (vii) parks, outdoor recreation facilities and  
35 athletic facilities; (viii) auditoriums, pavilions, campgrounds,  
36 art centers, cultural centers, folklore centers and other public  
37 facilities; (ix) health care facilities, public or private; and  
38 (x) fire protection facilities, equipment and elevated water  
39 tanks.

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

45 (f) "Project" means:

46 (i) Any industrial, commercial, research and  
47 development, warehousing, distribution, transportation,  
48 processing, mining, United States government or tourism enterprise  
49 together with all real property required for construction,  
50 maintenance and operation of the enterprise with an initial  
51 capital investment of not less than Three Hundred Million Dollars  
52 (\$300,000,000.00) from private or United States government sources  
53 together with all buildings, and other supporting land and  
54 facilities, structures or improvements of whatever kind required  
55 or useful for construction, maintenance and operation of the  
56 enterprise; or with an initial capital investment of not less than  
57 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
58 or United States government sources together with all buildings  
59 and other supporting land and facilities, structures or  
60 improvements of whatever kind required or useful for construction,  
61 maintenance and operation of the enterprise and which creates at  
62 least one thousand (1,000) net new full-time jobs; or which  
63 creates at least one thousand (1,000) net new full-time jobs which  
64 provides an average salary, excluding benefits which are not

65 subject to Mississippi income taxation, of at least one hundred  
66 twenty-five percent (125%) of the most recently published average  
67 annual wage of the state as determined by the Mississippi  
68 Employment Security Commission. "Project" shall include any  
69 addition to or expansion of an existing enterprise if such  
70 addition or expansion has an initial capital investment of not  
71 less than Three Hundred Million Dollars (\$300,000,000.00) from  
72 private or United States government sources, or has an initial  
73 capital investment of not less than One Hundred Fifty Million  
74 Dollars (\$150,000,000.00) from private or United States government  
75 sources together with all buildings and other supporting land and  
76 facilities, structures or improvements of whatever kind required  
77 or useful for construction, maintenance and operation of the  
78 enterprise and which creates at least one thousand (1,000) net new  
79 full-time jobs; or which creates at least one thousand (1,000) net  
80 new full-time jobs which provides an average salary, excluding  
81 benefits which are not subject to Mississippi income taxation, of  
82 at least one hundred twenty-five percent (125%) of the most  
83 recently published average annual wage of the state as determined  
84 by the Mississippi Employment Security Commission. "Project"  
85 shall also include any ancillary development or business resulting  
86 from the enterprise, of which the authority is notified, within  
87 three (3) years from the date that the enterprise entered into  
88 commercial production, that the project area has been selected as  
89 the site for the ancillary development or business.

90 (ii) Any major capital project designed to  
91 improve, expand or otherwise enhance any active duty or reserve  
92 United States Armed Services bases or facilities or any major  
93 Mississippi National Guard or Air National Guard training  
94 installations, their support areas or their military operations,  
95 upon designation by the authority that any such base was or is at  
96 risk to be recommended for closure or realignment pursuant to the  
97 Defense Base Closure and Realignment Act of 1990; or any major

98 development project determined by the authority to be necessary to  
99 acquire base properties and to provide employment opportunities  
100 through construction of projects as defined in Section 57-3-5,  
101 which shall be located on or provide direct support service or  
102 access to such military installation property as such property  
103 exists on July 1, 2004, in the event of closure or reduction of  
104 military operations at the installation. \* \* \*

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

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

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

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

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

130                   2. The project and any facility related to  
131 the project shall include a total investment from private sources  
132 of not less than Sixty Million Dollars (\$60,000,000.00), or from  
133 any combination of sources of not less than Eighty Million Dollars  
134 (\$80,000,000.00).

135                   (vi) Any real property owned or controlled by the  
136 National Aeronautics and Space Administration, the United States  
137 government, or any agency thereof, which is legally conveyed to  
138 the State of Mississippi or to the State of Mississippi for the  
139 benefit of the Mississippi Major Economic Impact Authority, its  
140 successors and assigns pursuant to Section 212 of Public Law  
141 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

142                   (vii) Any major capital project related to the  
143 establishment, improvement, expansion and/or other enhancement of  
144 any active duty military installation and having a minimum capital  
145 investment from any source or combination of sources other than  
146 the State of Mississippi of at least Forty Million Dollars  
147 (\$40,000,000.00), and which will create at least four hundred  
148 (400) military installation related full-time jobs, which jobs may  
149 be military jobs, civilian jobs or a combination of military and  
150 civilian jobs. The authority shall require that binding  
151 commitments be entered into requiring that the minimum  
152 requirements for the project provided for in this subparagraph  
153 shall be met not later than July 1, 2008.

154                   (viii) Any major capital project with an initial  
155 capital investment from any source or combination of sources of  
156 not less than Ten Million Dollars (\$10,000,000.00) which will  
157 create at least eighty (80) full-time jobs which provide an  
158 average annual salary, excluding benefits which are not subject to  
159 Mississippi income taxes, of at least one hundred thirty-five  
160 percent (135%) of the most recently published average annual wage  
161 of the state or the most recently published average annual wage of  
162 the county in which the project is located as determined by the

163 Mississippi Employment Security Commission, whichever is the  
164 lesser. The authority shall require that binding commitments be  
165 entered into requiring that:

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

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

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

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

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

184 (x) Any major capital project with an initial  
185 capital investment from any source or combination of sources of  
186 not less than Seventy-five Million Dollars (\$75,000,000.00) which  
187 will create at least one hundred twenty-five (125) full-time jobs  
188 which provide an average annual salary, excluding benefits which  
189 are not subject to Mississippi income taxes, of at least one  
190 hundred thirty-five percent (135%) of the most recently published  
191 average annual wage of the state or the most recently published  
192 average annual wage of the county in which the project is located  
193 as determined by the Mississippi Employment Security Commission,  
194 whichever is the greater. The authority shall require that  
195 binding commitments be entered into requiring that:

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

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

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

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

214                   (h) "Public agency" means:

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

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

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

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

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

229           (j) "Fee-in-lieu" means a negotiated fee to be paid by  
230 the project in lieu of any franchise taxes imposed on the project  
231 by Chapter 13, Title 27, Mississippi Code of 1972. The  
232 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
233 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
234 enterprise operating an existing project defined in Section  
235 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
236 for other existing enterprises that fall within the definition of  
237 the term "project."

238           **SECTION 2.** Section 57-75-15, Mississippi Code of 1972, is  
239 amended as follows:

240           57-75-15. (1) Upon notification to the authority by the  
241 enterprise that the state has been finally selected as the site  
242 for the project, the State Bond Commission shall have the power  
243 and is hereby authorized and directed, upon receipt of a  
244 declaration from the authority as hereinafter provided, to borrow  
245 money and issue general obligation bonds of the state in one or  
246 more series for the purposes herein set out. Upon such  
247 notification, the authority may thereafter from time to time  
248 declare the necessity for the issuance of general obligation bonds  
249 as authorized by this section and forward such declaration to the  
250 State Bond Commission, provided that before such notification, the  
251 authority may enter into agreements with the United States  
252 government, private companies and others that will commit the  
253 authority to direct the State Bond Commission to issue bonds for  
254 eligible undertakings set out in subsection (4) of this section,  
255 conditioned on the siting of the project in the state.

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



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

265           (b) Bonds issued under the authority of this section  
266 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
267 Sixty-one Million Dollars (\$61,000,000.00). If any proceeds of  
268 bonds issued for projects related to the Meridian Naval Auxiliary  
269 Air Station ("NAAS") are used for the development of a water and  
270 sewer service system by the City of Meridian, Mississippi, to  
271 serve the NAAS and if the City of Meridian annexes any of the  
272 territory served by the water and sewer service system, the city  
273 shall repay the State of Mississippi the amount of all bond  
274 proceeds expended on any portion of the water and sewer service  
275 system project; and if there are any monetary proceeds derived  
276 from the disposition of any improvements located on real property  
277 in Kemper County purchased pursuant to this act for projects  
278 related to the NAAS and if there are any monetary proceeds derived  
279 from the disposition of any timber located on real property in  
280 Kemper County purchased pursuant to this act for projects related  
281 to the NAAS, all of such proceeds (both from the disposition of  
282 improvements and the disposition of timber) commencing July 1,  
283 1996, through June 30, 2010, shall be paid to the Board of  
284 Education of Kemper County, Mississippi, for expenditure by such  
285 board of education to benefit the public schools of Kemper County.  
286 No bonds shall be issued under this paragraph (b) until the State  
287 Bond Commission by resolution adopts a finding that the issuance  
288 of such bonds will improve, expand or otherwise enhance the  
289 military installation, its support areas or military operations,  
290 or will provide employment opportunities to replace those lost by  
291 closure or reductions in operations at the military  
292 installation. \* \* \*

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

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

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

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

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

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

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

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

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

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

341 (ii) Defraying the cost of providing for the  
342 recruitment, screening, selection, training or retraining of  
343 employees, candidates for employment or replacement employees of  
344 the project and any related activity;

345 (iii) Reimbursing the Mississippi Development  
346 Authority for expenses it incurred in regard to projects defined  
347 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
348 Mississippi Development Authority shall submit an itemized list of  
349 expenses it incurred in regard to such projects to the Chairmen of  
350 the Finance and Appropriations Committees of the Senate and the  
351 Chairmen of the Ways and Means and Appropriations Committees of  
352 the House of Representatives;

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

355 (v) Paying any warranty made by the authority  
356 regarding site work for a project defined in Section  
357 57-75-5(f)(iv)1;

358                   (vi) Defraying the cost of marketing and promotion  
359 of a project as defined in Section 57-75-5(f)(iv)1. The authority  
360 shall submit an itemized list of costs incurred for marketing and  
361 promotion of such project to the Chairmen of the Finance and  
362 Appropriations Committees of the Senate and the Chairmen of the  
363 Ways and Means and Appropriations Committees of the House of  
364 Representatives;

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

367                   (viii) Providing debt service reserves;

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

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

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

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

389           (b) \* \* \* The proceeds of bonds issued after June 21,  
390 2002, under this section for projects described in Section

391 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
392 necessary costs incurred by the Mississippi Development Authority  
393 in providing assistance related to a project for which funding is  
394 provided from the use of proceeds of such bonds. The Mississippi  
395 Development Authority shall maintain an accounting of actual costs  
396 incurred for each project for which reimbursements are sought.  
397 Reimbursements under this paragraph (b) shall not exceed Three  
398 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
399 Reimbursements under this paragraph (b) shall satisfy any  
400 applicable federal tax law requirements.

401 (c) The proceeds of bonds issued after June 21, 2002,  
402 under this section for projects described in Section  
403 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
404 necessary costs incurred by the Department of Audit in providing  
405 services related to a project for which funding is provided from  
406 the use of proceeds of such bonds. The Department of Audit shall  
407 maintain an accounting of actual costs incurred for each project  
408 for which reimbursements are sought. The Department of Audit may  
409 escalate its budget and expend such funds in accordance with rules  
410 and regulations of the Department of Finance and Administration in  
411 a manner consistent with the escalation of federal funds.  
412 Reimbursements under this paragraph (c) shall not exceed One  
413 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
414 Reimbursements under this paragraph (c) shall satisfy any  
415 applicable federal tax law requirements.

416 (d) The proceeds of bonds issued under this section for  
417 projects described in Section 57-75-5(f)(ix) may be used to  
418 reimburse reasonable actual and necessary costs incurred by the  
419 Mississippi Development Authority in providing assistance related  
420 to a project for which funding is provided for the use of proceeds  
421 of such bonds. The Mississippi Development Authority shall  
422 maintain an accounting of actual costs incurred for each project  
423 for which reimbursements are sought. Reimbursements under this

424 paragraph shall not exceed Twenty-five Thousand Dollars  
425 (\$25,000.00) in the aggregate.

426 (e) The proceeds of bonds issued under this section for  
427 projects described in Section 57-75-5(f)(ix) may be used to  
428 reimburse reasonable actual and necessary costs incurred by the  
429 Department of Audit in providing services related to a project for  
430 which funding is provided from the use of proceeds of such bonds.  
431 The Department of Audit shall maintain an accounting of actual  
432 costs incurred for each project for which reimbursements are  
433 sought. The Department of Audit may escalate its budget and  
434 expend such funds in accordance with rules and regulations of the  
435 Department of Finance and Administration in a manner consistent  
436 with the escalation of federal funds. Reimbursements under this  
437 paragraph shall not exceed Twenty-five Thousand Dollars  
438 (\$25,000.00) in the aggregate. Reimbursements under this  
439 paragraph shall satisfy any applicable federal tax law  
440 requirements.

441 (f) The proceeds of bonds issued under this section for  
442 projects described in Section 57-75-5(f)(x) may be used to  
443 reimburse reasonable actual and necessary costs incurred by the  
444 Mississippi Development Authority in providing assistance related  
445 to a project for which funding is provided for the use of proceeds  
446 of such bonds. The Mississippi Development Authority shall  
447 maintain an accounting of actual costs incurred for each project  
448 for which reimbursements are sought. Reimbursements under this  
449 paragraph shall not exceed Twenty-five Thousand Dollars  
450 (\$25,000.00) in the aggregate.

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

457 costs incurred for each project for which reimbursements are  
458 sought. The Department of Audit may escalate its budget and  
459 expend such funds in accordance with rules and regulations of the  
460 Department of Finance and Administration in a manner consistent  
461 with the escalation of federal funds. Reimbursements under this  
462 paragraph shall not exceed Twenty-five Thousand Dollars  
463 (\$25,000.00) in the aggregate. Reimbursements under this  
464 paragraph shall satisfy any applicable federal tax law  
465 requirements.

466 (5) The principal of and the interest on the bonds shall be  
467 payable in the manner hereinafter set forth. The bonds shall bear  
468 date or dates; be in such denomination or denominations; bear  
469 interest at such rate or rates; be payable at such place or places  
470 within or without the state; mature absolutely at such time or  
471 times; be redeemable before maturity at such time or times and  
472 upon such terms, with or without premium; bear such registration  
473 privileges; and be substantially in such form; all as shall be  
474 determined by resolution of the State Bond Commission except that  
475 such bonds shall mature or otherwise be retired in annual  
476 installments beginning not more than five (5) years from the date  
477 thereof and extending not more than twenty-five (25) years from  
478 the date thereof. The bonds shall be signed by the Chairman of  
479 the State Bond Commission, or by his facsimile signature, and the  
480 official seal of the State Bond Commission shall be imprinted on  
481 or affixed thereto, attested by the manual or facsimile signature  
482 of the Secretary of the State Bond Commission. Whenever any such  
483 bonds have been signed by the officials herein designated to sign  
484 the bonds, who were in office at the time of such signing but who  
485 may have ceased to be such officers before the sale and delivery  
486 of such bonds, or who may not have been in office on the date such  
487 bonds may bear, the signatures of such officers upon such bonds  
488 shall nevertheless be valid and sufficient for all purposes and  
489 have the same effect as if the person so officially signing such

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

492 (6) All bonds issued under the provisions of this section  
493 shall be and are hereby declared to have all the qualities and  
494 incidents of negotiable instruments under the provisions of the  
495 Uniform Commercial Code and in exercising the powers granted by  
496 this chapter, the State Bond Commission shall not be required to  
497 and need not comply with the provisions of the Uniform Commercial  
498 Code.

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

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

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



522           (8) State bonds issued under the provisions of this section  
523 shall be the general obligations of the state and backed by the  
524 full faith and credit of the state. The Legislature shall  
525 appropriate annually an amount sufficient to pay the principal of  
526 and the interest on such bonds as they become due. All bonds  
527 shall contain recitals on their faces substantially covering the  
528 foregoing provisions of this section.

529           (9) The State Treasurer is authorized to certify to the  
530 Department of Finance and Administration the necessity for  
531 warrants, and the Department of Finance and Administration is  
532 authorized and directed to issue such warrants payable out of any  
533 funds appropriated by the Legislature under this section for such  
534 purpose, in such amounts as may be necessary to pay when due the  
535 principal of and interest on all bonds issued under the provisions  
536 of this section. The State Treasurer shall forward the necessary  
537 amount to the designated place or places of payment of such bonds  
538 in ample time to discharge such bonds, or the interest thereon, on  
539 the due dates thereof.

540           (10) The bonds may be issued without any other proceedings  
541 or the happening of any other conditions or things other than  
542 those proceedings, conditions and things which are specified or  
543 required by this chapter. Any resolution providing for the  
544 issuance of general obligation bonds under the provisions of this  
545 section shall become effective immediately upon its adoption by  
546 the State Bond Commission, and any such resolution may be adopted  
547 at any regular or special meeting of the State Bond Commission by  
548 a majority of its members.

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

555 evidenced by notes of the state which shall be issued from time to  
556 time, for such amounts not exceeding the amount of bonds  
557 authorized herein, in such form and in such denomination and  
558 subject to such terms and conditions of sale and issuance,  
559 prepayment or redemption and maturity, rate or rates of interest  
560 not to exceed the maximum rate authorized herein for bonds, and  
561 time of payment of interest as the State Bond Commission shall  
562 agree to in such agreement. Such notes shall constitute general  
563 obligations of the state and shall be backed by the full faith and  
564 credit of the state. Such notes may also be issued for the  
565 purpose of refunding previously issued notes. No note shall  
566 mature more than three (3) years following the date of its  
567 issuance. The State Bond Commission is authorized to provide for  
568 the compensation of any purchaser of the notes by payment of a  
569 fixed fee or commission and for all other costs and expenses of  
570 issuance and service, including paying agent costs. Such costs  
571 and expenses may be paid from the proceeds of the notes.

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

582 (13) Any bonds or interim notes issued under the provisions  
583 of this chapter, a transaction relating to the sale or securing of  
584 such bonds or interim notes, their transfer and the income  
585 therefrom shall at all times be free from taxation by the state or  
586 any local unit or political subdivision or other instrumentality  
587 of the state, excepting inheritance and gift taxes.

588           (14) All bonds issued under this chapter shall be legal  
589 investments for trustees, other fiduciaries, savings banks, trust  
590 companies and insurance companies organized under the laws of the  
591 State of Mississippi; and such bonds shall be legal securities  
592 which may be deposited with and shall be received by all public  
593 officers and bodies of the state and all municipalities and other  
594 political subdivisions thereof for the purpose of securing the  
595 deposit of public funds.

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

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

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

619           (b) In the event that all or any part of the bonds and  
620 notes are purchased, they shall be canceled and returned to the

621 loan and transfer agent as canceled and paid bonds and notes and  
622 thereafter all payments of interest thereon shall cease and the  
623 canceled bonds, notes and coupons, together with any other  
624 canceled bonds, notes and coupons, shall be destroyed as promptly  
625 as possible after cancellation but not later than two (2) years  
626 after cancellation. A certificate evidencing the destruction of  
627 the canceled bonds, notes and coupons shall be provided by the  
628 loan and transfer agent to the seller.

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

640 (18) (a) Upon receipt of a declaration by the authority  
641 that it has determined that the state is a potential site for a  
642 project, the State Bond Commission is authorized and directed to  
643 authorize the State Treasurer to borrow money from any special  
644 fund in the State Treasury not otherwise appropriated to be  
645 utilized by the authority for the purposes provided for in this  
646 subsection.

647 (b) The proceeds of the money borrowed under this  
648 subsection may be utilized by the authority for the purpose of  
649 defraying all or a portion of the costs incurred by the authority  
650 with respect to acquisition options and planning, design and  
651 environmental impact studies with respect to a project defined in  
652 Section 57-75-5(f)(xi). The authority may escalate its budget and  
653 expend the proceeds of the money borrowed under this subsection in

654 accordance with rules and regulations of the Department of Finance  
655 and Administration in a manner consistent with the escalation of  
656 federal funds.

657           (c) The authority shall request an appropriation or  
658 additional authority to issue general obligation bonds to repay  
659 the borrowed funds and establish a date for the repayment of the  
660 funds so borrowed.

661           (d) Borrowings made under the provisions of this  
662 subsection shall not exceed Five Hundred Thousand Dollars  
663 (\$500,000.00) at any one time.

664           **SECTION 3.** This act shall take effect and be in force from  
665 and after its passage.