

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1798: Mississippi Major Economic Impact Act; revise definition of "project" and authorize issuance of bonds for certain projects.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

16           **SECTION 1.** Section 57-75-5, Mississippi Code of 1972, as  
17 amended by Senate Bill No. 2880, 2004 Regular Session, is amended  
18 as follows:

19           57-75-5. Words and phrases used in this chapter shall have  
20 meanings as follows, unless the context clearly indicates a  
21 different meaning:

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23 Act as originally enacted or as hereafter amended.

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

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

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

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

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

50 (f) "Project" means:

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

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

95 (ii) 1. Any major capital project designed to  
96 improve, expand or otherwise enhance any active duty or reserve  
97 United States Armed Services bases and facilities or any major  
98 Mississippi National Guard training installations, their support  
99 areas or their military operations, upon designation by the  
100 authority that any such base was or is at risk to be recommended

101 for closure or realignment pursuant to the Defense Base Closure  
102 and Realignment Act of 1990, as amended, other applicable federal  
103 law or any major development project determined by the authority  
104 to be necessary to acquire or improve base properties and to  
105 provide employment opportunities through construction of projects  
106 as defined in Section 57-3-5, which shall be located on or provide  
107 direct support service or access to such military installation  
108 property \* \* \* in the event of closure or reduction of military  
109 operations at the installation. \* \* \*

110 2. Any major study or investigation related  
111 to such a facility, installation or base, upon a determination by  
112 the authority that the study or investigation is critical to the  
113 expansion, retention or re-use of the facility, installation or  
114 base.

115 3. Any project as defined in Section 57-3-5,  
116 any business or enterprise determined to be in the furtherance of  
117 the public purposes of this act as determined by the authority or  
118 any facility related to such project each of which shall be,  
119 directly or indirectly, related to any military base or other  
120 military-related facility no longer operated by the United States  
121 Armed Services or the Mississippi National Guard.

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

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

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

133 the authority is notified, within three (3) years from the date  
134 that the enterprise entered into commercial production, that the  
135 state has been selected as the site for the ancillary development  
136 or business.

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

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

147 2. The project and any facility related to  
148 the project shall include a total investment from private sources  
149 of not less than Sixty Million Dollars (\$60,000,000.00), or from  
150 any combination of sources of not less than Eighty Million Dollars  
151 (\$80,000,000.00).

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

159 (vii) Any major capital project related to the  
160 establishment, improvement, expansion and/or other enhancement of  
161 any active duty military installation and having a minimum capital  
162 investment from any source or combination of sources other than  
163 the State of Mississippi of at least Forty Million Dollars  
164 (\$40,000,000.00), and which will create at least four hundred

165 (400) military installation related full-time jobs, which jobs may  
166 be military jobs, civilian jobs or a combination of military and  
167 civilian jobs. The authority shall require that binding  
168 commitments be entered into requiring that the minimum  
169 requirements for the project provided for in this subparagraph  
170 shall be met not later than July 1, 2008.

171 (viii) Any major capital project with an initial  
172 capital investment from any source or combination of sources of  
173 not less than Ten Million Dollars (\$10,000,000.00) which will  
174 create at least eighty (80) full-time jobs which provide an  
175 average annual salary, excluding benefits which are not subject to  
176 Mississippi income taxes, of at least one hundred thirty-five  
177 percent (135%) of the most recently published average annual wage  
178 of the state or the most recently published average annual wage of  
179 the county in which the project is located as determined by the  
180 Mississippi Employment Security Commission, whichever is the  
181 lesser. The authority shall require that binding commitments be  
182 entered into requiring that:

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

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

188 (ix) Any regional retail shopping mall with an  
189 initial capital investment from private sources in excess of One  
190 Hundred Fifty Million Dollars (\$150,000,000.00), with a square  
191 footage in excess of eight hundred thousand (800,000) square feet,  
192 which will create at least seven hundred (700) full-time jobs with  
193 an average hourly wage of Eleven Dollars (\$11.00) per hour. The  
194 authority shall require that binding commitments be entered into  
195 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                   (x) Any major capital project with an initial  
202 capital investment from any source or combination of sources of  
203 not less than Seventy-five Million Dollars (\$75,000,000.00) which  
204 will create at least one hundred twenty-five (125) full-time jobs  
205 which provide an average annual salary, excluding benefits which  
206 are not subject to Mississippi income taxes, of at least one  
207 hundred thirty-five percent (135%) of the most recently published  
208 average annual wage of the state or the most recently published  
209 average annual wage of the county in which the project is located  
210 as determined by the Mississippi Employment Security Commission,  
211 whichever is the greater. The authority shall require that  
212 binding commitments be entered into requiring that:

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

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

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

220                   (xii) Any project built according to the  
221 specifications and federal provisions set forth by the National  
222 Aeronautics and Space Administration Center Operations Directorate  
223 at Stennis Space Center for the purpose of consolidating common  
224 services from National Aeronautics and Space Administration  
225 centers in human resources, procurement, financial management and  
226 information technology located on land owned or controlled by the  
227 National Aeronautics and Space Administration, which will create

228 at least four hundred seventy (470) full-time jobs with an average  
229 annual salary of at least Sixty Thousand Dollars (\$60,000.00).

230 (xiii) Any major capital project with an initial  
231 capital investment from any source or combination of sources of  
232 not less than Ten Million Dollars (\$10,000,000.00) which will  
233 create at least two hundred fifty (250) full-time jobs. The  
234 authority shall require that binding commitments be entered into  
235 requiring that:

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

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

241 (xiv) Any major pharmaceutical facility with a  
242 capital investment of not less than Fifty Million Dollars  
243 (\$50,000,000.00) over a period of four (4) consecutive years from  
244 the initial date of any loan or grant made by the authority for  
245 such project, which will maintain at least seven hundred fifty  
246 (750) full-time employees. The authority shall require that  
247 binding commitments be entered into requiring that:

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

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

253 (xv) Any pharmaceutical manufacturing, packaging  
254 and distribution facility with an initial capital investment from  
255 any local or federal sources of not less than One Million Nine  
256 Hundred Thousand Dollars (\$1,900,000.00) which will create at  
257 least one hundred ten (110) full-time jobs. The authority shall  
258 require that binding commitments be entered into requiring that:



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

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

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

275 (h) "Public agency" means:

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

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

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

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

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

290 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
291 the project in lieu of any franchise taxes imposed on the project  
292 by Chapter 13, Title 27, Mississippi Code of 1972. The  
293 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
294 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
295 enterprise operating an existing project defined in Section  
296 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
297 for other existing enterprises that fall within the definition of  
298 the term "project."

299 **SECTION 2.** Section 57-75-11, Mississippi Code of 1972, is  
300 amended as follows:

301 57-75-11. The authority, in addition to any and all powers  
302 now or hereafter granted to it, is empowered and shall exercise  
303 discretion and the use of these powers depending on the  
304 circumstances of the project or projects:

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

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

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

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

318 (e) (i) To acquire by purchase, lease, gift, or in  
319 other manner, including quick-take eminent domain, or obtain  
320 options to acquire, and to own, maintain, use, operate and convey  
321 any and all property of any kind, real, personal, or mixed, or any

322 interest or estate therein, within the project area, necessary for  
323 the project or any facility related to the project. The  
324 provisions of this paragraph that allow the acquisition of  
325 property by quick-take eminent domain shall be repealed by  
326 operation of law on July 1, 1994; and

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

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

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

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

350 (i) From and after the date of notification to the  
351 authority by the enterprise that the state has been finally  
352 selected as the site of the project, to acquire by condemnation  
353 and to own, maintain, use, operate and convey or otherwise dispose

354 of any and all property of any kind, real, personal or mixed, or  
355 any interest or estate therein, within the project area, necessary  
356 for the project or any facility related to the project, with the  
357 concurrence of the affected public agency, and the exercise of the  
358 powers granted by this act, according to the procedures provided  
359 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
360 modified by this act.

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

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

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

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

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

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

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

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

415           (o) (i) To lease, sell or convey any or all property  
416 acquired by the authority under the provisions of this act to the

417 enterprise, its successors or assigns, and in connection therewith  
418 to pay the costs of title search, perfection of title, title  
419 insurance and recording fees as may be required. The authority  
420 may provide in the instrument conveying such property a provision  
421 that such property shall revert to the authority if, as and when  
422 the property is declared by the enterprise to be no longer needed.

423 (ii) To lease, sell, transfer or convey on any  
424 terms agreed upon by the authority any or all real and personal  
425 property, improvements, leases, funds and contractual obligations  
426 of a project as defined in Section 57-75-5(f)(vi) and conveyed to  
427 the State of Mississippi by a Quitclaim Deed from the United  
428 States of America dated February 23, 1996, filed of record at  
429 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,  
430 Tishomingo County, Mississippi, to any governmental authority  
431 located within the geographic boundaries of the county wherein  
432 such project exists upon agreement of such governmental authority  
433 to undertake and assume from the State of Mississippi all  
434 obligations and responsibilities in connection with ownership and  
435 operation of the project. Property leased, sold, transferred or  
436 otherwise conveyed by the authority under this paragraph (o) shall  
437 be used only for economic development purposes.

438 (p) To enter into contracts with any person or public  
439 agency, including, but not limited to, contracts authorized by  
440 Section 57-75-17, in furtherance of any of the purposes authorized  
441 by this act upon such consideration as the authority and such  
442 person or public agency may agree. Any such contract may extend  
443 over any period of time, notwithstanding any rule of law to the  
444 contrary, may be upon such terms as the parties thereto shall  
445 agree, and may provide that it shall continue in effect until  
446 bonds specified therein, refunding bonds issued in lieu of such  
447 bonds, and all other obligations specified therein are paid or  
448 terminated. Any such contract shall be binding upon the parties

449 thereto according to its terms. Such contracts may include an  
450 agreement to reimburse the enterprise, its successors and assigns  
451 for any assistance provided by the enterprise in the acquisition  
452 of real property for the project or any facility related to the  
453 project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

534 (hh) In connection with projects defined in Section  
535 57-75-5(f)(ii):

536 (i) To provide grant funds or loans to a public  
537 agency or an enterprise owning, leasing or operating a project  
538 defined in Section 57-75-5(f)(ii) in amounts not to exceed the  
539 amount authorized in Section 57-75-15(3)(b);

540 (ii) To supervise the use of all such grant funds  
541 or loans; and

542 (iii) To requisition money in the Mississippi  
543 Major Economic Impact Authority Revolving Loan Fund in connection  
544 with such loans.

545 (ii) In connection with projects defined under Section  
546 57-75-5(f)(xiv):

547 (i) To provide grant funds or loans to an  
548 enterprise owning, leasing or operating a project defined in  
549 Section 57-75-5(f)(xiv); however:

550 1. During fiscal year 2005, the amount of any  
551 such loan under this paragraph (ii) shall not exceed Eight Million  
552 Dollars (\$8,000,000.00) and the amount of any such grant under  
553 this paragraph (ii) shall not exceed Two Million Dollars  
554 (\$2,000,000.00);

555 2. During fiscal year 2006, the amount of any  
556 such loan under this paragraph (ii) shall not exceed Eight Million  
557 Dollars (\$8,000,000.00) and the amount of any such grant under  
558 this paragraph (ii) shall not exceed Two Million Dollars  
559 (\$2,000,000.00); and

560 3. During fiscal year 2007, the amount of any  
561 such loan under this paragraph (ii) shall not exceed Two Million  
562 Dollars (\$2,000,000.00) and the amount of any such grant under  
563 this paragraph (ii) shall not exceed Two Million Dollars  
564 (\$2,000,000.00);

565 (ii) To supervise the use of all such grant funds  
566 or loans; and

567 (iii) Notwithstanding any provision of this act to  
568 the contrary, such loans shall be for a term not to exceed twenty  
569 (20) years as may be determined by the authority, shall bear  
570 interest at such rates as may be determined by the authority,  
571 shall, in the sole discretion of the authority, be secured in an  
572 amount and a manner as may be determined by the authority.

573           **SECTION 3.** Section 57-75-15, Mississippi Code of 1972, as  
574 amended by Senate Bill No. 2390, 2004 Regular Session, and Senate  
575 Bill No. 2880, 2004 Regular Session, is amended as follows:

576           57-75-15. (1) Upon notification to the authority by the  
577 enterprise that the state has been finally selected as the site  
578 for the project, the State Bond Commission shall have the power  
579 and is hereby authorized and directed, upon receipt of a  
580 declaration from the authority as hereinafter provided, to borrow  
581 money and issue general obligation bonds of the state in one or  
582 more series for the purposes herein set out. Upon such  
583 notification, the authority may thereafter from time to time  
584 declare the necessity for the issuance of general obligation bonds  
585 as authorized by this section and forward such declaration to the  
586 State Bond Commission, provided that before such notification, the  
587 authority may enter into agreements with the United States  
588 government, private companies and others that will commit the  
589 authority to direct the State Bond Commission to issue bonds for  
590 eligible undertakings set out in subsection (4) of this section,  
591 conditioned on the siting of the project in the state.

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

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

601           (b) Bonds issued under the authority of this section  
602 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
603 Sixty-one Million Dollars (\$61,000,000.00) \* \* \*. The authority,  
604 with the express direction of the State Bond Commission, is

605 authorized to expend any remaining proceeds of bonds issued under  
606 the authority of this act prior to January 1, 1998, for the  
607 purpose of financing projects as then defined in Section  
608 57-75-5(f)(ii) or for any other projects as defined in Section  
609 57-75-5(f)(ii), as it may be amended from time to time. If any  
610 proceeds of bonds issued for projects related to the Meridian  
611 Naval Auxiliary Air Station ("NAAS") are used for the development  
612 of a water and sewer service system by the City of Meridian,  
613 Mississippi, to serve the NAAS and if the City of Meridian annexes  
614 any of the territory served by the water and sewer service system,  
615 the city shall repay the State of Mississippi the amount of all  
616 bond proceeds expended on any portion of the water and sewer  
617 service system project; and if there are any monetary proceeds  
618 derived from the disposition of any improvements located on real  
619 property in Kemper County purchased pursuant to this act for  
620 projects related to the NAAS and if there are any monetary  
621 proceeds derived from the disposition of any timber located on  
622 real property in Kemper County purchased pursuant to this act for  
623 projects related to the NAAS, all of such proceeds (both from the  
624 disposition of improvements and the disposition of timber)  
625 commencing July 1, 1996, through June 30, 2010, shall be paid to  
626 the Board of Education of Kemper County, Mississippi, for  
627 expenditure by such board of education to benefit the public  
628 schools of Kemper County. No bonds shall be issued under this  
629 paragraph (b) until the State Bond Commission by resolution adopts  
630 a finding that the issuance of such bonds will improve, expand or  
631 otherwise enhance the military installation, its support areas or  
632 military operations, or will provide employment opportunities to  
633 replace those lost by closure or reductions in operations at the  
634 military installation or will support critical studies or  
635 investigations authorized by Section 57-75-5(f)(ii); however, not

636 more than One Million Dollars (\$1,000,000.00) in the aggregate  
637 shall be authorized for such studies or investigations.

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

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

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

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

661 (g) Bonds issued under the authority of this section  
662 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
663 Four Million Five Hundred Dollars (\$4,500,000.00). No bonds shall  
664 be issued under this paragraph after June 30, 2007.

665 (h) Bonds issued under the authority of this section  
666 for projects defined in Section 57-75-5(f)(ix) shall not exceed

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

669 (i) Bonds issued under the authority of this section  
670 for projects defined in Section 57-75-5(f)(x) shall not exceed  
671 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
672 under this paragraph after June 30, 2007.

673 (j) Bonds issued under the authority of this section  
674 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
675 Nineteen Million Five Hundred Thousand Dollars (\$19,500,000.00).  
676 No bonds shall be issued under this paragraph until local  
677 governments in or near the county in which the project is located  
678 have irrevocably committed funds to the project in an amount of  
679 not less than Two Million Five Hundred Thousand Dollars  
680 (\$2,500,000.00) in the aggregate. No bonds shall be issued under  
681 this paragraph after June 30, 2008.

682 (k) Bonds issued under the authority of this section  
683 for projects defined in Section 57-75-5(f)(xiii) shall not exceed  
684 Three Million Dollars (\$3,000,000.00). No bonds shall be issued  
685 under this paragraph after June 30, 2008.

686 (l) Bonds issued under the authority of this section  
687 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
688 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
689 issued under this paragraph until local governments in the county  
690 in which the project is located have irrevocably committed funds  
691 to the project in an amount of not less than Two Million Dollars  
692 (\$2,000,000.00). No bonds shall be issued under this paragraph  
693 after June 30, 2008.

694 (m) Bonds issued under the authority of this section  
695 for projects defined in Section 57-75-5(f)(xv) shall not exceed  
696 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
697 issued under this paragraph after June 30, 2008.

698           (4) (a) The proceeds from the sale of the bonds issued  
699 under this section may be applied for the following purposes:  
700                   (i) Defraying all or any designated portion of the  
701 costs incurred with respect to acquisition, planning, design,  
702 construction, installation, rehabilitation, improvement,  
703 relocation and with respect to state-owned property, operation and  
704 maintenance of the project and any facility related to the project  
705 located within the project area, including costs of design and  
706 engineering, all costs incurred to provide land, easements and  
707 rights-of-way, relocation costs with respect to the project and  
708 with respect to any facility related to the project located within  
709 the project area, and costs associated with mitigation of  
710 environmental impacts and environmental impact studies;  
711                   (ii) Defraying the cost of providing for the  
712 recruitment, screening, selection, training or retraining of  
713 employees, candidates for employment or replacement employees of  
714 the project and any related activity;  
715                   (iii) Reimbursing the Mississippi Development  
716 Authority for expenses it incurred in regard to projects defined  
717 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
718 Mississippi Development Authority shall submit an itemized list of  
719 expenses it incurred in regard to such projects to the Chairmen of  
720 the Finance and Appropriations Committees of the Senate and the  
721 Chairmen of the Ways and Means and Appropriations Committees of  
722 the House of Representatives;  
723                   (iv) Providing grants to enterprises operating  
724 projects defined in Section 57-75-5(f)(iv)1;  
725                   (v) Paying any warranty made by the authority  
726 regarding site work for a project defined in Section  
727 57-75-5(f)(iv)1;  
728                   (vi) Defraying the cost of marketing and promotion  
729 of a project as defined in Section 57-75-5(f)(iv)1. The authority

730 shall submit an itemized list of costs incurred for marketing and  
731 promotion of such project to the Chairmen of the Finance and  
732 Appropriations Committees of the Senate and the Chairmen of the  
733 Ways and Means and Appropriations Committees of the House of  
734 Representatives;

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

737 (viii) Providing debt service reserves;

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

742 (x) For purposes authorized in paragraphs (b),  
743 (c), (d), (e), (f) and (g) of this subsection (4); \* \* \*

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

749 (xii) Providing grant funds or loans to a public  
750 agency or an enterprise owning, leasing or operating a project  
751 defined in Section 57-75-5(f)(ii); and

752 (xiii) Providing grant funds or loans to an  
753 enterprise owning, leasing or operating a project defined in  
754 Section 57-75-5(f)(xiv).

755 Such bonds shall be issued from time to time and in such  
756 principal amounts as shall be designated by the authority, not to  
757 exceed in aggregate principal amounts the amount authorized in  
758 subsection (3) of this section. Proceeds from the sale of the  
759 bonds issued under this section may be invested, subject to  
760 federal limitations, pending their use, in such securities as may  
761 be specified in the resolution authorizing the issuance of the



762 bonds or the trust indenture securing them, and the earning on  
763 such investment applied as provided in such resolution or trust  
764 indenture.

765           (b) (i) The proceeds of bonds issued after June 21,  
766 2002, under this section for projects described in Section  
767 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
768 necessary costs incurred by the Mississippi Development Authority  
769 in providing assistance related to a project for which funding is  
770 provided from the use of proceeds of such bonds. The Mississippi  
771 Development Authority shall maintain an accounting of actual costs  
772 incurred for each project for which reimbursements are sought.  
773 Reimbursements under this paragraph (b) shall not exceed Three  
774 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
775 Reimbursements under this paragraph (b) shall satisfy any  
776 applicable federal tax law requirements.

777           (ii) The proceeds of bonds issued after June 21,  
778 2002, under this section for projects described in Section  
779 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
780 necessary costs incurred by the Department of Audit in providing  
781 services related to a project for which funding is provided from  
782 the use of proceeds of such bonds. The Department of Audit shall  
783 maintain an accounting of actual costs incurred for each project  
784 for which reimbursements are sought. The Department of Audit may  
785 escalate its budget and expend such funds in accordance with rules  
786 and regulations of the Department of Finance and Administration in  
787 a manner consistent with the escalation of federal funds.  
788 Reimbursements under this paragraph (b)(ii) shall not exceed One  
789 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
790 Reimbursements under this paragraph (b)(ii) shall satisfy any  
791 applicable federal tax law requirements.

792           (c) (i) The proceeds of bonds issued under this  
793 section for projects described in Section 57-75-5(f)(ix) may be

794 used to reimburse reasonable actual and necessary costs incurred  
795 by the Mississippi Development Authority in providing assistance  
796 related to a project for which funding is provided for the use of  
797 proceeds of such bonds. The Mississippi Development Authority  
798 shall maintain an accounting of actual costs incurred for each  
799 project for which reimbursements are sought. Reimbursements under  
800 this paragraph shall not exceed Twenty-five Thousand Dollars  
801 (\$25,000.00) in the aggregate.

802           (ii) The proceeds of bonds issued under this  
803 section for projects described in Section 57-75-5(f)(ix) may be  
804 used to reimburse reasonable actual and necessary costs incurred  
805 by the Department of Audit in providing services related to a  
806 project for which funding is provided from the use of proceeds of  
807 such bonds. The Department of Audit shall maintain an accounting  
808 of actual costs incurred for each project for which reimbursements  
809 are sought. The Department of Audit may escalate its budget and  
810 expend such funds in accordance with rules and regulations of the  
811 Department of Finance and Administration in a manner consistent  
812 with the escalation of federal funds. Reimbursements under this  
813 paragraph shall not exceed Twenty-five Thousand Dollars  
814 (\$25,000.00) in the aggregate. Reimbursements under this  
815 paragraph shall satisfy any applicable federal tax law  
816 requirements.

817           (d) (i) The proceeds of bonds issued under this  
818 section for projects described in Section 57-75-5(f)(x) may be  
819 used to reimburse reasonable actual and necessary costs incurred  
820 by the Mississippi Development Authority in providing assistance  
821 related to a project for which funding is provided for the use of  
822 proceeds of such bonds. The Mississippi Development Authority  
823 shall maintain an accounting of actual costs incurred for each  
824 project for which reimbursements are sought. Reimbursements under

825 this paragraph shall not exceed Twenty-five Thousand Dollars  
826 (\$25,000.00) in the aggregate.

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

842 (e) (i) The proceeds of bonds issued under this  
843 section for projects described in Section 57-75-5(f)(xii) may be  
844 used to reimburse reasonable, actual and necessary costs incurred  
845 by the Mississippi Development Authority in providing assistance  
846 related to a project for which funding is provided from the use of  
847 proceeds of such bonds. The Mississippi Development Authority  
848 shall maintain an accounting of actual costs incurred for each  
849 project for which reimbursements are sought. Reimbursements under  
850 this paragraph (e)(i) shall not exceed Twenty-five Thousand  
851 Dollars (\$25,000.00) in the aggregate.

852 (ii) The proceeds of bonds issued under this  
853 section for projects described in Section 57-75-5(f)(xii) may be  
854 used to reimburse reasonable, actual and necessary costs incurred  
855 by the Department of Audit in providing services related to a  
856 project for which funding is provided from the use of proceeds of

857 such bonds. The Department of Audit shall maintain an accounting  
858 of actual costs incurred for each project for which reimbursements  
859 are sought. The Department of Audit may escalate its budget and  
860 expend such funds in accordance with rules and regulations of the  
861 Department of Finance and Administration in a manner consistent  
862 with the escalation of federal funds. Reimbursements under this  
863 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars  
864 (\$25,000.00) in the aggregate. Reimbursements under this  
865 paragraph (e)(ii) shall satisfy any applicable federal tax law  
866 requirements.

867 (f) (i) The proceeds of bonds issued under this  
868 section for projects described in Section 57-75-5(f)(xiii) may be  
869 used to reimburse reasonable, actual and necessary costs incurred  
870 by the Mississippi Development Authority in providing assistance  
871 related to a project for which funding is provided from the use of  
872 proceeds of such bonds. The Mississippi Development Authority  
873 shall maintain an accounting of actual costs incurred for each  
874 project for which reimbursements are sought. Reimbursements under  
875 this paragraph (f)(i) shall not exceed Twenty-five Thousand  
876 Dollars (\$25,000.00) in the aggregate.

877 (ii) The proceeds of bonds issued under this  
878 section for projects described in Section 57-75-5(f)(xiii) may be  
879 used to reimburse reasonable, actual and necessary costs incurred  
880 by the Department of Audit in providing services related to a  
881 project for which funding is provided from the use of proceeds of  
882 such bonds. The Department of Audit shall maintain an accounting  
883 of actual costs incurred for each project for which reimbursements  
884 are sought. The Department of Audit may escalate its budget and  
885 expend such funds in accordance with rules and regulations of the  
886 Department of Finance and Administration in a manner consistent  
887 with the escalation of federal funds. Reimbursements under this  
888 paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars

889 (\$25,000.00) in the aggregate. Reimbursements under this  
890 paragraph (f)(ii) shall satisfy any applicable federal tax law  
891 requirements.

892 (g) (i) The proceeds of bonds issued under this  
893 section for projects described in Section 57-75-5(f)(xiv) may be  
894 used to reimburse reasonable, actual and necessary costs incurred  
895 by the Mississippi Development Authority in providing assistance  
896 related to a project for which funding is provided from the use of  
897 proceeds of such bonds. The Mississippi Development Authority  
898 shall maintain an accounting of actual costs incurred for each  
899 project for which reimbursements are sought. Reimbursements under  
900 this paragraph (g)(i) shall not exceed Twenty-five Thousand  
901 Dollars (\$25,000.00) in the aggregate.

902 (ii) The proceeds of bonds issued under this  
903 section for projects described in Section 57-75-5(f)(xiv) may be  
904 used to reimburse reasonable, actual and necessary costs incurred  
905 by the Department of Audit in providing services related to a  
906 project for which funding is provided from the use of proceeds of  
907 such bonds. The Department of Audit shall maintain an accounting  
908 of actual costs incurred for each project for which reimbursements  
909 are sought. The Department of Audit may escalate its budget and  
910 expend such funds in accordance with rules and regulations of the  
911 Department of Finance and Administration in a manner consistent  
912 with the escalation of federal funds. Reimbursements under this  
913 paragraph (g)(ii) shall not exceed Twenty-five Thousand Dollars  
914 (\$25,000.00) in the aggregate. Reimbursements under this  
915 paragraph (g)(ii) shall satisfy any applicable federal tax law  
916 requirements.

917 (5) The principal of and the interest on the bonds shall be  
918 payable in the manner hereinafter set forth. The bonds shall bear  
919 date or dates; be in such denomination or denominations; bear  
920 interest at such rate or rates; be payable at such place or places

921 within or without the state; mature absolutely at such time or  
922 times; be redeemable before maturity at such time or times and  
923 upon such terms, with or without premium; bear such registration  
924 privileges; and be substantially in such form; all as shall be  
925 determined by resolution of the State Bond Commission except that  
926 such bonds shall mature or otherwise be retired in annual  
927 installments beginning not more than five (5) years from the date  
928 thereof and extending not more than twenty-five (25) years from  
929 the date thereof. The bonds shall be signed by the Chairman of  
930 the State Bond Commission, or by his facsimile signature, and the  
931 official seal of the State Bond Commission shall be imprinted on  
932 or affixed thereto, attested by the manual or facsimile signature  
933 of the Secretary of the State Bond Commission. Whenever any such  
934 bonds have been signed by the officials herein designated to sign  
935 the bonds, who were in office at the time of such signing but who  
936 may have ceased to be such officers before the sale and delivery  
937 of such bonds, or who may not have been in office on the date such  
938 bonds may bear, the signatures of such officers upon such bonds  
939 shall nevertheless be valid and sufficient for all purposes and  
940 have the same effect as if the person so officially signing such  
941 bonds had remained in office until the delivery of the same to the  
942 purchaser, or had been in office on the date such bonds may bear.

943 (6) All bonds issued under the provisions of this section  
944 shall be and are hereby declared to have all the qualities and  
945 incidents of negotiable instruments under the provisions of the  
946 Uniform Commercial Code and in exercising the powers granted by  
947 this chapter, the State Bond Commission shall not be required to  
948 and need not comply with the provisions of the Uniform Commercial  
949 Code.

950 (7) The State Bond Commission shall sell the bonds on sealed  
951 bids at public sale, and for such price as it may determine to be  
952 for the best interest of the State of Mississippi, but no such

953 sale shall be made at a price less than par plus accrued interest  
954 to date of delivery of the bonds to the purchaser. The bonds  
955 shall bear interest at such rate or rates not exceeding the limits  
956 set forth in Section 75-17-101 as shall be fixed by the State Bond  
957 Commission. All interest accruing on such bonds so issued shall  
958 be payable semiannually or annually; provided that the first  
959 interest payment may be for any period of not more than one (1)  
960 year.

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

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

973 (8) State bonds issued under the provisions of this section  
974 shall be the general obligations of the state and backed by the  
975 full faith and credit of the state. The Legislature shall  
976 appropriate annually an amount sufficient to pay the principal of  
977 and the interest on such bonds as they become due. All bonds  
978 shall contain recitals on their faces substantially covering the  
979 foregoing provisions of this section.

980 (9) The State Treasurer is authorized to certify to the  
981 Department of Finance and Administration the necessity for  
982 warrants, and the Department of Finance and Administration is  
983 authorized and directed to issue such warrants payable out of any  
984 funds appropriated by the Legislature under this section for such

985 purpose, in such amounts as may be necessary to pay when due the  
986 principal of and interest on all bonds issued under the provisions  
987 of this section. The State Treasurer shall forward the necessary  
988 amount to the designated place or places of payment of such bonds  
989 in ample time to discharge such bonds, or the interest thereon, on  
990 the due dates thereof.

991 (10) The bonds may be issued without any other proceedings  
992 or the happening of any other conditions or things other than  
993 those proceedings, conditions and things which are specified or  
994 required by this chapter. Any resolution providing for the  
995 issuance of general obligation bonds under the provisions of this  
996 section shall become effective immediately upon its adoption by  
997 the State Bond Commission, and any such resolution may be adopted  
998 at any regular or special meeting of the State Bond Commission by  
999 a majority of its members.

1000 (11) In anticipation of the issuance of bonds hereunder, the  
1001 State Bond Commission is authorized to negotiate and enter into  
1002 any purchase, loan, credit or other agreement with any bank, trust  
1003 company or other lending institution or to issue and sell interim  
1004 notes for the purpose of making any payments authorized under this  
1005 section. All borrowings made under this provision shall be  
1006 evidenced by notes of the state which shall be issued from time to  
1007 time, for such amounts not exceeding the amount of bonds  
1008 authorized herein, in such form and in such denomination and  
1009 subject to such terms and conditions of sale and issuance,  
1010 prepayment or redemption and maturity, rate or rates of interest  
1011 not to exceed the maximum rate authorized herein for bonds, and  
1012 time of payment of interest as the State Bond Commission shall  
1013 agree to in such agreement. Such notes shall constitute general  
1014 obligations of the state and shall be backed by the full faith and  
1015 credit of the state. Such notes may also be issued for the  
1016 purpose of refunding previously issued notes. No note shall



1017 mature more than three (3) years following the date of its  
1018 issuance. The State Bond Commission is authorized to provide for  
1019 the compensation of any purchaser of the notes by payment of a  
1020 fixed fee or commission and for all other costs and expenses of  
1021 issuance and service, including paying agent costs. Such costs  
1022 and expenses may be paid from the proceeds of the notes.

1023 (12) The bonds and interim notes authorized under the  
1024 authority of this section may be validated in the First Judicial  
1025 District of the Chancery Court of Hinds County, Mississippi, in  
1026 the manner and with the force and effect provided now or hereafter  
1027 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
1028 validation of county, municipal, school district and other bonds.  
1029 The necessary papers for such validation proceedings shall be  
1030 transmitted to the State Bond Attorney, and the required notice  
1031 shall be published in a newspaper published in the City of  
1032 Jackson, Mississippi.

1033 (13) Any bonds or interim notes issued under the provisions  
1034 of this chapter, a transaction relating to the sale or securing of  
1035 such bonds or interim notes, their transfer and the income  
1036 therefrom shall at all times be free from taxation by the state or  
1037 any local unit or political subdivision or other instrumentality  
1038 of the state, excepting inheritance and gift taxes.

1039 (14) All bonds issued under this chapter shall be legal  
1040 investments for trustees, other fiduciaries, savings banks, trust  
1041 companies and insurance companies organized under the laws of the  
1042 State of Mississippi; and such bonds shall be legal securities  
1043 which may be deposited with and shall be received by all public  
1044 officers and bodies of the state and all municipalities and other  
1045 political subdivisions thereof for the purpose of securing the  
1046 deposit of public funds.

1047 (15) The Attorney General of the State of Mississippi shall  
1048 represent the State Bond Commission in issuing, selling and

1049 validating bonds herein provided for, and the Bond Commission is  
1050 hereby authorized and empowered to expend from the proceeds  
1051 derived from the sale of the bonds authorized hereunder all  
1052 necessary administrative, legal and other expenses incidental and  
1053 related to the issuance of bonds authorized under this chapter.

1054 (16) There is hereby created a special fund in the State  
1055 Treasury to be known as the Mississippi Major Economic Impact  
1056 Authority Fund wherein shall be deposited the proceeds of the  
1057 bonds issued under this chapter and all monies received by the  
1058 authority to carry out the purposes of this chapter. Expenditures  
1059 authorized herein shall be paid by the State Treasurer upon  
1060 warrants drawn from the fund, and the Department of Finance and  
1061 Administration shall issue warrants upon requisitions signed by  
1062 the director of the authority.

1063 (17) (a) There is hereby created the Mississippi Economic  
1064 Impact Authority Sinking Fund from which the principal of and  
1065 interest on such bonds shall be paid by appropriation. All monies  
1066 paid into the sinking fund not appropriated to pay accruing bonds  
1067 and interest shall be invested by the State Treasurer in such  
1068 securities as are provided by law for the investment of the  
1069 sinking funds of the state.

1070 (b) In the event that all or any part of the bonds and  
1071 notes are purchased, they shall be canceled and returned to the  
1072 loan and transfer agent as canceled and paid bonds and notes and  
1073 thereafter all payments of interest thereon shall cease and the  
1074 canceled bonds, notes and coupons, together with any other  
1075 canceled bonds, notes and coupons, shall be destroyed as promptly  
1076 as possible after cancellation but not later than two (2) years  
1077 after cancellation. A certificate evidencing the destruction of  
1078 the canceled bonds, notes and coupons shall be provided by the  
1079 loan and transfer agent to the seller.

1080 (c) The State Treasurer shall determine and report to  
1081 the Department of Finance and Administration and Legislative  
1082 Budget Office by September 1 of each year the amount of money  
1083 necessary for the payment of the principal of and interest on  
1084 outstanding obligations for the following fiscal year and the  
1085 times and amounts of the payments. It shall be the duty of the  
1086 Governor to include in every executive budget submitted to the  
1087 Legislature full information relating to the issuance of bonds and  
1088 notes under the provisions of this chapter and the status of the  
1089 sinking fund for the payment of the principal of and interest on  
1090 the bonds and notes.

1091 (d) Any monies repaid to the state from loans  
1092 authorized in Section 57-75-11(hh) shall be deposited into the  
1093 Mississippi Major Economic Impact Authority Sinking Fund unless  
1094 the State Bond Commission, at the request of the authority, shall  
1095 determine that such loan repayments are needed to provide  
1096 additional loans as authorized under Section 57-75-11(hh). For  
1097 purposes of providing additional loans, there is hereby created  
1098 the Mississippi Major Economic Impact Authority Revolving Loan  
1099 Fund and loan repayments shall be deposited into the fund. The  
1100 fund shall be maintained for such period as determined by the  
1101 State Bond Commission for the sole purpose of making additional  
1102 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
1103 remaining in the fund at the end of a fiscal year shall not lapse  
1104 into the State General Fund and any interest earned on amounts in  
1105 such fund shall be deposited to the credit of the fund.

1106 (e) Any monies repaid to the state from loans  
1107 authorized in Section 57-75-11(ii) shall be deposited into the  
1108 Mississippi Major Economic Impact Authority Sinking Fund.

1109 (18) (a) Upon receipt of a declaration by the authority  
1110 that it has determined that the state is a potential site for a  
1111 project, the State Bond Commission is authorized and directed to

1112 authorize the State Treasurer to borrow money from any special  
1113 fund in the State Treasury not otherwise appropriated to be  
1114 utilized by the authority for the purposes provided for in this  
1115 subsection.

1116 (b) The proceeds of the money borrowed under this  
1117 subsection may be utilized by the authority for the purpose of  
1118 defraying all or a portion of the costs incurred by the authority  
1119 with respect to acquisition options and planning, design and  
1120 environmental impact studies with respect to a project defined in  
1121 Section 57-75-5(f)(xi). The authority may escalate its budget and  
1122 expend the proceeds of the money borrowed under this subsection in  
1123 accordance with rules and regulations of the Department of Finance  
1124 and Administration in a manner consistent with the escalation of  
1125 federal funds.

1126 (c) The authority shall request an appropriation or  
1127 additional authority to issue general obligation bonds to repay  
1128 the borrowed funds and establish a date for the repayment of the  
1129 funds so borrowed.

1130 (d) Borrowings made under the provisions of this  
1131 subsection shall not exceed Five Hundred Thousand Dollars  
1132 (\$500,000.00) at any one time.

1133 **SECTION 4.** Section 57-75-17, Mississippi Code of 1972, is  
1134 amended as follows:

1135 57-75-17. (1) For the purpose of aiding in the planning,  
1136 design, undertaking and carrying out of the project or any  
1137 facility related to the project, any public agency is authorized  
1138 and empowered upon such terms, with or without consideration, as  
1139 it may determine:

1140 (a) To enter into agreements, which may extend over any  
1141 period, with the authority respecting action to be taken by such  
1142 public agency with respect to the acquisition, planning,  
1143 construction, improvement, operation, maintenance or funding of

1144 the project or any such facility, and which agreements may  
1145 include:

1146 (i) The appropriation or payment of funds to the  
1147 authority or to a trustee in amounts which shall be sufficient to  
1148 enable the authority to defray any designated portion or  
1149 percentage of the expenses of administering, planning, designing,  
1150 constructing, acquiring, improving, operating, and maintaining the  
1151 project or any facility related to the project,

1152 (ii) The appropriation or payment of funds to the  
1153 authority or to a trustee to pay interest and principal (whether  
1154 at maturity or upon sinking fund redemption) on bonds of the  
1155 authority issued pursuant to this act and to fund reserves for  
1156 debt service, for operation and maintenance and for renewals and  
1157 replacements, and to fulfill requirements of any covenant with  
1158 respect to debt service contained in any resolution, trust  
1159 indenture or other security agreement relating to the bonds of the  
1160 authority issued pursuant to this act, \* \* \*

1161 (iii) The furnishing of other assistance in  
1162 connection with the project or facility related to the project,  
1163 and

1164 (iv) The borrowing of money from the authority in  
1165 connection with a project defined in Section 57-75-5(f)(ii);

1166 (b) To dedicate, sell, donate, convey or lease any  
1167 property or interest in property to the authority or grant  
1168 easements, licenses or other rights or privileges therein to the  
1169 authority;

1170 (c) To incur the expense of any public improvements  
1171 made or to be made by such public agency in exercising the powers  
1172 granted in this section;

1173 (d) To lend, grant or contribute funds to the  
1174 authority;

1175 (e) To cause public buildings and public facilities,  
1176 including parks, playgrounds, recreational areas, community  
1177 meeting facilities, water, sewer or drainage facilities, or any  
1178 other works which it is otherwise empowered to undertake, to be  
1179 furnished to or with respect to the project or any such facility;

1180 (f) To furnish, dedicate, close, vacate, pave, install,  
1181 upgrade or improve highways, streets, roads, sidewalks, airports,  
1182 railroads, or ports;

1183 (g) To plan or replan, zone or rezone any parcel of  
1184 land within the public agency or make exceptions from land use,  
1185 building and zoning regulations; \* \* \*

1186 (h) To cause administrative and other services to be  
1187 furnished to the authority, including services pertaining to the  
1188 acquisition of real property and the furnishing of relocation  
1189 assistance; and

1190 (i) To loan to the owner, lessee or operator of any  
1191 project defined in Section 57-75-5(f)(ii) the proceeds of any loan  
1192 from the authority to the public entity under the provisions of  
1193 this act.

1194 (2) Any contract between a public agency entered into with  
1195 the authority pursuant to any of the powers granted by this act  
1196 shall be binding upon said public agency according to its terms,  
1197 and such public agency shall have the power to enter into such  
1198 contracts as in the discretion of the governing authorities  
1199 thereof would be to the best interest of the people of such public  
1200 agency. Such contracts may include within the discretion of such  
1201 governing authorities of public agencies defined under Section  
1202 57-75-5(h)(ii) a pledge of the full faith and credit of such  
1203 public agency or any other lawfully available funds for the  
1204 performance thereof. If at any time title to or possession of the  
1205 project or any such facility is held by any public body or  
1206 governmental agency other than the authority, including any agency

1207 or instrumentality of the United States of America, the agreements  
1208 referred to in this section shall inure to the benefit of and may  
1209 be enforced by such public body or governmental agency.

1210 (3) Notwithstanding any provisions of this act to the  
1211 contrary, any contract entered into between the authority and any  
1212 public agency for the appropriation or payment of funds to the  
1213 authority under item (a)(ii) or (a)(iv) of this section shall  
1214 contain a provision therein requiring periodic payments by the  
1215 public agency as required by the authority to pay its indebtedness  
1216 and, if the public agency is not a county or municipality, such  
1217 contract shall include as an additional party to the contract the  
1218 county or municipality (referred to in this paragraph as "levying  
1219 authority") that levies and collects taxes for the contracting  
1220 public agency. If the public agency fails to pay its indebtedness  
1221 for any month, the authority shall certify to the State Tax  
1222 Commission, or other appropriate agency, the amount of the  
1223 delinquency, and the State Tax Commission shall deduct such amount  
1224 from the public agency's or levying authority's, as the case may  
1225 be, next allocation of sales taxes, petroleum taxes, highway  
1226 privilege taxes, severance taxes, Tennessee Valley Authority  
1227 payments in lieu of taxes and homestead exemption reimbursements  
1228 in that order of priority. The State Tax Commission, or other  
1229 appropriate agency, shall pay the sums so deducted to the  
1230 authority to be applied to the discharge of the contractual  
1231 obligation.

1232 (4) Notwithstanding any provision of this act to the  
1233 contrary, all loans made pursuant to Section 57-75-11(hh) and this  
1234 section shall be for a term not to exceed twenty (20) years as may  
1235 be determined by the authority, shall bear interest at such rates  
1236 as may be determined by the authority, shall, in the sole  
1237 discretion of the authority, be secured in an amount and a manner  
1238 as may be determined by the authority.

1239       (5) (a) Before authorizing any loan to a public agency  
1240 defined in Section 57-75-5(h)(ii), a local governmental unit, the  
1241 governing authority of such local governmental unit in connection  
1242 with a project defined in Section 57-75-5(f)(ii), shall adopt a  
1243 resolution declaring its intention so to do, stating the amount of  
1244 the loan proposed to be authorized and the purpose for which the  
1245 loan is to be authorized, and the date upon which the loan will be  
1246 authorized. Such resolution shall be published once a week for at  
1247 least three (3) consecutive weeks in at least one (1) newspaper  
1248 published in such local governmental unit. The first publication  
1249 of such resolution shall be made not less than twenty-one (21)  
1250 days before the date fixed in such resolution for the  
1251 authorization of the loan and the last publication shall be made  
1252 not more than seven (7) days before such date. If no newspaper is  
1253 published in such local governmental unit, then such notice shall  
1254 be given by publishing the resolution for the required time in  
1255 some newspaper having a general circulation in such local  
1256 governmental unit and, in addition, by posting a copy of such  
1257 resolution for at least twenty-one (21) days next preceding the  
1258 date fixed therein at three (3) public places in such local  
1259 governmental unit. If fifteen percent (15%) of the qualified  
1260 electors of the local governmental unit or fifteen hundred (1500),  
1261 whichever is the lesser, file a written protest against the  
1262 authorization of such loan on or before the date specified in such  
1263 resolution, then an election on the question of the authorization  
1264 of such loan shall be called and held as otherwise provided for in  
1265 connection with the issuance of general obligation indebtedness of  
1266 such local governmental unit. Notice of such election shall be  
1267 given as otherwise required in connection with the issuance of  
1268 general obligation indebtedness of such local governmental unit.  
1269 If three-fifths (3/5) of the qualified electors voting in the  
1270 election vote in favor of authorizing the loan, then the governing



1271 authority of the local governmental unit shall proceed with the  
1272 loan; however, if less than three-fifths (3/5) of the qualified  
1273 electors voting in the election vote in favor of authorizing the  
1274 loan, then the loan shall not be incurred. If no protest be  
1275 filed, then such loan may be entered into by the local  
1276 governmental unit without an election on the question of the  
1277 authorization of such loan, at any time within a period of two (2)  
1278 years after the date specified in the resolution. However, the  
1279 governing authority of any local governmental unit, in its  
1280 discretion, may nevertheless call an election on such question, in  
1281 which event it shall not be necessary to publish the resolution  
1282 declaring its intention to authorize such loan as provided in this  
1283 subsection.

1284 (b) Local governmental units may, in connection with  
1285 any such loan, enter into any covenants and agreements with  
1286 respect to such local governmental unit's operations, revenues,  
1287 assets, monies, funds or property, or such loan, as may be  
1288 prescribed by the authority.

1289 (c) Upon the making of any such loan by the authority  
1290 to any local governmental unit, such local governmental unit shall  
1291 be held and be deemed to have agreed that if such governmental  
1292 unit fails to pay the principal of, premium, if any, and interest  
1293 on any such loan as when due and payable, such governmental unit  
1294 shall have waived any and all defenses to such nonpayment, and the  
1295 authority, upon such nonpayment, shall thereupon avail itself of  
1296 all remedies, rights and provisions of law applicable in such  
1297 circumstance, including without limitation any remedies or rights  
1298 theretofore agreed to by the local governmental unit, and that  
1299 such loan shall for all of the purposes of this section, be held  
1300 and be deemed to have become due and payable and to be unpaid.  
1301 The authority may carry out the provisions of this section and

1302 exercise all of the rights and other applicable laws of this  
1303 state.

1304 (d) This section shall be deemed to provide an  
1305 additional, alternative and complete method for the doing of the  
1306 things authorized by this section and shall be deemed and  
1307 construed to be supplemental to any power conferred by other laws  
1308 on public agencies and not in derogation of any such powers. Any  
1309 obligation incurred pursuant to the provisions of this section  
1310 shall not constitute an indebtedness of the public agency within  
1311 the meaning of any constitutional or statutory limitation or  
1312 restriction. For purposes of this act, a public agency shall not  
1313 be required to comply with the provisions of any other law except  
1314 as provided in this section.

1315 Any public agency providing any utility service or services,  
1316 to any project defined in Section 57-75-5(f)(iv)1 may enter into  
1317 leases or subleases for any period of time not to exceed thirty  
1318 (30) years, in the capacity as lessor or lessee or sublessor or  
1319 sublessee of lands alone, or lands and facilities located thereon,  
1320 whether the facilities are owned by the owner of the land, a  
1321 lessee, sublessee or a third party, and whether the public agency  
1322 is a lessor, lessee or owner of the land. Any such public agency  
1323 may also enter into operating agreements and/or lease-purchase  
1324 agreements with respect to land or utility facilities as owner,  
1325 operator, lessor or lessee for any period of time not to exceed  
1326 thirty (30) years. Any such public agency may also enter into  
1327 contracts for the provision of utilities for any period of time  
1328 not to exceed thirty (30) years and may set a special rate  
1329 structure for such utilities.

1330 **SECTION 5.** This act shall take effect and be in force from  
1331 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 AMEND SECTION 57-75-11, MISSISSIPPI  
4 CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI MAJOR ECONOMIC IMPACT  
5 AUTHORITY TO PROVIDE GRANT OR LOAN FUNDS TO PUBLIC AGENCIES OR  
6 ENTERPRISES OWNING OR OPERATING CERTAIN PROJECTS AND TO GIVE THE  
7 AUTHORITY CERTAIN POWERS WITH REGARD TO SUCH GRANTS OF LOANS; TO  
8 AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
9 ISSUANCE OF ADDITIONAL STATE GENERAL OBLIGATION BONDS FOR CERTAIN  
10 PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND  
11 SECTION 57-75-17, MISSISSIPPI CODE OF 1972, TO GRANT PUBLIC  
12 ENTITIES CERTAIN POWERS WITH REGARD TO BORROWING MONEY FROM THE  
13 AUTHORITY IN CONNECTION WITH CERTAIN PROJECTS; AND FOR RELATED  
14 PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Percy W. Watson

X (SIGNED)  
Leonard Morris

X (SIGNED)  
Willie J. Perkins, Sr.

CONFEREES FOR THE SENATE

X (SIGNED)  
Thomas E. Robertson

X (SIGNED)  
Walter Michel

X (SIGNED)  
Terry W. Brown