

## Senate Amendments to House Bill No. 1791

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

20           **SECTION 1.** Section 57-61-25, Mississippi Code of 1972, is  
21 amended as follows:

22           57-61-25. (1) The seller is authorized to borrow, on the  
23 credit of the state upon receipt of a resolution from the  
24 Mississippi Development Authority requesting the same, money not  
25 exceeding the aggregate sum of Two Hundred Ninety-two Million  
26 Dollars (\$292,000,000.00), not including money borrowed to refund  
27 outstanding bonds, notes or replacement notes, as may be necessary  
28 to carry out the purposes of this chapter. \* \* \* The rate of  
29 interest on any such bonds or notes which are not subject to  
30 taxation shall not exceed the rates set forth in Section  
31 75-17-101, Mississippi Code of 1972, for general obligation bonds.

32           (2) As evidence of indebtedness authorized in this chapter,  
33 general or limited obligation bonds of the state shall be issued  
34 from time to time, to provide monies necessary to carry out the  
35 purposes of this chapter for such total amounts, in such form, in  
36 such denominations payable in such currencies (either domestic or  
37 foreign or both) and subject to such terms and conditions of  
38 issue, redemption and maturity, rate of interest and time of  
39 payment of interest as the seller directs, except that such bonds  
40 shall mature or otherwise be retired in annual installments  
41 beginning not more than five (5) years from date thereof and  
42 extending not more than thirty (30) years from date thereof.

43           (3) All bonds and notes issued under authority of this  
44 chapter shall be signed by the chairman of the seller, or by his

45 facsimile signature, and the official seal of the seller shall be  
46 affixed thereto, attested by the secretary of the seller.

47 (4) All bonds and notes issued under authority of this  
48 chapter may be general or limited obligations of the state, and  
49 the full faith and credit of the State of Mississippi as to  
50 general obligation bonds, or the revenues derived from projects  
51 assisted as to limited obligation bonds, are hereby pledged for  
52 the payment of the principal of and interest on such bonds and  
53 notes.

54 (5) Such bonds and notes and the income therefrom shall be  
55 exempt from all taxation in the State of Mississippi.

56 (6) The bonds may be issued as coupon bonds or registered as  
57 to both principal and interest, as the seller may determine. If  
58 interest coupons are attached, they shall contain the facsimile  
59 signature of the chairman and secretary of the seller.

60 (7) The seller is authorized to provide, by resolution, for  
61 the issuance of refunding bonds for the purpose of refunding any  
62 debt issued under the provision of this chapter and then  
63 outstanding, either by voluntary exchange with the holders of the  
64 outstanding debt or to provide funds to redeem and the costs of  
65 issuance and retirement of the debt, at maturity or at any call  
66 date. The issuance of the refunding bonds, the maturities and  
67 other details thereof, the rights of the holders thereof and the  
68 duties of the issuing officials in respect to the same shall be  
69 governed by the provisions of this section, insofar as they may be  
70 applicable.

71 (8) As to bonds issued hereunder and designated as taxable  
72 bonds by the seller, any immunity of the state to taxation by the  
73 United States government of interest on bonds or notes issued by  
74 the state is hereby waived.

75 (9) The proceeds of bonds issued under this chapter after  
76 April 9, 2002, may be used to reimburse reasonable, actual and  
77 necessary costs incurred by the Mississippi Development Authority  
78 in administering a program or providing assistance related to a  
79 project, or both, for which funding is provided from the use of

80 proceeds of such bonds. An accounting of actual costs incurred  
81 for which reimbursement is sought shall be maintained for each  
82 project by the Mississippi Development Authority. Reimbursement  
83 of reasonable, actual and necessary costs for a program or project  
84 shall not exceed three percent (3%) of the proceeds of bonds  
85 issued for such program or project. Monies authorized for a  
86 particular program or project may not be used to reimburse  
87 administrative costs for unrelated programs or projects.  
88 Reimbursements under this subsection shall satisfy any applicable  
89 federal tax law requirements.

90 **SECTION 2.** Section 57-61-36, Mississippi Code of 1972, is  
91 amended as follows:

92 57-61-36. (1) Notwithstanding any provision of this chapter  
93 to the contrary, the Mississippi Development Authority shall  
94 utilize not more than Twelve Million Five Hundred Thousand Dollars  
95 (\$12,500,000.00) out of the proceeds of bonds authorized to be  
96 issued in this chapter for the purpose of making grants to  
97 municipalities through a development infrastructure grant fund to  
98 complete infrastructure related to new or expanded industry.

99 (2) Notwithstanding any provision of this chapter to the  
100 contrary, the Mississippi Development Authority may utilize not  
101 more than Seven Million Dollars (\$7,000,000.00) out of the  
102 proceeds of bonds authorized to be issued in this chapter for the  
103 purpose of making interest-bearing loans to any agency,  
104 department, institution, instrumentality or political subdivision  
105 of the state; or any agency, department, institution or  
106 instrumentality of any political subdivision of the state; or any  
107 business, organization, corporation, association or other legal  
108 entity meeting criteria established by the department, through a  
109 housing development revolving loan fund, to construct or repair  
110 housing for low or moderate income earners; provided, however,  
111 that the department may not utilize any bond proceeds authorized  
112 under this chapter for the purpose of making any loans to the  
113 Mississippi Home Corporation for any purpose whatsoever. No more  
114 than forty percent (40%) of the additional bonds authorized

115 by \* \* \* Chapter 559, Laws of 1998, may be used for multiple  
116 family housing activities. Funds authorized under this subsection  
117 may be deposited in the Mississippi Affordable Housing Development  
118 Fund authorized in Section 43-33-759 and used for purposes  
119 authorized by that section. This subsection (2) shall be repealed  
120 from and after July 1, 2006.

121 (3) Notwithstanding any provision of this chapter to the  
122 contrary, the Mississippi Development Authority shall utilize not  
123 more than Ten Million Five Hundred Thousand Dollars  
124 (\$10,500,000.00) out of the proceeds of bonds authorized to be  
125 issued in this chapter for the purpose of making grants or loans  
126 to municipalities through an equipment and public facilities grant  
127 and loan fund to aid in infrastructure-related improvements as  
128 determined by the Mississippi Development Authority, the purchase  
129 of equipment and in the purchase, construction or repair and  
130 renovation of public facilities. Any bonds previously issued for  
131 the Development Infrastructure Revolving Loan Program which have  
132 not been loaned or applied for are eligible to be administered as  
133 grants or loans.

134 The requirements of Section 57-61-9 shall not apply to any  
135 grant made under this subsection. The Mississippi Development  
136 Authority may establish criteria and guidelines to govern grants  
137 made pursuant to this subsection.

138 (4) Notwithstanding any provision of this chapter to the  
139 contrary, the Mississippi Development Authority may utilize not  
140 more than Seven Hundred Fifty Thousand Dollars (\$750,000.00) out  
141 of the proceeds of bonds authorized to be issued in this chapter  
142 in order to match federal funds available from the United States  
143 Department of Agriculture for the purpose of establishing an  
144 intermediary relending program to be administered by the  
145 Mississippi Development Authority. The Mississippi Development  
146 Authority may establish criteria and guidelines to govern loans  
147 made under such program. This subsection (4) shall be repealed  
148 from and after April 9, 2002.

149           (5) The Mississippi Development Authority may establish a  
150 capital access program and may contract with any financial  
151 institution to participate in the program upon such terms and  
152 conditions as the authority shall consider necessary and proper.  
153 The Mississippi Development Authority may establish loss reserve  
154 accounts at financial institutions that participate in the program  
155 and require payments by the financial institution and the borrower  
156 to such loss reserve accounts. All money in such loss reserve  
157 accounts is the property of the Mississippi Development Authority.

158           Under the capital access program a participating financial  
159 institution may make a loan to any borrower the Mississippi  
160 Development Authority determines to be qualified under rules and  
161 regulations adopted by the authority and be protected against  
162 losses from such loans as provided in the program. Under such  
163 rules and regulations as may be adopted by the Mississippi  
164 Development Authority, a participating financial institution may  
165 submit claims for the reimbursement for losses incurred as a  
166 result of default on loans by qualified borrowers.

167           Notwithstanding any provision of this chapter to the  
168 contrary, the Mississippi Development Authority may utilize not  
169 more than Seven Hundred Fifty Thousand Dollars (\$750,000.00) out  
170 of the proceeds of bonds authorized to be issued in this chapter  
171 for the purpose of making payments to loan loss reserve accounts  
172 established at financial institutions that participate in the  
173 capital access program established by the Mississippi Development  
174 Authority.

175           (6) Notwithstanding any provision of this chapter to the  
176 contrary, the Mississippi Development Authority shall utilize not  
177 more than Two Hundred Thousand Dollars (\$200,000.00) out of the  
178 proceeds of bonds authorized to be issued in this chapter for the  
179 purpose of assisting Warren County, Mississippi, in the  
180 continuation and completion of the study for the proposed Kings  
181 Point levee.

182           (7) Notwithstanding any provision of this chapter to the  
183 contrary, the Mississippi Development Authority shall utilize not

184 more than One Hundred Thousand Dollars (\$100,000.00) out of the  
185 proceeds of bonds authorized to be issued in this chapter for the  
186 purpose of developing a long-range plan for coordinating the  
187 resources of the state institutions of higher learning, the  
188 community and junior colleges, the Mississippi Development  
189 Authority and other state agencies in order to promote economic  
190 development in the state.

191 (8) Notwithstanding any other provision of this chapter to  
192 the contrary, the Mississippi Development Authority shall use not  
193 more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of  
194 the proceeds of bonds authorized to be issued in this chapter for  
195 the purpose of providing assistance to municipalities that have  
196 received community development block grant funds for repair,  
197 renovation and other improvements to buildings for use as  
198 community centers. Assistance provided to a municipality under  
199 this subsection shall be used by the municipality to match such  
200 community development block grant funds. The maximum amount of  
201 assistance that may be provided to a municipality under this  
202 subsection shall not exceed Seventy-five Thousand Dollars  
203 (\$75,000.00) in the aggregate.

204 **SECTION 3.** This act shall take effect and be in force from  
205 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 57-61-25, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE FROM \$290,000,000.00 TO \$292,000,000.00 THE AMOUNT OF  
3 GENERAL OBLIGATION BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI  
4 BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-61-36, MISSISSIPPI  
5 CODE OF 1972, TO INCREASE FROM \$8,500,000.00 TO \$10,500,000.00 THE  
6 AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY  
7 MAY UTILIZE UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT TO MAKE  
8 GRANTS OR LOANS TO COUNTIES AND MUNICIPALITIES THROUGH AN  
9 EQUIPMENT AND PUBLIC FACILITIES GRANT AND LOAN FUND TO AID IN  
10 INFRASTRUCTURE-RELATED IMPROVEMENTS, THE PURCHASE OF EQUIPMENT AND  
11 IN THE PURCHASE, CONSTRUCTION OR REPAIR AND RENOVATION OF PUBLIC  
12 FACILITIES; TO EXTEND THE DATE OF REPEAL FROM JULY 1, 2004, TO  
13 JULY 1, 2006, ON THE PROVISION OF LAW THAT AUTHORIZES THE  
14 MISSISSIPPI DEVELOPMENT AUTHORITY TO USE A PORTION OF THE PROCEEDS  
15 OF BONDS ISSUED UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT TO  
16 MAKE INTEREST BEARING LOANS TO CERTAIN ENTITIES THROUGH A HOUSING  
17 DEVELOPMENT REVOLVING LOAN FUND FOR LOW OR MODERATE INCOME HOUSING  
18 PURPOSES; AND FOR RELATED PURPOSES.

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John O. Gilbert  
Secretary of the Senate