

By: Representatives Capps, Coleman (29th)

To: Ways and Means

HOUSE BILL NO. 1666

1 AN ACT TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE AMOUNT OF ASSISTANCE THE MISSISSIPPI MAJOR ECONOMIC
3 IMPACT AUTHORITY MAY PROVIDE THROUGH GRANT AND LOAN FUNDS TO
4 ENTERPRISES OWNING OR OPERATING CERTAIN PROJECTS UNDER THE
5 MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-15,
6 MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF BONDS THAT MAY
7 BE ISSUED FOR CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR
8 ECONOMIC IMPACT ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 57-75-11, Mississippi Code of 1972, is
11 amended as follows:

12 57-75-11. The authority, in addition to any and all powers
13 now or hereafter granted to it, is empowered and shall exercise
14 discretion and the use of these powers depending on the
15 circumstances of the project or projects:

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

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

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

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

29 (e) (i) To acquire by purchase, lease, gift, or in
30 other manner, including quick-take eminent domain, or obtain

31 options to acquire, and to own, maintain, use, operate and convey
32 any and all property of any kind, real, personal, or mixed, or any
33 interest or estate therein, within the project area, necessary for
34 the project or any facility related to the project. The
35 provisions of this paragraph that allow the acquisition of
36 property by quick-take eminent domain shall be repealed by
37 operation of law on July 1, 1994; and

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

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

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

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

61 (i) From and after the date of notification to the
62 authority by the enterprise that the state has been finally
63 selected as the site of the project, to acquire by condemnation

64 and to own, maintain, use, operate and convey or otherwise dispose
65 of any and all property of any kind, real, personal or mixed, or
66 any interest or estate therein, within the project area, necessary
67 for the project or any facility related to the project, with the
68 concurrence of the affected public agency, and the exercise of the
69 powers granted by this act, according to the procedures provided
70 by Chapter 27, Title 11, Mississippi Code of 1972, except as
71 modified by this act.

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

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

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

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

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

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

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

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

126 (o) (i) To lease, sell or convey any or all property
127 acquired by the authority under the provisions of this act to the
128 enterprise, its successors or assigns, and in connection therewith

129 to pay the costs of title search, perfection of title, title
130 insurance and recording fees as may be required. The authority
131 may provide in the instrument conveying such property a provision
132 that such property shall revert to the authority if, as and when
133 the property is declared by the enterprise to be no longer needed.

134 (ii) To lease, sell, transfer or convey on any
135 terms agreed upon by the authority any or all real and personal
136 property, improvements, leases, funds and contractual obligations
137 of a project as defined in Section 57-75-5(f)(vi) and conveyed to
138 the State of Mississippi by a Quitclaim Deed from the United
139 States of America dated February 23, 1996, filed of record at
140 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,
141 Tishomingo County, Mississippi, to any governmental authority
142 located within the geographic boundaries of the county wherein
143 such project exists upon agreement of such governmental authority
144 to undertake and assume from the State of Mississippi all
145 obligations and responsibilities in connection with ownership and
146 operation of the project. Property leased, sold, transferred or
147 otherwise conveyed by the authority under this paragraph (o) shall
148 be used only for economic development purposes.

149 (p) To enter into contracts with any person or public
150 agency, including, but not limited to, contracts authorized by
151 Section 57-75-17, in furtherance of any of the purposes authorized
152 by this act upon such consideration as the authority and such
153 person or public agency may agree. Any such contract may extend
154 over any period of time, notwithstanding any rule of law to the
155 contrary, may be upon such terms as the parties thereto shall
156 agree, and may provide that it shall continue in effect until
157 bonds specified therein, refunding bonds issued in lieu of such
158 bonds, and all other obligations specified therein are paid or
159 terminated. Any such contract shall be binding upon the parties
160 thereto according to its terms. Such contracts may include an
161 agreement to reimburse the enterprise, its successors and assigns

162 for any assistance provided by the enterprise in the acquisition
163 of real property for the project or any facility related to the
164 project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

225 (dd) (i) To own surface water transmission lines
226 constructed with the proceeds of bonds issued pursuant to this act
227 and in connection therewith to purchase and provide water to any

228 project defined in Section 57-75-5(f)(iv) and to certificated
229 water providers; and

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

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

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

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

245 (hh) In connection with projects defined in Section
246 57-75-5(f)(ii):

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

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

253 (iii) To requisition money in the Mississippi
254 Major Economic Impact Authority Revolving Loan Fund in connection
255 with such loans.

256 (ii) In connection with projects defined under Section
257 57-75-5(f)(xiv):

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

261 1. During fiscal year 2005, the amount of any
262 such loan under this paragraph (ii) shall not exceed Eight Million
263 Dollars (\$8,000,000.00) and the amount of any such grant under
264 this paragraph (ii) shall not exceed Two Million Dollars
265 (\$2,000,000.00);

266 2. During fiscal year 2006, the amount of any
267 such loan under this paragraph (ii) shall not exceed Eight Million
268 Dollars (\$8,000,000.00) and the amount of any such grant under
269 this paragraph (ii) shall not exceed Two Million Dollars
270 (\$2,000,000.00); and

271 3. During fiscal year 2007, the amount of any
272 such loan under this paragraph (ii) shall not exceed Two Million
273 Dollars (\$2,000,000.00) and the amount of any such grant under
274 this paragraph (ii) shall not exceed Two Million Dollars
275 (\$2,000,000.00);

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

278 (iii) Notwithstanding any provision of this act to
279 the contrary, such loans shall be for a term not to exceed twenty
280 (20) years as may be determined by the authority, shall bear
281 interest at such rates as may be determined by the authority,
282 shall, in the sole discretion of the authority, be secured in an
283 amount and a manner as may be determined by the authority.

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

286 57-75-15. (1) Upon notification to the authority by the
287 enterprise that the state has been finally selected as the site
288 for the project, the State Bond Commission shall have the power
289 and is hereby authorized and directed, upon receipt of a
290 declaration from the authority as hereinafter provided, to borrow
291 money and issue general obligation bonds of the state in one or
292 more series for the purposes herein set out. Upon such
293 notification, the authority may thereafter from time to time

294 declare the necessity for the issuance of general obligation bonds
295 as authorized by this section and forward such declaration to the
296 State Bond Commission, provided that before such notification, the
297 authority may enter into agreements with the United States
298 government, private companies and others that will commit the
299 authority to direct the State Bond Commission to issue bonds for
300 eligible undertakings set out in subsection (4) of this section,
301 conditioned on the siting of the project in the state.

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

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

311 (b) Bonds issued under the authority of this section
312 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
313 Sixty-one Million Dollars (\$61,000,000.00). The authority, with
314 the express direction of the State Bond Commission, is authorized
315 to expend any remaining proceeds of bonds issued under the
316 authority of this act prior to January 1, 1998, for the purpose of
317 financing projects as then defined in Section 57-75-5(f)(ii) or
318 for any other projects as defined in Section 57-75-5(f)(ii), as it
319 may be amended from time to time. If any proceeds of bonds issued
320 for projects related to the Meridian Naval Auxiliary Air Station
321 ("NAAS") are used for the development of a water and sewer service
322 system by the City of Meridian, Mississippi, to serve the NAAS and
323 if the City of Meridian annexes any of the territory served by the
324 water and sewer service system, the city shall repay the State of
325 Mississippi the amount of all bond proceeds expended on any
326 portion of the water and sewer service system project; and if

327 there are any monetary proceeds derived from the disposition of
328 any improvements located on real property in Kemper County
329 purchased pursuant to this act for projects related to the NAAS
330 and if there are any monetary proceeds derived from the
331 disposition of any timber located on real property in Kemper
332 County purchased pursuant to this act for projects related to the
333 NAAS, all of such proceeds (both from the disposition of
334 improvements and the disposition of timber) commencing July 1,
335 1996, through June 30, 2010, shall be paid to the Board of
336 Education of Kemper County, Mississippi, for expenditure by such
337 board of education to benefit the public schools of Kemper County.
338 No bonds shall be issued under this paragraph (b) until the State
339 Bond Commission by resolution adopts a finding that the issuance
340 of such bonds will improve, expand or otherwise enhance the
341 military installation, its support areas or military operations,
342 or will provide employment opportunities to replace those lost by
343 closure or reductions in operations at the military installation
344 or will support critical studies or investigations authorized by
345 Section 57-75-5(f)(ii); however, not more than One Million Dollars
346 (\$1,000,000.00) in the aggregate shall be authorized for such
347 studies or investigations.

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

352 (d) Bonds issued under the authority of this section
353 for projects defined in Section 57-75-5(f)(iv) shall not exceed
354 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
355 additional amount of bonds in an amount not to exceed Twelve
356 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
357 issued under the authority of this section for the purpose of
358 defraying costs associated with the construction of surface water
359 transmission lines for a project defined in Section 57-75-5(f)(iv)

360 or for any facility related to the project. No bonds shall be
361 issued under this paragraph after June 30, 2005.

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

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

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

375 (h) Bonds issued under the authority of this section
376 for projects defined in Section 57-75-5(f)(ix) shall not exceed
377 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
378 issued under this paragraph after June 30, 2007.

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

383 (j) Bonds issued under the authority of this section
384 for projects defined in Section 57-75-5(f)(xii) shall not exceed
385 Twenty-three Million Seven Hundred Thousand Dollars
386 (\$23,700,000.00). No bonds shall be issued under this paragraph
387 until local governments in or near the county in which the project
388 is located have irrevocably committed funds to the project in an
389 amount of not less than Two Million Five Hundred Thousand Dollars
390 (\$2,500,000.00) in the aggregate. No bonds shall be issued under
391 this paragraph after June 30, 2008.

392 (k) Bonds issued under the authority of this section
393 for projects defined in Section 57-75-5(f)(xiii) shall not exceed
394 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
395 under this paragraph after June 30, 2009.

396 (l) Bonds issued under the authority of this section
397 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
398 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
399 issued under this paragraph until local governments in the county
400 in which the project is located have irrevocably committed funds
401 to the project in an amount of not less than Two Million Dollars
402 (\$2,000,000.00). No bonds shall be issued under this paragraph
403 after June 30, 2009.

404 (m) Bonds issued under the authority of this section
405 for projects defined in Section 57-75-5(f)(xv) shall not exceed
406 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
407 issued under this paragraph after June 30, 2009.

408 (n) Bonds issued under the authority of this section
409 for projects defined in Section 57-75-5(f)(xvi) shall not exceed
410 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
411 under this paragraph after June 30, 2009.

412 (o) Bonds issued under the authority of this section
413 for projects defined in Section 57-75-5(f)(xvii) shall not exceed
414 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
415 bonds shall be issued under this paragraph after June 30, 2009.

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

418 (i) Defraying all or any designated portion of the
419 costs incurred with respect to acquisition, planning, design,
420 construction, installation, rehabilitation, improvement,
421 relocation and with respect to state-owned property, operation and
422 maintenance of the project and any facility related to the project
423 located within the project area, including costs of design and
424 engineering, all costs incurred to provide land, easements and

425 rights-of-way, relocation costs with respect to the project and
426 with respect to any facility related to the project located within
427 the project area, and costs associated with mitigation of
428 environmental impacts and environmental impact studies;

429 (ii) Defraying the cost of providing for the
430 recruitment, screening, selection, training or retraining of
431 employees, candidates for employment or replacement employees of
432 the project and any related activity;

433 (iii) Reimbursing the Mississippi Development
434 Authority for expenses it incurred in regard to projects defined
435 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
436 Mississippi Development Authority shall submit an itemized list of
437 expenses it incurred in regard to such projects to the Chairmen of
438 the Finance and Appropriations Committees of the Senate and the
439 Chairmen of the Ways and Means and Appropriations Committees of
440 the House of Representatives;

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

443 (v) Paying any warranty made by the authority
444 regarding site work for a project defined in Section
445 57-75-5(f)(iv)1;

446 (vi) Defraying the cost of marketing and promotion
447 of a project as defined in Section 57-75-5(f)(iv)1. The authority
448 shall submit an itemized list of costs incurred for marketing and
449 promotion of such project to the Chairmen of the Finance and
450 Appropriations Committees of the Senate and the Chairmen of the
451 Ways and Means and Appropriations Committees of the House of
452 Representatives;

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

455 (viii) Providing debt service reserves;

456 (ix) Paying underwriters' discount, original issue
457 discount, accountants' fees, engineers' fees, attorneys' fees,

458 rating agency fees and other fees and expenses in connection with
459 the issuance of the bonds;

460 (x) For purposes authorized in paragraphs (b),
461 (c), (d), (e) and (f) of this subsection (4);

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

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

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

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

483 (b) (i) The proceeds of bonds issued after June 21,
484 2002, under this section for projects described in Section
485 57-75-5(f)(iv) may be used to reimburse reasonable actual and
486 necessary costs incurred by the Mississippi Development Authority
487 in providing assistance related to a project for which funding is
488 provided from the use of proceeds of such bonds. The Mississippi
489 Development Authority shall maintain an accounting of actual costs
490 incurred for each project for which reimbursements are sought.

491 Reimbursements under this paragraph (b)(i) shall not exceed Three
492 Hundred Thousand Dollars (\$300,000.00) in the aggregate.

493 Reimbursements under this paragraph (b)(i) shall satisfy any
494 applicable federal tax law requirements.

495 (ii) The proceeds of bonds issued after June 21,
496 2002, under this section for projects described in Section
497 57-75-5(f)(iv) may be used to reimburse reasonable actual and
498 necessary costs incurred by the Department of Audit in providing
499 services related to a project for which funding is provided from
500 the use of proceeds of such bonds. The Department of Audit shall
501 maintain an accounting of actual costs incurred for each project
502 for which reimbursements are sought. The Department of Audit may
503 escalate its budget and expend such funds in accordance with rules
504 and regulations of the Department of Finance and Administration in
505 a manner consistent with the escalation of federal funds.

506 Reimbursements under this paragraph (b)(ii) shall not exceed One
507 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

508 Reimbursements under this paragraph (b)(ii) shall satisfy any
509 applicable federal tax law requirements.

510 (c) (i) The proceeds of bonds issued under this
511 section for projects described in Section 57-75-5(f)(ix) may be
512 used to reimburse reasonable actual and necessary costs incurred
513 by the Mississippi Development Authority in providing assistance
514 related to a project for which funding is provided for the use of
515 proceeds of such bonds. The Mississippi Development Authority
516 shall maintain an accounting of actual costs incurred for each
517 project for which reimbursements are sought. Reimbursements under
518 this paragraph shall not exceed Twenty-five Thousand Dollars
519 (\$25,000.00) in the aggregate.

520 (ii) The proceeds of bonds issued under this
521 section for projects described in Section 57-75-5(f)(ix) may be
522 used to reimburse reasonable actual and necessary costs incurred
523 by the Department of Audit in providing services related to a

524 project for which funding is provided from the use of proceeds of
525 such bonds. The Department of Audit shall maintain an accounting
526 of actual costs incurred for each project for which reimbursements
527 are sought. The Department of Audit may escalate its budget and
528 expend such funds in accordance with rules and regulations of the
529 Department of Finance and Administration in a manner consistent
530 with the escalation of federal funds. Reimbursements under this
531 paragraph shall not exceed Twenty-five Thousand Dollars
532 (\$25,000.00) in the aggregate. Reimbursements under this
533 paragraph shall satisfy any applicable federal tax law
534 requirements.

535 (d) (i) The proceeds of bonds issued under this
536 section for projects described in Section 57-75-5(f)(x) may be
537 used to reimburse reasonable actual and necessary costs incurred
538 by the Mississippi Development Authority in providing assistance
539 related to a project for which funding is provided for the use of
540 proceeds of such bonds. The Mississippi Development Authority
541 shall maintain an accounting of actual costs incurred for each
542 project for which reimbursements are sought. Reimbursements under
543 this paragraph shall not exceed Twenty-five Thousand Dollars
544 (\$25,000.00) in the aggregate.

545 (ii) The proceeds of bonds issued under this
546 section for projects described in Section 57-75-5(f)(x) may be
547 used to reimburse reasonable actual and necessary costs incurred
548 by the Department of Audit in providing services related to a
549 project for which funding is provided from the use of proceeds of
550 such bonds. The Department of Audit shall maintain an accounting
551 of actual costs incurred for each project for which reimbursements
552 are sought. The Department of Audit may escalate its budget and
553 expend such funds in accordance with rules and regulations of the
554 Department of Finance and Administration in a manner consistent
555 with the escalation of federal funds. Reimbursements under this
556 paragraph shall not exceed Twenty-five Thousand Dollars

557 (\$25,000.00) in the aggregate. Reimbursements under this
558 paragraph shall satisfy any applicable federal tax law
559 requirements.

560 (e) (i) The proceeds of bonds issued under this
561 section for projects described in Section 57-75-5(f)(xii) may be
562 used to reimburse reasonable actual and necessary costs incurred
563 by the Mississippi Development Authority in providing assistance
564 related to a project for which funding is provided from the use of
565 proceeds of such bonds. The Mississippi Development Authority
566 shall maintain an accounting of actual costs incurred for each
567 project for which reimbursements are sought. Reimbursements under
568 this paragraph (e)(i) shall not exceed Twenty-five Thousand
569 Dollars (\$25,000.00) in the aggregate.

570 (ii) The proceeds of bonds issued under this
571 section for projects described in Section 57-75-5(f)(xii) may be
572 used to reimburse reasonable actual and necessary costs incurred
573 by the Department of Audit in providing services related to a
574 project for which funding is provided from the use of proceeds of
575 such bonds. The Department of Audit shall maintain an accounting
576 of actual costs incurred for each project for which reimbursements
577 are sought. The Department of Audit may escalate its budget and
578 expend such funds in accordance with rules and regulations of the
579 Department of Finance and Administration in a manner consistent
580 with the escalation of federal funds. Reimbursements under this
581 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars
582 (\$25,000.00) in the aggregate. Reimbursements under this
583 paragraph (e)(ii) shall satisfy any applicable federal tax law
584 requirements.

585 (f) (i) The proceeds of bonds issued under this
586 section for projects described in Section 57-75-5(f)(xiii),
587 (f)(xiv), (f)(xv), (f)(xvi) and (f)(xvii) may be used to reimburse
588 reasonable actual and necessary costs incurred by the Mississippi
589 Development Authority in providing assistance related to a project

590 for which funding is provided from the use of proceeds of such
591 bonds. The Mississippi Development Authority shall maintain an
592 accounting of actual costs incurred for each project for which
593 reimbursements are sought. Reimbursements under this paragraph
594 (f)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)
595 for each project.

596 (ii) The proceeds of bonds issued under this
597 section for projects described in Section 57-75-5(f)(xiii),
598 (f)(xiv), (f)(xv), (f)(xvi) and (f)(xvii) may be used to reimburse
599 reasonable actual and necessary costs incurred by the Department
600 of Audit in providing services related to a project for which
601 funding is provided from the use of proceeds of such bonds. The
602 Department of Audit shall maintain an accounting of actual costs
603 incurred for each project for which reimbursements are sought.
604 The Department of Audit may escalate its budget and expend such
605 funds in accordance with rules and regulations of the Department
606 of Finance and Administration in a manner consistent with the
607 escalation of federal funds. Reimbursements under this paragraph
608 (f)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)
609 for each project. Reimbursements under this paragraph (f)(ii)
610 shall satisfy any applicable federal tax law requirements.

611 (5) The principal of and the interest on the bonds shall be
612 payable in the manner hereinafter set forth. The bonds shall bear
613 date or dates; be in such denomination or denominations; bear
614 interest at such rate or rates; be payable at such place or places
615 within or without the state; mature absolutely at such time or
616 times; be redeemable before maturity at such time or times and
617 upon such terms, with or without premium; bear such registration
618 privileges; and be substantially in such form; all as shall be
619 determined by resolution of the State Bond Commission except that
620 such bonds shall mature or otherwise be retired in annual
621 installments beginning not more than five (5) years from the date
622 thereof and extending not more than twenty-five (25) years from

623 the date thereof. The bonds shall be signed by the Chairman of
624 the State Bond Commission, or by his facsimile signature, and the
625 official seal of the State Bond Commission shall be imprinted on
626 or affixed thereto, attested by the manual or facsimile signature
627 of the Secretary of the State Bond Commission. Whenever any such
628 bonds have been signed by the officials herein designated to sign
629 the bonds, who were in office at the time of such signing but who
630 may have ceased to be such officers before the sale and delivery
631 of such bonds, or who may not have been in office on the date such
632 bonds may bear, the signatures of such officers upon such bonds
633 shall nevertheless be valid and sufficient for all purposes and
634 have the same effect as if the person so officially signing such
635 bonds had remained in office until the delivery of the same to the
636 purchaser, or had been in office on the date such bonds may bear.

637 (6) All bonds issued under the provisions of this section
638 shall be and are hereby declared to have all the qualities and
639 incidents of negotiable instruments under the provisions of the
640 Uniform Commercial Code and in exercising the powers granted by
641 this chapter, the State Bond Commission shall not be required to
642 and need not comply with the provisions of the Uniform Commercial
643 Code.

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

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

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

667 (8) State bonds issued under the provisions of this section
668 shall be the general obligations of the state and backed by the
669 full faith and credit of the state. The Legislature shall
670 appropriate annually an amount sufficient to pay the principal of
671 and the interest on such bonds as they become due. All bonds
672 shall contain recitals on their faces substantially covering the
673 foregoing provisions of this section.

674 (9) The State Treasurer is authorized to certify to the
675 Department of Finance and Administration the necessity for
676 warrants, and the Department of Finance and Administration is
677 authorized and directed to issue such warrants payable out of any
678 funds appropriated by the Legislature under this section for such
679 purpose, in such amounts as may be necessary to pay when due the
680 principal of and interest on all bonds issued under the provisions
681 of this section. The State Treasurer shall forward the necessary
682 amount to the designated place or places of payment of such bonds
683 in ample time to discharge such bonds, or the interest thereon, on
684 the due dates thereof.

685 (10) The bonds may be issued without any other proceedings
686 or the happening of any other conditions or things other than
687 those proceedings, conditions and things which are specified or

688 required by this chapter. Any resolution providing for the
689 issuance of general obligation bonds under the provisions of this
690 section shall become effective immediately upon its adoption by
691 the State Bond Commission, and any such resolution may be adopted
692 at any regular or special meeting of the State Bond Commission by
693 a majority of its members.

694 (11) In anticipation of the issuance of bonds hereunder, the
695 State Bond Commission is authorized to negotiate and enter into
696 any purchase, loan, credit or other agreement with any bank, trust
697 company or other lending institution or to issue and sell interim
698 notes for the purpose of making any payments authorized under this
699 section. All borrowings made under this provision shall be
700 evidenced by notes of the state which shall be issued from time to
701 time, for such amounts not exceeding the amount of bonds
702 authorized herein, in such form and in such denomination and
703 subject to such terms and conditions of sale and issuance,
704 prepayment or redemption and maturity, rate or rates of interest
705 not to exceed the maximum rate authorized herein for bonds, and
706 time of payment of interest as the State Bond Commission shall
707 agree to in such agreement. Such notes shall constitute general
708 obligations of the state and shall be backed by the full faith and
709 credit of the state. Such notes may also be issued for the
710 purpose of refunding previously issued notes. No note shall
711 mature more than three (3) years following the date of its
712 issuance. The State Bond Commission is authorized to provide for
713 the compensation of any purchaser of the notes by payment of a
714 fixed fee or commission and for all other costs and expenses of
715 issuance and service, including paying agent costs. Such costs
716 and expenses may be paid from the proceeds of the notes.

717 (12) The bonds and interim notes authorized under the
718 authority of this section may be validated in the First Judicial
719 District of the Chancery Court of Hinds County, Mississippi, in
720 the manner and with the force and effect provided now or hereafter

721 by Chapter 13, Title 31, Mississippi Code of 1972, for the
722 validation of county, municipal, school district and other bonds.
723 The necessary papers for such validation proceedings shall be
724 transmitted to the State Bond Attorney, and the required notice
725 shall be published in a newspaper published in the City of
726 Jackson, Mississippi.

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

733 (14) All bonds issued under this chapter shall be legal
734 investments for trustees, other fiduciaries, savings banks, trust
735 companies and insurance companies organized under the laws of the
736 State of Mississippi; and such bonds shall be legal securities
737 which may be deposited with and shall be received by all public
738 officers and bodies of the state and all municipalities and other
739 political subdivisions thereof for the purpose of securing the
740 deposit of public funds.

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

748 (16) There is hereby created a special fund in the State
749 Treasury to be known as the Mississippi Major Economic Impact
750 Authority Fund wherein shall be deposited the proceeds of the
751 bonds issued under this chapter and all monies received by the
752 authority to carry out the purposes of this chapter. Expenditures
753 authorized herein shall be paid by the State Treasurer upon

754 warrants drawn from the fund, and the Department of Finance and
755 Administration shall issue warrants upon requisitions signed by
756 the director of the authority.

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

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

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

785 (d) Any monies repaid to the state from loans
786 authorized in Section 57-75-11(hh) shall be deposited into the

787 Mississippi Major Economic Impact Authority Sinking Fund unless
788 the State Bond Commission, at the request of the authority, shall
789 determine that such loan repayments are needed to provide
790 additional loans as authorized under Section 57-75-11(hh). For
791 purposes of providing additional loans, there is hereby created
792 the Mississippi Major Economic Impact Authority Revolving Loan
793 Fund and loan repayments shall be deposited into the fund. The
794 fund shall be maintained for such period as determined by the
795 State Bond Commission for the sole purpose of making additional
796 loans as authorized by Section 57-75-11(hh). Unexpended amounts
797 remaining in the fund at the end of a fiscal year shall not lapse
798 into the State General Fund and any interest earned on amounts in
799 such fund shall be deposited to the credit of the fund.

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

803 (18) (a) Upon receipt of a declaration by the authority
804 that it has determined that the state is a potential site for a
805 project, the State Bond Commission is authorized and directed to
806 authorize the State Treasurer to borrow money from any special
807 fund in the State Treasury not otherwise appropriated to be
808 utilized by the authority for the purposes provided for in this
809 subsection.

810 (b) The proceeds of the money borrowed under this
811 subsection may be utilized by the authority for the purpose of
812 defraying all or a portion of the costs incurred by the authority
813 with respect to acquisition options and planning, design and
814 environmental impact studies with respect to a project defined in
815 Section 57-75-5(f)(xi). The authority may escalate its budget and
816 expend the proceeds of the money borrowed under this subsection in
817 accordance with rules and regulations of the Department of Finance
818 and Administration in a manner consistent with the escalation of
819 federal funds.

820 (c) The authority shall request an appropriation or
821 additional authority to issue general obligation bonds to repay
822 the borrowed funds and establish a date for the repayment of the
823 funds so borrowed.

824 (d) Borrowings made under the provisions of this
825 subsection shall not exceed Five Hundred Thousand Dollars
826 (\$500,000.00) at any one time.

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