

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2003

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36 property by quick-take eminent domain shall be repealed by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 to a public
248 agency or an enterprise owning, leasing or operating a project
249 defined in Section 57-75-5(f)(ii) in amounts not to exceed the
250 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 to an
259 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 (jj) In connection with projects defined under Section
285 57-75-5(f)(xviii):

286 (i) To provide grant funds of Twenty-five Million
287 Dollars (\$25,000,000.00) to an enterprise owning or operating a
288 project defined in Section 57-75-5(f)(xviii) to be used for real
289 estate improvements and which may be disbursed as determined by
290 the authority.

291 (ii) To provide loans to an enterprise owning or
292 operating a project defined in Section 57-75-5(f)(xviii); subject
293 to the following provisions:

294 1. Not more than Ten Million Dollars
295 (\$10,000,000.00) may be loaned to such an enterprise for the
296 purpose of defraying costs incurred by the enterprise for site
297 preparation and real property improvements during the construction
298 of the project in excess of budgeted costs; however, the amount of
299 any such loan shall not exceed fifty percent (50%) of such excess
300 costs;

301 2. Not more than Seventy-five Million Dollars
302 (\$75,000,000.00) may be loaned to such an enterprise for purposes
303 determined appropriate by the authority; however, no such loan may
304 be made to the enterprise before the beginning of the fifth year
305 after issuance by the enterprise of debt in like amount the
306 proceeds of which are to be used in connection with the project;

307 (iii) To supervise the use of all such loan funds;

308 (iv) Loans under this paragraph (jj) may be for
309 any term determined appropriate by the authority provided that the
310 payments on any loan must be in an amount sufficient to pay the
311 state's debt service on bonds issued for the purpose of providing
312 funds for such a loan; and

313 (v) Any loan under this paragraph (jj) shall, in
314 the discretion of the authority, be secured in an amount and a
315 manner as may be determined by the authority.

316 (kk) It is the policy of the authority and the
317 authority is authorized to accommodate and support any enterprise
318 owning or operating a project defined in Section 57-75-5(f)(xviii)
319 that wishes to have a program of diversity in contracting, and/or
320 that wishes to do business with or cause its prime contractor to
321 do business with Mississippi companies, including those companies
322 that are small business concerns owned and controlled by socially
323 and economically disadvantaged individuals. The term "socially
324 and economically disadvantaged individuals" shall have the meaning
325 ascribed to such term under Section 8(d) of the Small Business Act
326 (15 USCS 637(d)) and relevant subcontracting regulations

327 promulgated pursuant thereto; except that women shall be presumed
328 to be socially and economically disadvantaged individuals for the
329 purposes of this paragraph.

330 (11) (i) In addition to any other requirements or
331 conditions under this chapter, the authority shall require that
332 any application for assistance regarding a project under this
333 chapter include, at a minimum:

334 1. A two-year business plan (which shall
335 include pro forma balance sheets, income statements and monthly
336 cash flow statements);

337 2. Financial statements or tax returns for
338 the three (3) years immediately prior to the application (if the
339 project is a new company or enterprise, personal financial
340 statements or tax returns will be required);

341 3. Credit reports on all persons or entities
342 with a twenty percent (20%) or greater interest in the project;

343 4. Data supporting the expertise of the
344 project's principals;

345 5. A cost benefit analysis of the project
346 performed by a state institution of higher learning or other
347 entity selected by the authority; and

348 6. Any other information required by the
349 authority.

350 (ii) The authority shall require that binding
351 commitments be entered into requiring that:

352 1. The applicable minimum requirements of
353 this chapter and such other requirements as the authority
354 considers proper shall be met; and

355 2. If the agreed upon commitments are not
356 met, all or a portion of the funds provided under this chapter as
357 determined by the authority shall be repaid.

358 (iii) Where appropriate, in the discretion of the
359 authority, the authority shall acquire a security interest in or
360 other lien upon any applicable collateral.

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

363 57-75-15. (1) Upon notification to the authority by the
364 enterprise that the state has been finally selected as the site
365 for the project, the State Bond Commission shall have the power
366 and is hereby authorized and directed, upon receipt of a
367 declaration from the authority as hereinafter provided, to borrow
368 money and issue general obligation bonds of the state in one or
369 more series for the purposes herein set out. Upon such
370 notification, the authority may thereafter from time to time
371 declare the necessity for the issuance of general obligation bonds
372 as authorized by this section and forward such declaration to the
373 State Bond Commission, provided that before such notification, the
374 authority may enter into agreements with the United States
375 government, private companies and others that will commit the
376 authority to direct the State Bond Commission to issue bonds for
377 eligible undertakings set out in subsection (4) of this section,
378 conditioned on the siting of the project in the state.

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

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

388 (b) Bonds issued under the authority of this section
389 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
390 Sixty-one Million Dollars (\$61,000,000.00). The authority, with

391 the express direction of the State Bond Commission, is authorized
392 to expend any remaining proceeds of bonds issued under the
393 authority of this act prior to January 1, 1998, for the purpose of
394 financing projects as then defined in Section 57-75-5(f)(ii) or
395 for any other projects as defined in Section 57-75-5(f)(ii), as it
396 may be amended from time to time. If there are any monetary
397 proceeds derived from the disposition of any improvements located
398 on real property in Kemper County purchased pursuant to this act
399 for projects related to the NAAS and if there are any monetary
400 proceeds derived from the disposition of any timber located on
401 real property in Kemper County purchased pursuant to this act for
402 projects related to the NAAS, all of such proceeds (both from the
403 disposition of improvements and the disposition of timber)
404 commencing July 1, 1996, through June 30, 2010, shall be paid to
405 the Board of Education of Kemper County, Mississippi, for
406 expenditure by such board of education to benefit the public
407 schools of Kemper County. No bonds shall be issued under this
408 paragraph (b) until the State Bond Commission by resolution adopts
409 a finding that the issuance of such bonds will improve, expand or
410 otherwise enhance the military installation, its support areas or
411 military operations, or will provide employment opportunities to
412 replace those lost by closure or reductions in operations at the
413 military installation or will support critical studies or
414 investigations authorized by Section 57-75-5(f)(ii).

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

419 (d) Bonds issued under the authority of this section
420 for projects defined in Section 57-75-5(f)(iv) shall not exceed
421 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
422 additional amount of bonds in an amount not to exceed Twelve
423 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be

424 issued under the authority of this section for the purpose of
425 defraying costs associated with the construction of surface water
426 transmission lines for a project defined in Section 57-75-5(f)(iv)
427 or for any facility related to the project. No bonds shall be
428 issued under this paragraph after June 30, 2005.

429 (e) Bonds issued under the authority of this section
430 for projects defined in Section 57-75-5(f)(v) and for facilities
431 related to such projects shall not exceed Thirty-eight Million
432 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
433 issued under this paragraph after April 1, 2005.

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

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

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

446 (i) Bonds issued under the authority of this section
447 for projects defined in Section 57-75-5(f)(x) shall not exceed
448 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
449 under this paragraph after April 1, 2005.

450 (j) Bonds issued under the authority of this section
451 for projects defined in Section 57-75-5(f)(xii) shall not exceed
452 Twenty-three Million Seven Hundred Thousand Dollars
453 (\$23,700,000.00). No bonds shall be issued under this paragraph
454 until local governments in or near the county in which the project
455 is located have irrevocably committed funds to the project in an
456 amount of not less than Two Million Five Hundred Thousand Dollars

457 (\$2,500,000.00) in the aggregate. No bonds shall be issued under
458 this paragraph after June 30, 2008.

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

463 (l) Bonds issued under the authority of this section
464 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
465 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
466 issued under this paragraph until local governments in the county
467 in which the project is located have irrevocably committed funds
468 to the project in an amount of not less than Two Million Dollars
469 (\$2,000,000.00). No bonds shall be issued under this paragraph
470 after June 30, 2009.

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

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

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

483 (p) Bonds issued under the authority of this section
484 for projects defined in Section 57-75-5(f)(xviii) shall not exceed
485 One Hundred Ten Million Dollars (\$110,000,000.00). No bonds shall
486 be issued under this paragraph after June 30, 2016.

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

489 (i) Defraying all or any designated portion of the
490 costs incurred with respect to acquisition, planning, design,
491 construction, installation, rehabilitation, improvement,
492 relocation and with respect to state-owned property, operation and
493 maintenance of the project and any facility related to the project
494 located within the project area, including costs of design and
495 engineering, all costs incurred to provide land, easements and
496 rights-of-way, relocation costs with respect to the project and
497 with respect to any facility related to the project located within
498 the project area, and costs associated with mitigation of
499 environmental impacts and environmental impact studies;

500 (ii) Defraying the cost of providing for the
501 recruitment, screening, selection, training or retraining of
502 employees, candidates for employment or replacement employees of
503 the project and any related activity;

504 (iii) Reimbursing the Mississippi Development
505 Authority for expenses it incurred in regard to projects defined
506 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
507 Mississippi Development Authority shall submit an itemized list of
508 expenses it incurred in regard to such projects to the Chairmen of
509 the Finance and Appropriations Committees of the Senate and the
510 Chairmen of the Ways and Means and Appropriations Committees of
511 the House of Representatives;

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

514 (v) Paying any warranty made by the authority
515 regarding site work for a project defined in Section
516 57-75-5(f)(iv)1;

517 (vi) Defraying the cost of marketing and promotion
518 of a project as defined in Section 57-75-5(f)(iv)1. The authority
519 shall submit an itemized list of costs incurred for marketing and
520 promotion of such project to the Chairmen of the Finance and
521 Appropriations Committees of the Senate and the Chairmen of the

522 Ways and Means and Appropriations Committees of the House of
523 Representatives;

524 (vii) Providing for the payment of interest on the
525 bonds;

526 (viii) Providing debt service reserves;

527 (ix) Paying underwriters' discount, original issue
528 discount, accountants' fees, engineers' fees, attorneys' fees,
529 rating agency fees and other fees and expenses in connection with
530 the issuance of the bonds;

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

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

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

541 (xiii) Providing grant funds or loans to an
542 enterprise owning, leasing or operating a project defined in
543 Section 57-75-5(f)(xiv);

544 (xiv) Providing grants and loans to an enterprise
545 owning or operating a project defined in Section
546 57-75-5(f)(xviii); and

547 (xv) Purchasing equipment for a project defined in
548 Section 57-75-5(f)(viii) subject to such terms and conditions as
549 the authority considers necessary and appropriate.

550 Such bonds shall be issued from time to time and in such
551 principal amounts as shall be designated by the authority, not to
552 exceed in aggregate principal amounts the amount authorized in
553 subsection (3) of this section. Proceeds from the sale of the
554 bonds issued under this section may be invested, subject to

555 federal limitations, pending their use, in such securities as may
556 be specified in the resolution authorizing the issuance of the
557 bonds or the trust indenture securing them, and the earning on
558 such investment applied as provided in such resolution or trust
559 indenture.

560 (b) (i) The proceeds of bonds issued after June 21,
561 2002, under this section for projects described in Section
562 57-75-5(f)(iv) may be used to reimburse reasonable actual and
563 necessary costs incurred by the Mississippi Development Authority
564 in providing assistance related to a project for which funding is
565 provided from the use of proceeds of such bonds. The Mississippi
566 Development Authority shall maintain an accounting of actual costs
567 incurred for each project for which reimbursements are sought.
568 Reimbursements under this paragraph (b)(i) shall not exceed Three
569 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
570 Reimbursements under this paragraph (b)(i) shall satisfy any
571 applicable federal tax law requirements.

572 (ii) The proceeds of bonds issued after June 21,
573 2002, under this section for projects described in Section
574 57-75-5(f)(iv) may be used to reimburse reasonable actual and
575 necessary costs incurred by the Department of Audit in providing
576 services related to a project for which funding is provided from
577 the use of proceeds of such bonds. The Department of Audit shall
578 maintain an accounting of actual costs incurred for each project
579 for which reimbursements are sought. The Department of Audit may
580 escalate its budget and expend such funds in accordance with rules
581 and regulations of the Department of Finance and Administration in
582 a manner consistent with the escalation of federal funds.
583 Reimbursements under this paragraph (b)(ii) shall not exceed One
584 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
585 Reimbursements under this paragraph (b)(ii) shall satisfy any
586 applicable federal tax law requirements.

587 (c) (i) The proceeds of bonds issued under this
588 section for projects described in Section 57-75-5(f)(ix) may be
589 used to reimburse reasonable actual and necessary costs incurred
590 by the Mississippi Development Authority in providing assistance
591 related to a project for which funding is provided for the use of
592 proceeds of such bonds. The Mississippi Development Authority
593 shall maintain an accounting of actual costs incurred for each
594 project for which reimbursements are sought. Reimbursements under
595 this paragraph shall not exceed Twenty-five Thousand Dollars
596 (\$25,000.00) in the aggregate.

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

612 (d) (i) The proceeds of bonds issued under this
613 section for projects described in Section 57-75-5(f)(x) may be
614 used to reimburse reasonable actual and necessary costs incurred
615 by the Mississippi Development Authority in providing assistance
616 related to a project for which funding is provided for the use of
617 proceeds of such bonds. The Mississippi Development Authority
618 shall maintain an accounting of actual costs incurred for each
619 project for which reimbursements are sought. Reimbursements under

620 this paragraph shall not exceed Twenty-five Thousand Dollars
621 (\$25,000.00) in the aggregate.

622 (ii) The proceeds of bonds issued under this
623 section for projects described in Section 57-75-5(f)(x) may be
624 used to reimburse reasonable actual and necessary costs incurred
625 by the Department of Audit in providing services related to a
626 project for which funding is provided from the use of proceeds of
627 such bonds. The Department of Audit shall maintain an accounting
628 of actual costs incurred for each project for which reimbursements
629 are sought. The Department of Audit may escalate its budget and
630 expend such funds in accordance with rules and regulations of the
631 Department of Finance and Administration in a manner consistent
632 with the escalation of federal funds. Reimbursements under this
633 paragraph shall not exceed Twenty-five Thousand Dollars
634 (\$25,000.00) in the aggregate. Reimbursements under this
635 paragraph shall satisfy any applicable federal tax law
636 requirements.

637 (e) (i) The proceeds of bonds issued under this
638 section for projects described in Section 57-75-5(f)(xii) may be
639 used to reimburse reasonable actual and necessary costs incurred
640 by the Mississippi Development Authority in providing assistance
641 related to a project for which funding is provided from the use of
642 proceeds of such bonds. The Mississippi Development Authority
643 shall maintain an accounting of actual costs incurred for each
644 project for which reimbursements are sought. Reimbursements under
645 this paragraph (e)(i) shall not exceed Twenty-five Thousand
646 Dollars (\$25,000.00) in the aggregate.

647 (ii) The proceeds of bonds issued under this
648 section for projects described in Section 57-75-5(f)(xii) may be
649 used to reimburse reasonable actual and necessary costs incurred
650 by the Department of Audit in providing services related to a
651 project for which funding is provided from the use of proceeds of
652 such bonds. The Department of Audit shall maintain an accounting

653 of actual costs incurred for each project for which reimbursements
654 are sought. The Department of Audit may escalate its budget and
655 expend such funds in accordance with rules and regulations of the
656 Department of Finance and Administration in a manner consistent
657 with the escalation of federal funds. Reimbursements under this
658 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars
659 (\$25,000.00) in the aggregate. Reimbursements under this
660 paragraph (e)(ii) shall satisfy any applicable federal tax law
661 requirements.

662 (f) (i) The proceeds of bonds issued under this
663 section for projects described in Section 57-75-5(f)(xiii),
664 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used
665 to reimburse reasonable actual and necessary costs incurred by the
666 Mississippi Development Authority in providing assistance related
667 to a project for which funding is provided from the use of
668 proceeds of such bonds. The Mississippi Development Authority
669 shall maintain an accounting of actual costs incurred for each
670 project for which reimbursements are sought. Reimbursements under
671 this paragraph (f)(i) shall not exceed Twenty-five Thousand
672 Dollars (\$25,000.00) for each project.

673 (ii) The proceeds of bonds issued under this
674 section for projects described in Section 57-75-5(f)(xiii),
675 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used
676 to reimburse reasonable actual and necessary costs incurred by the
677 Department of Audit in providing services related to a project for
678 which funding is provided from the use of proceeds of such bonds.
679 The Department of Audit shall maintain an accounting of actual
680 costs incurred for each project for which reimbursements are
681 sought. The Department of Audit may escalate its budget and
682 expend such funds in accordance with rules and regulations of the
683 Department of Finance and Administration in a manner consistent
684 with the escalation of federal funds. Reimbursements under this
685 paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars

686 (\$25,000.00) for each project. Reimbursements under this
687 paragraph (f)(ii) shall satisfy any applicable federal tax law
688 requirements.

689 (5) The principal of and the interest on the bonds shall be
690 payable in the manner hereinafter set forth. The bonds shall bear
691 date or dates; be in such denomination or denominations; bear
692 interest at such rate or rates; be payable at such place or places
693 within or without the state; mature absolutely at such time or
694 times; be redeemable before maturity at such time or times and
695 upon such terms, with or without premium; bear such registration
696 privileges; and be substantially in such form; all as shall be
697 determined by resolution of the State Bond Commission except that
698 such bonds shall mature or otherwise be retired in annual
699 installments beginning not more than five (5) years from the date
700 thereof and extending not more than twenty-five (25) years from
701 the date thereof. The bonds shall be signed by the Chairman of
702 the State Bond Commission, or by his facsimile signature, and the
703 official seal of the State Bond Commission shall be imprinted on
704 or affixed thereto, attested by the manual or facsimile signature
705 of the Secretary of the State Bond Commission. Whenever any such
706 bonds have been signed by the officials herein designated to sign
707 the bonds, who were in office at the time of such signing but who
708 may have ceased to be such officers before the sale and delivery
709 of such bonds, or who may not have been in office on the date such
710 bonds may bear, the signatures of such officers upon such bonds
711 shall nevertheless be valid and sufficient for all purposes and
712 have the same effect as if the person so officially signing such
713 bonds had remained in office until the delivery of the same to the
714 purchaser, or had been in office on the date such bonds may bear.

715 (6) All bonds issued under the provisions of this section
716 shall be and are hereby declared to have all the qualities and
717 incidents of negotiable instruments under the provisions of the
718 Uniform Commercial Code and in exercising the powers granted by

719 this chapter, the State Bond Commission shall not be required to
720 and need not comply with the provisions of the Uniform Commercial
721 Code.

722 (7) The State Bond Commission shall sell the bonds on sealed
723 bids at public sale, and for such price as it may determine to be
724 for the best interest of the State of Mississippi, but no such
725 sale shall be made at a price less than par plus accrued interest
726 to date of delivery of the bonds to the purchaser. The bonds
727 shall bear interest at such rate or rates not exceeding the limits
728 set forth in Section 75-17-101 as shall be fixed by the State Bond
729 Commission. All interest accruing on such bonds so issued shall
730 be payable semiannually or annually; provided that the first
731 interest payment may be for any period of not more than one (1)
732 year.

733 Notice of the sale of any bonds shall be published at least
734 one time, the first of which shall be made not less than ten (10)
735 days prior to the date of sale, and shall be so published in one
736 or more newspapers having a general circulation in the City of
737 Jackson and in one or more other newspapers or financial journals
738 with a large national circulation, to be selected by the State
739 Bond Commission.

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

745 (8) State bonds issued under the provisions of this section
746 shall be the general obligations of the state and backed by the
747 full faith and credit of the state. The Legislature shall
748 appropriate annually an amount sufficient to pay the principal of
749 and the interest on such bonds as they become due. All bonds
750 shall contain recitals on their faces substantially covering the
751 foregoing provisions of this section.

752 (9) The State Treasurer is authorized to certify to the
753 Department of Finance and Administration the necessity for
754 warrants, and the Department of Finance and Administration is
755 authorized and directed to issue such warrants payable out of any
756 funds appropriated by the Legislature under this section for such
757 purpose, in such amounts as may be necessary to pay when due the
758 principal of and interest on all bonds issued under the provisions
759 of this section. The State Treasurer shall forward the necessary
760 amount to the designated place or places of payment of such bonds
761 in ample time to discharge such bonds, or the interest thereon, on
762 the due dates thereof.

763 (10) The bonds may be issued without any other proceedings
764 or the happening of any other conditions or things other than
765 those proceedings, conditions and things which are specified or
766 required by this chapter. Any resolution providing for the
767 issuance of general obligation bonds under the provisions of this
768 section shall become effective immediately upon its adoption by
769 the State Bond Commission, and any such resolution may be adopted
770 at any regular or special meeting of the State Bond Commission by
771 a majority of its members.

772 (11) In anticipation of the issuance of bonds hereunder, the
773 State Bond Commission is authorized to negotiate and enter into
774 any purchase, loan, credit or other agreement with any bank, trust
775 company or other lending institution or to issue and sell interim
776 notes for the purpose of making any payments authorized under this
777 section. All borrowings made under this provision shall be
778 evidenced by notes of the state which shall be issued from time to
779 time, for such amounts not exceeding the amount of bonds
780 authorized herein, in such form and in such denomination and
781 subject to such terms and conditions of sale and issuance,
782 prepayment or redemption and maturity, rate or rates of interest
783 not to exceed the maximum rate authorized herein for bonds, and
784 time of payment of interest as the State Bond Commission shall

785 agree to in such agreement. Such notes shall constitute general
786 obligations of the state and shall be backed by the full faith and
787 credit of the state. Such notes may also be issued for the
788 purpose of refunding previously issued notes. No note shall
789 mature more than three (3) years following the date of its
790 issuance. The State Bond Commission is authorized to provide for
791 the compensation of any purchaser of the notes by payment of a
792 fixed fee or commission and for all other costs and expenses of
793 issuance and service, including paying agent costs. Such costs
794 and expenses may be paid from the proceeds of the notes.

795 (12) The bonds and interim notes authorized under the
796 authority of this section may be validated in the First Judicial
797 District of the Chancery Court of Hinds County, Mississippi, in
798 the manner and with the force and effect provided now or hereafter
799 by Chapter 13, Title 31, Mississippi Code of 1972, for the
800 validation of county, municipal, school district and other bonds.
801 The necessary papers for such validation proceedings shall be
802 transmitted to the State Bond Attorney, and the required notice
803 shall be published in a newspaper published in the City of
804 Jackson, Mississippi.

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

811 (14) All bonds issued under this chapter shall be legal
812 investments for trustees, other fiduciaries, savings banks, trust
813 companies and insurance companies organized under the laws of the
814 State of Mississippi; and such bonds shall be legal securities
815 which may be deposited with and shall be received by all public
816 officers and bodies of the state and all municipalities and other

817 political subdivisions thereof for the purpose of securing the
818 deposit of public funds.

819 (15) The Attorney General of the State of Mississippi shall
820 represent the State Bond Commission in issuing, selling and
821 validating bonds herein provided for, and the Bond Commission is
822 hereby authorized and empowered to expend from the proceeds
823 derived from the sale of the bonds authorized hereunder all
824 necessary administrative, legal and other expenses incidental and
825 related to the issuance of bonds authorized under this chapter.

826 (16) There is hereby created a special fund in the State
827 Treasury to be known as the Mississippi Major Economic Impact
828 Authority Fund wherein shall be deposited the proceeds of the
829 bonds issued under this chapter and all monies received by the
830 authority to carry out the purposes of this chapter. Expenditures
831 authorized herein shall be paid by the State Treasurer upon
832 warrants drawn from the fund, and the Department of Finance and
833 Administration shall issue warrants upon requisitions signed by
834 the director of the authority.

835 (17) (a) There is hereby created the Mississippi Economic
836 Impact Authority Sinking Fund from which the principal of and
837 interest on such bonds shall be paid by appropriation. All monies
838 paid into the sinking fund not appropriated to pay accruing bonds
839 and interest shall be invested by the State Treasurer in such
840 securities as are provided by law for the investment of the
841 sinking funds of the state.

842 (b) In the event that all or any part of the bonds and
843 notes are purchased, they shall be cancelled and returned to the
844 loan and transfer agent as cancelled and paid bonds and notes and
845 thereafter all payments of interest thereon shall cease and the
846 cancelled bonds, notes and coupons, together with any other
847 cancelled bonds, notes and coupons, shall be destroyed as promptly
848 as possible after cancellation but not later than two (2) years
849 after cancellation. A certificate evidencing the destruction of

850 the cancelled bonds, notes and coupons shall be provided by the
851 loan and transfer agent to the seller.

852 (c) The State Treasurer shall determine and report to
853 the Department of Finance and Administration and Legislative
854 Budget Office by September 1 of each year the amount of money
855 necessary for the payment of the principal of and interest on
856 outstanding obligations for the following fiscal year and the
857 times and amounts of the payments. It shall be the duty of the
858 Governor to include in every executive budget submitted to the
859 Legislature full information relating to the issuance of bonds and
860 notes under the provisions of this chapter and the status of the
861 sinking fund for the payment of the principal of and interest on
862 the bonds and notes.

863 (d) Any monies repaid to the state from loans
864 authorized in Section 57-75-11(hh) shall be deposited into the
865 Mississippi Major Economic Impact Authority Sinking Fund unless
866 the State Bond Commission, at the request of the authority, shall
867 determine that such loan repayments are needed to provide
868 additional loans as authorized under Section 57-75-11(hh). For
869 purposes of providing additional loans, there is hereby created
870 the Mississippi Major Economic Impact Authority Revolving Loan
871 Fund and loan repayments shall be deposited into the fund. The
872 fund shall be maintained for such period as determined by the
873 State Bond Commission for the sole purpose of making additional
874 loans as authorized by Section 57-75-11(hh). Unexpended amounts
875 remaining in the fund at the end of a fiscal year shall not lapse
876 into the State General Fund and any interest earned on amounts in
877 such fund shall be deposited to the credit of the fund.

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

881 (f) Any monies repaid to the state from loans
882 authorized in Section 57-75-11(jj) shall be deposited into the
883 Mississippi Major Economic Impact Authority Sinking Fund.

884 (18) (a) Upon receipt of a declaration by the authority
885 that it has determined that the state is a potential site for a
886 project, the State Bond Commission is authorized and directed to
887 authorize the State Treasurer to borrow money from any special
888 fund in the State Treasury not otherwise appropriated to be
889 utilized by the authority for the purposes provided for in this
890 subsection.

891 (b) The proceeds of the money borrowed under this
892 subsection may be utilized by the authority for the purpose of
893 defraying all or a portion of the costs incurred by the authority
894 with respect to acquisition options and planning, design and
895 environmental impact studies with respect to a project defined in
896 Section 57-75-5(f)(xi). The authority may escalate its budget and
897 expend the proceeds of the money borrowed under this subsection in
898 accordance with rules and regulations of the Department of Finance
899 and Administration in a manner consistent with the escalation of
900 federal funds.

901 (c) The authority shall request an appropriation or
902 additional authority to issue general obligation bonds to repay
903 the borrowed funds and establish a date for the repayment of the
904 funds so borrowed.

905 (d) Borrowings made under the provisions of this
906 subsection shall not exceed Five Hundred Thousand Dollars
907 (\$500,000.00) at any one time.

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