

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2001

1 AN ACT TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY TO
3 MAKE PAYMENTS TO LENDERS PROVIDING FINANCING TO AN ENTERPRISE
4 OWNING OR OPERATING A CERTAIN PROJECT; TO AMEND SECTION 57-75-15,
5 MISSISSIPPI CODE OF 1972, TO REDUCE THE AMOUNT OF BONDS THAT MAY
6 BE ISSUED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY
7 FOR SUCH PROJECT; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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 The provisions of this paragraph that allow the acquisition of property by quick-take eminent domain shall be repealed by operation of law on July 1, 1994; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

257 (i) To provide grant funds or loans to an
258 enterprise owning, leasing or operating a project defined in
259 Section 57-75-5(f)(xiv); however, the aggregate amount of any such

260 loans under this paragraph (ii) shall not exceed Eighteen Million
261 Dollars (\$18,000,000.00) and the aggregate amount of any such
262 grants under this paragraph (ii) shall not exceed Six Million
263 Dollars (\$6,000,000.00);

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

266 (iii) Notwithstanding any provision of this act to
267 the contrary, such loans shall be for a term not to exceed twenty
268 (20) years as may be determined by the authority, shall bear
269 interest at such rates as may be determined by the authority,
270 shall, in the sole discretion of the authority, be secured in an
271 amount and a manner as may be determined by the authority.

272 (jj) In connection with projects defined under Section
273 57-75-5(f)(xviii):

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

279 (ii) To provide loans to an enterprise owning or
280 operating a project defined in Section 57-75-5(f)(xviii) or make
281 payments to a lender providing financing to the enterprise;
282 subject to the following provisions:

283 1. Not more than Ten Million Dollars
284 (\$10,000,000.00) may be loaned to such an enterprise for the
285 purpose of defraying costs incurred by the enterprise for site
286 preparation and real property improvements during the construction
287 of the project in excess of budgeted costs; however, the amount of
288 any such loan shall not exceed fifty percent (50%) of such excess
289 costs;

290 2. Not more than Sixty Million Dollars
291 (\$60,000,000.00) may be loaned to such an enterprise or paid to a
292 lender providing financing to the enterprise for purposes

determined appropriate by the authority, and the enterprise shall be obligated to repay the amount of the loan or payment plus any expenses incurred by the state as a result of the issuance of bonds pursuant to Section 57-75-15(3)(p); however, no such loan may be made to the enterprise before the beginning of the fifth year after issuance by the enterprise of debt in like amount the proceeds of which are to be used in connection with the project;

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

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

(v) The repayment obligation of the enterprise for any loan or payment authorized under this paragraph (jj) shall, in the discretion of the authority, be secured in an amount and a manner as may be determined by the authority.

(kk) It is the policy of the authority and the authority is authorized to accommodate and support any enterprise owning or operating a project defined in Section 57-75-5(f)(xviii) that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USCS 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this paragraph.

(ll) (i) In addition to any other requirements or conditions under this chapter, the authority shall require that

any application for assistance regarding a project under this chapter include, at a minimum:

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

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

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

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

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

6. Any other information required by the authority.

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

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

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

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

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

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site

for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

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

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

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Sixty-one Million Dollars (\$61,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time. If there are any monetary proceeds derived from the disposition of any improvements located

on real property in Kemper County purchased pursuant to this act for projects related to the NAAS and if there are any monetary proceeds derived from the disposition of any timber located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS, all of such proceeds (both from the disposition of improvements and the disposition of timber) commencing July 1, 1996, through June 30, 2010, shall be paid to the Board of Education of Kemper County, Mississippi, for expenditure by such board of education to benefit the public schools of Kemper County. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support critical studies or investigations authorized by Section 57-75-5(f)(ii).

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

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

(e) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(v) and for facilities

425 related to such projects shall not exceed Thirty-eight Million
426 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
427 issued under this paragraph after April 1, 2005.

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

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

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

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

444 (j) Bonds issued under the authority of this section
445 for projects defined in Section 57-75-5(f)(xii) shall not exceed
446 Twenty-three Million Seven Hundred Thousand Dollars
447 (\$23,700,000.00). No bonds shall be issued under this paragraph
448 until local governments in or near the county in which the project
449 is located have irrevocably committed funds to the project in an
450 amount of not less than Two Million Five Hundred Thousand Dollars
451 (\$2,500,000.00) in the aggregate. No bonds shall be issued under
452 this paragraph after June 30, 2008.

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

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

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

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

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

477 (p) Bonds issued under the authority of this section
478 for projects defined in Section 57-75-5(f)(xviii) shall not exceed
479 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
480 issued under this paragraph after June 30, 2016.

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

483 (i) Defraying all or any designated portion of the
484 costs incurred with respect to acquisition, planning, design,
485 construction, installation, rehabilitation, improvement,
486 relocation and with respect to state-owned property, operation and
487 maintenance of the project and any facility related to the project
488 located within the project area, including costs of design and
489 engineering, all costs incurred to provide land, easements and

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

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

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

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

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

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

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

(viii) Providing debt service reserves;

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

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

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

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

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

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

(xiv) Providing grants, loans and payments to or for the benefit of an enterprise owning or operating a project defined in Section 57-75-5(f)(xviii); and

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

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

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

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

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

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

589 this paragraph shall not exceed Twenty-five Thousand Dollars
590 (\$25,000.00) in the aggregate.

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

606 (d) (i) The proceeds of bonds issued under this
607 section for projects described in Section 57-75-5(f)(x) may be
608 used to reimburse reasonable actual and necessary costs incurred
609 by the Mississippi Development Authority in providing assistance
610 related to a project for which funding is provided for the use of
611 proceeds of such bonds. The Mississippi Development Authority
612 shall maintain an accounting of actual costs incurred for each
613 project for which reimbursements are sought. Reimbursements under
614 this paragraph shall not exceed Twenty-five Thousand Dollars
615 (\$25,000.00) in the aggregate.

616 (ii) The proceeds of bonds issued under this
617 section for projects described in Section 57-75-5(f)(x) may be
618 used to reimburse reasonable actual and necessary costs incurred
619 by the Department of Audit in providing services related to a
620 project for which funding is provided from the use of proceeds of
621 such bonds. The Department of Audit shall maintain an accounting

622 of actual costs incurred for each project for which reimbursements
623 are sought. The Department of Audit may escalate its budget and
624 expend such funds in accordance with rules and regulations of the
625 Department of Finance and Administration in a manner consistent
626 with the escalation of federal funds. Reimbursements under this
627 paragraph shall not exceed Twenty-five Thousand Dollars
628 (\$25,000.00) in the aggregate. Reimbursements under this
629 paragraph shall satisfy any applicable federal tax law
630 requirements.

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

641 (ii) The proceeds of bonds issued under this
642 section for projects described in Section 57-75-5(f)(xii) may be
643 used to reimburse reasonable actual and necessary costs incurred
644 by the Department of Audit in providing services related to a
645 project for which funding is provided from the use of proceeds of
646 such bonds. The Department of Audit shall maintain an accounting
647 of actual costs incurred for each project for which reimbursements
648 are sought. The Department of Audit may escalate its budget and
649 expend such funds in accordance with rules and regulations of the
650 Department of Finance and Administration in a manner consistent
651 with the escalation of federal funds. Reimbursements under this
652 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars
653 (\$25,000.00) in the aggregate. Reimbursements under this

654 paragraph (e)(ii) shall satisfy any applicable federal tax law
655 requirements.

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

667 (ii) The proceeds of bonds issued under this
668 section for projects described in Section 57-75-5(f)(xiii),
669 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used
670 to reimburse reasonable actual and necessary costs incurred by the
671 Department of Audit in providing services related to a project for
672 which funding is provided from the use of proceeds of such bonds.
673 The Department of Audit shall maintain an accounting of actual
674 costs incurred for each project for which reimbursements are
675 sought. The Department of Audit may escalate its budget and
676 expend such funds in accordance with rules and regulations of the
677 Department of Finance and Administration in a manner consistent
678 with the escalation of federal funds. Reimbursements under this
679 paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars
680 (\$25,000.00) for each project. Reimbursements under this
681 paragraph (f)(ii) shall satisfy any applicable federal tax law
682 requirements.

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

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

709 (6) All bonds issued under the provisions of this section
710 shall be and are hereby declared to have all the qualities and
711 incidents of negotiable instruments under the provisions of the
712 Uniform Commercial Code and in exercising the powers granted by
713 this chapter, the State Bond Commission shall not be required to
714 and need not comply with the provisions of the Uniform Commercial
715 Code.

716 (7) The State Bond Commission shall sell the bonds on sealed
717 bids at public sale, and for such price as it may determine to be
718 for the best interest of the State of Mississippi, but no such
719 sale shall be made at a price less than par plus accrued interest

720 to date of delivery of the bonds to the purchaser. The bonds
721 shall bear interest at such rate or rates not exceeding the limits
722 set forth in Section 75-17-101 as shall be fixed by the State Bond
723 Commission. All interest accruing on such bonds so issued shall
724 be payable semiannually or annually; provided that the first
725 interest payment may be for any period of not more than one (1)
726 year.

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

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

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

746 (9) The State Treasurer is authorized to certify to the
747 Department of Finance and Administration the necessity for
748 warrants, and the Department of Finance and Administration is
749 authorized and directed to issue such warrants payable out of any
750 funds appropriated by the Legislature under this section for such
751 purpose, in such amounts as may be necessary to pay when due the
752 principal of and interest on all bonds issued under the provisions

753 of this section. The State Treasurer shall forward the necessary
754 amount to the designated place or places of payment of such bonds
755 in ample time to discharge such bonds, or the interest thereon, on
756 the due dates thereof.

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

766 (11) In anticipation of the issuance of bonds hereunder, the
767 State Bond Commission is authorized to negotiate and enter into
768 any purchase, loan, credit or other agreement with any bank, trust
769 company or other lending institution or to issue and sell interim
770 notes for the purpose of making any payments authorized under this
771 section. All borrowings made under this provision shall be
772 evidenced by notes of the state which shall be issued from time to
773 time, for such amounts not exceeding the amount of bonds
774 authorized herein, in such form and in such denomination and
775 subject to such terms and conditions of sale and issuance,
776 prepayment or redemption and maturity, rate or rates of interest
777 not to exceed the maximum rate authorized herein for bonds, and
778 time of payment of interest as the State Bond Commission shall
779 agree to in such agreement. Such notes shall constitute general
780 obligations of the state and shall be backed by the full faith and
781 credit of the state. Such notes may also be issued for the
782 purpose of refunding previously issued notes. No note shall
783 mature more than three (3) years following the date of its
784 issuance. The State Bond Commission is authorized to provide for
785 the compensation of any purchaser of the notes by payment of a

786 fixed fee or commission and for all other costs and expenses of
787 issuance and service, including paying agent costs. Such costs
788 and expenses may be paid from the proceeds of the notes.

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

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

805 (14) All bonds issued under this chapter shall be legal
806 investments for trustees, other fiduciaries, savings banks, trust
807 companies and insurance companies organized under the laws of the
808 State of Mississippi; and such bonds shall be legal securities
809 which may be deposited with and shall be received by all public
810 officers and bodies of the state and all municipalities and other
811 political subdivisions thereof for the purpose of securing the
812 deposit of public funds.

813 (15) The Attorney General of the State of Mississippi shall
814 represent the State Bond Commission in issuing, selling and
815 validating bonds herein provided for, and the Bond Commission is
816 hereby authorized and empowered to expend from the proceeds
817 derived from the sale of the bonds authorized hereunder all

necessary administrative, legal and other expenses incidental and related to the issuance of bonds authorized under this chapter.

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

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

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

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the

851 times and amounts of the payments. It shall be the duty of the
852 Governor to include in every executive budget submitted to the
853 Legislature full information relating to the issuance of bonds and
854 notes under the provisions of this chapter and the status of the
855 sinking fund for the payment of the principal of and interest on
856 the bonds and notes.

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

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

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

878 (18) (a) Upon receipt of a declaration by the authority
879 that it has determined that the state is a potential site for a
880 project, the State Bond Commission is authorized and directed to
881 authorize the State Treasurer to borrow money from any special
882 fund in the State Treasury not otherwise appropriated to be

883 utilized by the authority for the purposes provided for in this
884 subsection.

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

895 (c) The authority shall request an appropriation or
896 additional authority to issue general obligation bonds to repay
897 the borrowed funds and establish a date for the repayment of the
898 funds so borrowed.

899 (d) Borrowings made under the provisions of this
900 subsection shall not exceed Five Hundred Thousand Dollars
901 (\$500,000.00) at any one time.

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