

By: Representatives Holloway, Weathersby,  
Hudson, Barnett, Holland, Huddleston, Watson

To: Ways and Means

## HOUSE BILL NO. 1624

1 AN ACT TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI  
3 MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-11, MISSISSIPPI  
4 CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI MAJOR ECONOMIC IMPACT  
5 AUTHORITY TO PROVIDE GRANT FUNDS TO ENTERPRISES OWNING OR  
6 OPERATING CERTAIN PROJECTS; TO AMEND SECTION 57-75-15, MISSISSIPPI  
7 CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF STATE GENERAL  
8 OBLIGATION BONDS FOR CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR  
9 ECONOMIC IMPACT ACT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 57-75-5, Mississippi Code of 1972, is  
12 amended as follows:

13 57-75-5. Words and phrases used in this chapter shall have  
14 meanings as follows, unless the context clearly indicates a  
15 different meaning:

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17 Act as originally enacted or as hereafter amended.

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

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

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

31 buildings, classrooms and instructional facilities, training  
32 facilities and equipment, including any functionally related  
33 facilities; (vii) parks, outdoor recreation facilities and  
34 athletic facilities; (viii) auditoriums, pavilions, campgrounds,  
35 art centers, cultural centers, folklore centers and other public  
36 facilities; (ix) health care facilities, public or private; and  
37 (x) fire protection facilities, equipment and elevated water  
38 tanks.

39 (e) "Person" means any natural person, corporation,  
40 association, partnership, receiver, trustee, guardian, executor,  
41 administrator, fiduciary, governmental unit, public agency,  
42 political subdivision, or any other group acting as a unit, and  
43 the plural as well as the singular.

44 (f) "Project" means:

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

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

89 (ii) 1. Any major capital project designed to  
90 improve, expand or otherwise enhance any active duty or reserve  
91 United States armed services bases and facilities or any major  
92 Mississippi National Guard training installations, their support  
93 areas or their military operations, upon designation by the  
94 authority that any such base was or is at risk to be recommended  
95 for closure or realignment pursuant to the Defense Base Closure  
96 and Realignment Act of 1990, as amended, or other applicable

97 federal law; or any major development project determined by the  
98 authority to be necessary to acquire or improve base properties  
99 and to provide employment opportunities through construction of  
100 projects as defined in Section 57-3-5, which shall be located on  
101 or provide direct support service or access to such military  
102 installation property in the event of closure or reduction of  
103 military operations at the installation.

104                   2. Any major study or investigation related  
105 to such a facility, installation or base, upon a determination by  
106 the authority that the study or investigation is critical to the  
107 expansion, retention or reuse of the facility, installation or  
108 base.

109                   3. Any project as defined in Section 57-3-5,  
110 any business or enterprise determined to be in the furtherance of  
111 the public purposes of this act as determined by the authority or  
112 any facility related to such project each of which shall be,  
113 directly or indirectly, related to any military base or other  
114 military-related facility no longer operated by the United States  
115 armed services or the Mississippi National Guard.

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

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

124                   2. "Project" shall also include any ancillary  
125 development or business resulting from an enterprise operating a  
126 project as defined in item 1 of this paragraph (f)(iv), of which  
127 the authority is notified, within three (3) years from the date  
128 that the enterprise entered into commercial production, that the

129 state has been selected as the site for the ancillary development  
130 or business.

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

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

141 2. The project and any facility related to  
142 the project shall include a total investment from private sources  
143 of not less than Sixty Million Dollars (\$60,000,000.00), or from  
144 any combination of sources of not less than Eighty Million Dollars  
145 (\$80,000,000.00).

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

153 (vii) Any major capital project related to the  
154 establishment, improvement, expansion and/or other enhancement of  
155 any active duty military installation and having a minimum capital  
156 investment from any source or combination of sources other than  
157 the State of Mississippi of at least Forty Million Dollars  
158 (\$40,000,000.00), and which will create at least four hundred  
159 (400) military installation related full-time jobs, which jobs may  
160 be military jobs, civilian jobs or a combination of military and  
161 civilian jobs. The authority shall require that binding

162 commitments be entered into requiring that the minimum  
163 requirements for the project provided for in this subparagraph  
164 shall be met not later than July 1, 2008.

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

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

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

182 (ix) Any regional retail shopping mall with an  
183 initial capital investment from private sources in excess of One  
184 Hundred Fifty Million Dollars (\$150,000,000.00), with a square  
185 footage in excess of eight hundred thousand (800,000) square feet,  
186 which will create at least seven hundred (700) full-time jobs with  
187 an average hourly wage of Eleven Dollars (\$11.00) per hour. The  
188 authority shall require that binding commitments be entered into  
189 requiring that:

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

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

195                   (x) Any major capital project with an initial  
196 capital investment from any source or combination of sources of  
197 not less than Seventy-five Million Dollars (\$75,000,000.00) which  
198 will create at least one hundred twenty-five (125) full-time jobs  
199 which provide an average annual salary, excluding benefits which  
200 are not subject to Mississippi income taxes, of at least one  
201 hundred thirty-five percent (135%) of the most recently published  
202 average annual wage of the state or the most recently published  
203 average annual wage of the county in which the project is located  
204 as determined by the Mississippi Department of Employment  
205 Security, whichever is the greater. The authority shall require  
206 that binding commitments be entered into requiring that:

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

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

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

214                   (xii) Any project built according to the  
215 specifications and federal provisions set forth by the National  
216 Aeronautics and Space Administration Center Operations Directorate  
217 at Stennis Space Center for the purpose of consolidating common  
218 services from National Aeronautics and Space Administration  
219 centers in human resources, procurement, financial management and  
220 information technology located on land owned or controlled by the  
221 National Aeronautics and Space Administration, which will create  
222 at least four hundred seventy (470) full-time jobs.

223                   (xiii) Any major capital project with an initial  
224 capital investment from any source or combination of sources of  
225 not less than Ten Million Dollars (\$10,000,000.00) which will  
226 create at least two hundred fifty (250) full-time jobs. The

227 authority shall require that binding commitments be entered into  
228 requiring that:

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

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

234                   (xiv) Any major pharmaceutical facility with a  
235 capital investment of not less than Fifty Million Dollars  
236 (\$50,000,000.00) made after July 1, 2002, through four (4) years  
237 after the initial date of any loan or grant made by the authority  
238 for such project, which will maintain at least seven hundred fifty  
239 (750) full-time employees. The authority shall require that  
240 binding commitments be entered into requiring that:

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

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

246                   (xv) Any pharmaceutical manufacturing, packaging  
247 and distribution facility with an initial capital investment from  
248 any local or federal sources of not less than Five Hundred  
249 Thousand Dollars (\$500,000.00) which will create at least ninety  
250 (90) full-time jobs. The authority shall require that binding  
251 commitments be entered into requiring that:

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

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

257                   (xvi) Any major industrial wood processing  
258 facility with an initial capital investment of not less than One  
259 Hundred Million Dollars (\$100,000,000.00) which will create at



260 least one hundred twenty-five (125) full-time jobs which provide  
261 an average annual salary, excluding benefits which are not subject  
262 to Mississippi income taxes, of at least Thirty Thousand Dollars  
263 (\$30,000.00). The authority shall require that binding  
264 commitments be entered into requiring that:

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

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

270                   (xvii) Any technical, engineering,  
271 manufacturing-logistic service provider with an initial capital  
272 investment of not less than One Million Dollars (\$1,000,000.00)  
273 which will create at least ninety (90) full-time jobs. The  
274 authority shall require that binding commitments be entered into  
275 requiring that:

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

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

281                   (xviii) Any major capital project with an initial  
282 capital investment from any source or combination of sources other  
283 than the State of Mississippi of not less than Six Hundred Million  
284 Dollars (\$600,000,000.00) which will create at least four hundred  
285 fifty (450) full-time jobs with an average annual salary,  
286 excluding benefits which are not subject to Mississippi income  
287 taxes, of at least Seventy Thousand Dollars (\$70,000.00). The  
288 authority shall require that binding commitments be entered into  
289 requiring that:

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

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

295                   (xix) Any major project related to the  
296 improvement, and/or expansion of any poultry processing facility  
297 having at least three hundred (300) employees on the effective  
298 date of House Bill No.           , 2006 Regular Session, with a capital  
299 investment from any source or combination of sources other than  
300 the State of Mississippi of not less than One Million Dollars  
301 (\$1,000,000.00) and which improvement and/or expansion will create  
302 at least One Hundred Twenty-five (125) additional full-time jobs.  
303 The authority shall require that binding commitments be entered  
304 into requiring that:

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

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

310                   (g) "Project area" means the project site, together  
311 with any area or territory within the state lying within  
312 sixty-five (65) miles of any portion of the project site whether  
313 or not such area or territory be contiguous; however, for the  
314 project defined in paragraph (f)(iv) of this section the term  
315 "project area" means any area or territory within the state. The  
316 project area shall also include all territory within a county if  
317 any portion of such county lies within sixty-five (65) miles of  
318 any portion of the project site. "Project site" means the real  
319 property on which the principal facilities of the enterprise will  
320 operate.

321                   (h) "Public agency" means:

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

324 (ii) Any city, town, county, political  
325 subdivision, school district or other district created or existing  
326 under the laws of the state or any public agency of any such city,  
327 town, county, political subdivision or district or any other  
328 public entity created or existing under local and private  
329 legislation;

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

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

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

336 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
337 the project in lieu of any franchise taxes imposed on the project  
338 by Chapter 13, Title 27, Mississippi Code of 1972. The  
339 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
340 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
341 enterprise operating an existing project defined in Section  
342 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
343 for other existing enterprises that fall within the definition of  
344 the term "project."

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

347 57-75-11. The authority, in addition to any and all powers  
348 now or hereafter granted to it, is empowered and shall exercise  
349 discretion and the use of these powers depending on the  
350 circumstances of the project or projects:

351 (a) To maintain an office at a place or places within  
352 the state.

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

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

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

364 (e) (i) To acquire by purchase, lease, gift, or in  
365 other manner, including quick-take eminent domain, or obtain  
366 options to acquire, and to own, maintain, use, operate and convey  
367 any and all property of any kind, real, personal, or mixed, or any  
368 interest or estate therein, within the project area, necessary for  
369 the project or any facility related to the project. The  
370 provisions of this paragraph that allow the acquisition of  
371 property by quick-take eminent domain shall be repealed by  
372 operation of law on July 1, 1994; and

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

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

388 (g) If the authority identifies any land owned by the  
389 state as being necessary, for the location or use of the project,

390 or any facility related to the project, to recommend to the  
391 Legislature the conveyance of such land or any interest therein,  
392 as the Legislature deems appropriate.

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

396 (i) From and after the date of notification to the  
397 authority by the enterprise that the state has been finally  
398 selected as the site of the project, to acquire by condemnation  
399 and to own, maintain, use, operate and convey or otherwise dispose  
400 of any and all property of any kind, real, personal or mixed, or  
401 any interest or estate therein, within the project area, necessary  
402 for the project or any facility related to the project, with the  
403 concurrence of the affected public agency, and the exercise of the  
404 powers granted by this act, according to the procedures provided  
405 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
406 modified by this act.

407 (i) Except as otherwise provided in subparagraph  
408 (iii) of this paragraph (i), in acquiring lands by condemnation,  
409 the authority shall not acquire minerals or royalties in minerals  
410 unless a competent registered professional engineer shall have  
411 certified that the acquisition of such minerals and royalties in  
412 minerals is necessary for purposes of the project; provided that  
413 limestone, clay, chalk, sand and gravel shall not be considered as  
414 minerals for the purposes of subparagraphs (i) and (ii) of this  
415 paragraph (i);

416 (ii) Unless minerals or royalties in minerals have  
417 been acquired by condemnation or otherwise, no person or persons  
418 owning the drilling rights or the right to share in production of  
419 minerals shall be prevented from exploring, developing, or  
420 producing oil or gas with necessary rights-of-way for ingress and  
421 egress, pipelines and other means of transporting interests on any  
422 land or interest therein of the authority held or used for the

423 purposes of this act; but any such activities shall be under such  
424 reasonable regulation by the authority as will adequately protect  
425 the project contemplated by this act as provided in paragraph (r)  
426 of this section; and

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

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

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

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

451           (m) To construct, extend, improve, maintain, and  
452 reconstruct, to cause to be constructed, extended, improved,  
453 maintained, and reconstructed, and to use and operate any and all  
454 components of the project or any facility related to the project,  
455 with the concurrence of the affected public agency, within the

456 project area, necessary to the project and to the exercise of such  
457 powers, rights, and privileges granted the authority.

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

461           (o) (i) To lease, sell or convey any or all property  
462 acquired by the authority under the provisions of this act to the  
463 enterprise, its successors or assigns, and in connection therewith  
464 to pay the costs of title search, perfection of title, title  
465 insurance and recording fees as may be required. The authority  
466 may provide in the instrument conveying such property a provision  
467 that such property shall revert to the authority if, as and when  
468 the property is declared by the enterprise to be no longer needed.

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

484           (p) To enter into contracts with any person or public  
485 agency, including, but not limited to, contracts authorized by  
486 Section 57-75-17, in furtherance of any of the purposes authorized  
487 by this act upon such consideration as the authority and such  
488 person or public agency may agree. Any such contract may extend

489 over any period of time, notwithstanding any rule of law to the  
490 contrary, may be upon such terms as the parties thereto shall  
491 agree, and may provide that it shall continue in effect until  
492 bonds specified therein, refunding bonds issued in lieu of such  
493 bonds, and all other obligations specified therein are paid or  
494 terminated. Any such contract shall be binding upon the parties  
495 thereto according to its terms. Such contracts may include an  
496 agreement to reimburse the enterprise, its successors and assigns  
497 for any assistance provided by the enterprise in the acquisition  
498 of real property for the project or any facility related to the  
499 project.

500 (q) To establish and maintain reasonable rates and  
501 charges for the use of any facility within the project area owned  
502 or operated by the authority, and from time to time, to adjust  
503 such rates and to impose penalties for failure to pay such rates  
504 and charges when due.

505 (r) To adopt and enforce with the concurrence of the  
506 affected public agency all necessary and reasonable rules and  
507 regulations to carry out and effectuate the implementation of the  
508 project and any land use plan or zoning classification adopted for  
509 the project area, including, but not limited to, rules,  
510 regulations, and restrictions concerning mining, construction,  
511 excavation or any other activity the occurrence of which may  
512 endanger the structure or operation of the project. Such rules  
513 may be enforced within the project area and without the project  
514 area as necessary to protect the structure and operation of the  
515 project. The authority is authorized to plan or replan, zone or  
516 rezone, and make exceptions to any regulations, whether local or  
517 state, with the concurrence of the affected public agency which  
518 are inconsistent with the design, planning, construction or  
519 operation of the project and facilities related to the project.



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

523           (t) To develop plans for technology transfer activities  
524 to ensure private sector conduits for exchange of information,  
525 technology and expertise related to the project to generate  
526 opportunities for commercial development within the state.

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

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

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

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

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

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

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

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

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

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

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

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

565                   (ii) To lease such surface water transmission  
566 lines to a public agency or public utility to provide water to  
567 such project and to certificated water providers.

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

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

576           (gg) To establish such guidelines, rules and  
577 regulations as the authority may deem necessary and appropriate  
578 from time to time in its sole discretion, to promote the purposes  
579 of this act.

580           (hh) In connection with projects defined in Section  
581 57-75-5(f)(ii):

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

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

588                   (iii) To requisition money in the Mississippi  
589 Major Economic Impact Authority Revolving Loan Fund in connection  
590 with such loans.

591                   (ii) In connection with projects defined under Section  
592 57-75-5(f)(xiv):

593                   (i) To provide grant funds or loans to an  
594 enterprise owning, leasing or operating a project defined in  
595 Section 57-75-5(f)(xiv); however, the aggregate amount of any such  
596 loans under this paragraph (ii) shall not exceed Eighteen Million  
597 Dollars (\$18,000,000.00) and the aggregate amount of any such  
598 grants under this paragraph (ii) shall not exceed Six Million  
599 Dollars (\$6,000,000.00);

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

602                   (iii) Notwithstanding any provision of this act to  
603 the contrary, such loans shall be for a term not to exceed twenty  
604 (20) years as may be determined by the authority, shall bear  
605 interest at such rates as may be determined by the authority,  
606 shall, in the sole discretion of the authority, be secured in an  
607 amount and a manner as may be determined by the authority.

608                   (jj) In connection with projects defined under Section  
609 57-75-5(f)(xviii):

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

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

619                   1. Not more than Ten Million Dollars  
620 (\$10,000,000.00) may be loaned to such an enterprise for the  
621 purpose of defraying costs incurred by the enterprise for site  
622 preparation and real property improvements during the construction  
623 of the project in excess of budgeted costs; however, the amount of  
624 any such loan shall not exceed fifty percent (50%) of such excess  
625 costs;

626                   2. Not more than Sixty Million Dollars  
627 (\$60,000,000.00) may be loaned to such an enterprise or paid to a  
628 lender providing financing to the enterprise for purposes  
629 determined appropriate by the authority, and the enterprise shall  
630 be obligated to repay the amount of the loan or payment plus any  
631 expenses incurred by the state as a result of the issuance of  
632 bonds pursuant to Section 57-75-15(3)(p); however, no such loan or  
633 payment may be made before the beginning of the fifth year after  
634 issuance by the enterprise of debt in like amount the proceeds of  
635 which are to be used in connection with the project;

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

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

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

646                   (kk) To provide grant funds to an enterprise owning or  
647 operating a project defined in Section 57-75-5(f)(xix).

648                   (ll) It is the policy of the authority and the  
649 authority is authorized to accommodate and support any enterprise  
650 owning or operating a project defined in Section 57-75-5(f)(xviii)  
651 that wishes to have a program of diversity in contracting, and/or

652 that wishes to do business with or cause its prime contractor to  
653 do business with Mississippi companies, including those companies  
654 that are small business concerns owned and controlled by socially  
655 and economically disadvantaged individuals. The term "socially  
656 and economically disadvantaged individuals" shall have the meaning  
657 ascribed to such term under Section 8(d) of the Small Business Act  
658 (15 USCS 637(d)) and relevant subcontracting regulations  
659 promulgated pursuant thereto; except that women shall be presumed  
660 to be socially and economically disadvantaged individuals for the  
661 purposes of this paragraph.

662           (mm) (i) In addition to any other requirements or  
663 conditions under this chapter, the authority shall require that  
664 any application for assistance regarding a project under this  
665 chapter include, at a minimum:

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

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

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

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

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

680                       6. Any other information required by the  
681 authority.

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

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

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

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

693           **SECTION 3.** Section 57-75-15, Mississippi Code of 1972, is  
694 amended as follows:

695           57-75-15. (1) Upon notification to the authority by the  
696 enterprise that the state has been finally selected as the site  
697 for the project, the State Bond Commission shall have the power  
698 and is hereby authorized and directed, upon receipt of a  
699 declaration from the authority as hereinafter provided, to borrow  
700 money and issue general obligation bonds of the state in one or  
701 more series for the purposes herein set out. Upon such  
702 notification, the authority may thereafter from time to time  
703 declare the necessity for the issuance of general obligation bonds  
704 as authorized by this section and forward such declaration to the  
705 State Bond Commission, provided that before such notification, the  
706 authority may enter into agreements with the United States  
707 government, private companies and others that will commit the  
708 authority to direct the State Bond Commission to issue bonds for  
709 eligible undertakings set out in subsection (4) of this section,  
710 conditioned on the siting of the project in the state.

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

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

720           (b) Bonds issued under the authority of this section  
721 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
722 Sixty-one Million Dollars (\$61,000,000.00). The authority, with  
723 the express direction of the State Bond Commission, is authorized  
724 to expend any remaining proceeds of bonds issued under the  
725 authority of this act prior to January 1, 1998, for the purpose of  
726 financing projects as then defined in Section 57-75-5(f)(ii) or  
727 for any other projects as defined in Section 57-75-5(f)(ii), as it  
728 may be amended from time to time. If there are any monetary  
729 proceeds derived from the disposition of any improvements located  
730 on real property in Kemper County purchased pursuant to this act  
731 for projects related to the NAAS and if there are any monetary  
732 proceeds derived from the disposition of any timber located on  
733 real property in Kemper County purchased pursuant to this act for  
734 projects related to the NAAS, all of such proceeds (both from the  
735 disposition of improvements and the disposition of timber)  
736 commencing July 1, 1996, through June 30, 2010, shall be paid to  
737 the Board of Education of Kemper County, Mississippi, for  
738 expenditure by such board of education to benefit the public  
739 schools of Kemper County. No bonds shall be issued under this  
740 paragraph (b) until the State Bond Commission by resolution adopts  
741 a finding that the issuance of such bonds will improve, expand or  
742 otherwise enhance the military installation, its support areas or  
743 military operations, or will provide employment opportunities to  
744 replace those lost by closure or reductions in operations at the  
745 military installation or will support critical studies or  
746 investigations authorized by Section 57-75-5(f)(ii).

747           (c) Bonds issued under the authority of this section  
748 for projects as defined in Section 57-75-5(f)(iii) shall not

749 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be  
750 issued under this paragraph after December 31, 1996.

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

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

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

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

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

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



782           (j) Bonds issued under the authority of this section  
783 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
784 Twenty-three Million Seven Hundred Thousand Dollars  
785 (\$23,700,000.00). No bonds shall be issued under this paragraph  
786 until local governments in or near the county in which the project  
787 is located have irrevocably committed funds to the project in an  
788 amount of not less than Two Million Five Hundred Thousand Dollars  
789 (\$2,500,000.00) in the aggregate. No bonds shall be issued under  
790 this paragraph after June 30, 2008.

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

795           (l) Bonds issued under the authority of this section  
796 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
797 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
798 issued under this paragraph until local governments in the county  
799 in which the project is located have irrevocably committed funds  
800 to the project in an amount of not less than Two Million Dollars  
801 (\$2,000,000.00). No bonds shall be issued under this paragraph  
802 after June 30, 2009.

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

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

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

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

819 (q) Bonds issued under the authority of this section  
820 for projects defined in Section 57-75-5(f)(xix) shall not exceed  
821 One Million Dollars (\$1,000,000.00). No bonds shall be issued  
822 under this paragraph after June 30, 2010.

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

825 (i) Defraying all or any designated portion of the  
826 costs incurred with respect to acquisition, planning, design,  
827 construction, installation, rehabilitation, improvement,  
828 relocation and with respect to state-owned property, operation and  
829 maintenance of the project and any facility related to the project  
830 located within the project area, including costs of design and  
831 engineering, all costs incurred to provide land, easements and  
832 rights-of-way, relocation costs with respect to the project and  
833 with respect to any facility related to the project located within  
834 the project area, and costs associated with mitigation of  
835 environmental impacts and environmental impact studies;

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

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

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

850 (v) Paying any warranty made by the authority  
851 regarding site work for a project defined in Section  
852 57-75-5(f)(iv)1;

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

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

862 (viii) Providing debt service reserves;

863 (ix) Paying underwriters' discount, original issue  
864 discount, accountants' fees, engineers' fees, attorneys' fees,  
865 rating agency fees and other fees and expenses in connection with  
866 the issuance of the bonds;

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

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

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

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

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

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

886                   (xvi) Providing grant funds to an enterprise  
887 owning or operating a project defined in Section 57-75-5(f)(xix).

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

898           (b) (i) The proceeds of bonds issued after June 21,  
899 2002, under this section for projects described in Section  
900 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
901 necessary costs incurred by the Mississippi Development Authority  
902 in providing assistance related to a project for which funding is  
903 provided from the use of proceeds of such bonds. The Mississippi  
904 Development Authority shall maintain an accounting of actual costs  
905 incurred for each project for which reimbursements are sought.  
906 Reimbursements under this paragraph (b)(i) shall not exceed Three  
907 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
908 Reimbursements under this paragraph (b)(i) shall satisfy any  
909 applicable federal tax law requirements.

910                   (ii) The proceeds of bonds issued after June 21,  
911 2002, under this section for projects described in Section  
912 57-75-5(f)(iv) may be used to reimburse reasonable actual and

913 necessary costs incurred by the Department of Audit in providing  
914 services related to a project for which funding is provided from  
915 the use of proceeds of such bonds. The Department of Audit shall  
916 maintain an accounting of actual costs incurred for each project  
917 for which reimbursements are sought. The Department of Audit may  
918 escalate its budget and expend such funds in accordance with rules  
919 and regulations of the Department of Finance and Administration in  
920 a manner consistent with the escalation of federal funds.  
921 Reimbursements under this paragraph (b)(ii) shall not exceed One  
922 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
923 Reimbursements under this paragraph (b)(ii) shall satisfy any  
924 applicable federal tax law requirements.

925           (c) (i) The proceeds of bonds issued under this  
926 section for projects described in Section 57-75-5(f)(ix) may be  
927 used to reimburse reasonable actual and necessary costs incurred  
928 by the Mississippi Development Authority in providing assistance  
929 related to a project for which funding is provided for the use of  
930 proceeds of such bonds. The Mississippi Development Authority  
931 shall maintain an accounting of actual costs incurred for each  
932 project for which reimbursements are sought. Reimbursements under  
933 this paragraph shall not exceed Twenty-five Thousand Dollars  
934 (\$25,000.00) in the aggregate.

935           (ii) The proceeds of bonds issued under this  
936 section for projects described in Section 57-75-5(f)(ix) may be  
937 used to reimburse reasonable actual and necessary costs incurred  
938 by the Department of Audit in providing services related to a  
939 project for which funding is provided from the use of proceeds of  
940 such bonds. The Department of Audit shall maintain an accounting  
941 of actual costs incurred for each project for which reimbursements  
942 are sought. The Department of Audit may escalate its budget and  
943 expend such funds in accordance with rules and regulations of the  
944 Department of Finance and Administration in a manner consistent  
945 with the escalation of federal funds. Reimbursements under this

946 paragraph shall not exceed Twenty-five Thousand Dollars  
947 (\$25,000.00) in the aggregate. Reimbursements under this  
948 paragraph shall satisfy any applicable federal tax law  
949 requirements.

950 (d) (i) The proceeds of bonds issued under this  
951 section for projects described in Section 57-75-5(f)(x) may be  
952 used to reimburse reasonable actual and necessary costs incurred  
953 by the Mississippi Development Authority in providing assistance  
954 related to a project for which funding is provided for the use of  
955 proceeds of such bonds. The Mississippi Development Authority  
956 shall maintain an accounting of actual costs incurred for each  
957 project for which reimbursements are sought. Reimbursements under  
958 this paragraph shall not exceed Twenty-five Thousand Dollars  
959 (\$25,000.00) in the aggregate.

960 (ii) The proceeds of bonds issued under this  
961 section for projects described in Section 57-75-5(f)(x) may be  
962 used to reimburse reasonable actual and necessary costs incurred  
963 by the Department of Audit in providing services related to a  
964 project for which funding is provided from the use of proceeds of  
965 such bonds. The Department of Audit shall maintain an accounting  
966 of actual costs incurred for each project for which reimbursements  
967 are sought. The Department of Audit may escalate its budget and  
968 expend such funds in accordance with rules and regulations of the  
969 Department of Finance and Administration in a manner consistent  
970 with the escalation of federal funds. Reimbursements under this  
971 paragraph shall not exceed Twenty-five Thousand Dollars  
972 (\$25,000.00) in the aggregate. Reimbursements under this  
973 paragraph shall satisfy any applicable federal tax law  
974 requirements.

975 (e) (i) The proceeds of bonds issued under this  
976 section for projects described in Section 57-75-5(f)(xii) may be  
977 used to reimburse reasonable actual and necessary costs incurred  
978 by the Mississippi Development Authority in providing assistance

979 related to a project for which funding is provided from the use of  
980 proceeds of such bonds. The Mississippi Development Authority  
981 shall maintain an accounting of actual costs incurred for each  
982 project for which reimbursements are sought. Reimbursements under  
983 this paragraph (e)(i) shall not exceed Twenty-five Thousand  
984 Dollars (\$25,000.00) in the aggregate.

985 (ii) The proceeds of bonds issued under this  
986 section for projects described in Section 57-75-5(f)(xii) may be  
987 used to reimburse reasonable actual and necessary costs incurred  
988 by the Department of Audit in providing services related to a  
989 project for which funding is provided from the use of proceeds of  
990 such bonds. The Department of Audit shall maintain an accounting  
991 of actual costs incurred for each project for which reimbursements  
992 are sought. The Department of Audit may escalate its budget and  
993 expend such funds in accordance with rules and regulations of the  
994 Department of Finance and Administration in a manner consistent  
995 with the escalation of federal funds. Reimbursements under this  
996 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars  
997 (\$25,000.00) in the aggregate. Reimbursements under this  
998 paragraph (e)(ii) shall satisfy any applicable federal tax law  
999 requirements.

1000 (f) (i) The proceeds of bonds issued under this  
1001 section for projects described in Section 57-75-5(f)(xiii),  
1002 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used  
1003 to reimburse reasonable actual and necessary costs incurred by the  
1004 Mississippi Development Authority in providing assistance related  
1005 to a project for which funding is provided from the use of  
1006 proceeds of such bonds. The Mississippi Development Authority  
1007 shall maintain an accounting of actual costs incurred for each  
1008 project for which reimbursements are sought. Reimbursements under  
1009 this paragraph (f)(i) shall not exceed Twenty-five Thousand  
1010 Dollars (\$25,000.00) for each project.

1011                   (ii) The proceeds of bonds issued under this  
1012 section for projects described in Section 57-75-5(f)(xiii),  
1013 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used  
1014 to reimburse reasonable actual and necessary costs incurred by the  
1015 Department of Audit in providing services related to a project for  
1016 which funding is provided from the use of proceeds of such bonds.  
1017 The Department of Audit shall maintain an accounting of actual  
1018 costs incurred for each project for which reimbursements are  
1019 sought. The Department of Audit may escalate its budget and  
1020 expend such funds in accordance with rules and regulations of the  
1021 Department of Finance and Administration in a manner consistent  
1022 with the escalation of federal funds. Reimbursements under this  
1023 paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars  
1024 (\$25,000.00) for each project. Reimbursements under this  
1025 paragraph (f)(ii) shall satisfy any applicable federal tax law  
1026 requirements.

1027           (5) The principal of and the interest on the bonds shall be  
1028 payable in the manner hereinafter set forth. The bonds shall bear  
1029 date or dates; be in such denomination or denominations; bear  
1030 interest at such rate or rates; be payable at such place or places  
1031 within or without the state; mature absolutely at such time or  
1032 times; be redeemable before maturity at such time or times and  
1033 upon such terms, with or without premium; bear such registration  
1034 privileges; and be substantially in such form; all as shall be  
1035 determined by resolution of the State Bond Commission except that  
1036 such bonds shall mature or otherwise be retired in annual  
1037 installments beginning not more than five (5) years from the date  
1038 thereof and extending not more than twenty-five (25) years from  
1039 the date thereof. The bonds shall be signed by the Chairman of  
1040 the State Bond Commission, or by his facsimile signature, and the  
1041 official seal of the State Bond Commission shall be imprinted on  
1042 or affixed thereto, attested by the manual or facsimile signature  
1043 of the Secretary of the State Bond Commission. Whenever any such



1044 bonds have been signed by the officials herein designated to sign  
1045 the bonds, who were in office at the time of such signing but who  
1046 may have ceased to be such officers before the sale and delivery  
1047 of such bonds, or who may not have been in office on the date such  
1048 bonds may bear, the signatures of such officers upon such bonds  
1049 shall nevertheless be valid and sufficient for all purposes and  
1050 have the same effect as if the person so officially signing such  
1051 bonds had remained in office until the delivery of the same to the  
1052 purchaser, or had been in office on the date such bonds may bear.

1053 (6) All bonds issued under the provisions of this section  
1054 shall be and are hereby declared to have all the qualities and  
1055 incidents of negotiable instruments under the provisions of the  
1056 Uniform Commercial Code and in exercising the powers granted by  
1057 this chapter, the State Bond Commission shall not be required to  
1058 and need not comply with the provisions of the Uniform Commercial  
1059 Code.

1060 (7) The State Bond Commission shall sell the bonds on sealed  
1061 bids at public sale, and for such price as it may determine to be  
1062 for the best interest of the State of Mississippi, but no such  
1063 sale shall be made at a price less than par plus accrued interest  
1064 to date of delivery of the bonds to the purchaser. The bonds  
1065 shall bear interest at such rate or rates not exceeding the limits  
1066 set forth in Section 75-17-101 as shall be fixed by the State Bond  
1067 Commission. All interest accruing on such bonds so issued shall  
1068 be payable semiannually or annually; provided that the first  
1069 interest payment may be for any period of not more than one (1)  
1070 year.

1071 Notice of the sale of any bonds shall be published at least  
1072 one time, the first of which shall be made not less than ten (10)  
1073 days prior to the date of sale, and shall be so published in one  
1074 or more newspapers having a general circulation in the City of  
1075 Jackson and in one or more other newspapers or financial journals

1076 with a large national circulation, to be selected by the State  
1077 Bond Commission.

1078 The State Bond Commission, when issuing any bonds under the  
1079 authority of this section, may provide that the bonds, at the  
1080 option of the state, may be called in for payment and redemption  
1081 at the call price named therein and accrued interest on such date  
1082 or dates named therein.

1083 (8) State bonds issued under the provisions of this section  
1084 shall be the general obligations of the state and backed by the  
1085 full faith and credit of the state. The Legislature shall  
1086 appropriate annually an amount sufficient to pay the principal of  
1087 and the interest on such bonds as they become due. All bonds  
1088 shall contain recitals on their faces substantially covering the  
1089 foregoing provisions of this section.

1090 (9) The State Treasurer is authorized to certify to the  
1091 Department of Finance and Administration the necessity for  
1092 warrants, and the Department of Finance and Administration is  
1093 authorized and directed to issue such warrants payable out of any  
1094 funds appropriated by the Legislature under this section for such  
1095 purpose, in such amounts as may be necessary to pay when due the  
1096 principal of and interest on all bonds issued under the provisions  
1097 of this section. The State Treasurer shall forward the necessary  
1098 amount to the designated place or places of payment of such bonds  
1099 in ample time to discharge such bonds, or the interest thereon, on  
1100 the due dates thereof.

1101 (10) The bonds may be issued without any other proceedings  
1102 or the happening of any other conditions or things other than  
1103 those proceedings, conditions and things which are specified or  
1104 required by this chapter. Any resolution providing for the  
1105 issuance of general obligation bonds under the provisions of this  
1106 section shall become effective immediately upon its adoption by  
1107 the State Bond Commission, and any such resolution may be adopted

1108 at any regular or special meeting of the State Bond Commission by  
1109 a majority of its members.

1110 (11) In anticipation of the issuance of bonds hereunder, the  
1111 State Bond Commission is authorized to negotiate and enter into  
1112 any purchase, loan, credit or other agreement with any bank, trust  
1113 company or other lending institution or to issue and sell interim  
1114 notes for the purpose of making any payments authorized under this  
1115 section. All borrowings made under this provision shall be  
1116 evidenced by notes of the state which shall be issued from time to  
1117 time, for such amounts not exceeding the amount of bonds  
1118 authorized herein, in such form and in such denomination and  
1119 subject to such terms and conditions of sale and issuance,  
1120 prepayment or redemption and maturity, rate or rates of interest  
1121 not to exceed the maximum rate authorized herein for bonds, and  
1122 time of payment of interest as the State Bond Commission shall  
1123 agree to in such agreement. Such notes shall constitute general  
1124 obligations of the state and shall be backed by the full faith and  
1125 credit of the state. Such notes may also be issued for the  
1126 purpose of refunding previously issued notes. No note shall  
1127 mature more than three (3) years following the date of its  
1128 issuance. The State Bond Commission is authorized to provide for  
1129 the compensation of any purchaser of the notes by payment of a  
1130 fixed fee or commission and for all other costs and expenses of  
1131 issuance and service, including paying agent costs. Such costs  
1132 and expenses may be paid from the proceeds of the notes.

1133 (12) The bonds and interim notes authorized under the  
1134 authority of this section may be validated in the First Judicial  
1135 District of the Chancery Court of Hinds County, Mississippi, in  
1136 the manner and with the force and effect provided now or hereafter  
1137 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
1138 validation of county, municipal, school district and other bonds.  
1139 The necessary papers for such validation proceedings shall be  
1140 transmitted to the State Bond Attorney, and the required notice

1141 shall be published in a newspaper published in the City of  
1142 Jackson, Mississippi.

1143 (13) Any bonds or interim notes issued under the provisions  
1144 of this chapter, a transaction relating to the sale or securing of  
1145 such bonds or interim notes, their transfer and the income  
1146 therefrom shall at all times be free from taxation by the state or  
1147 any local unit or political subdivision or other instrumentality  
1148 of the state, excepting inheritance and gift taxes.

1149 (14) All bonds issued under this chapter shall be legal  
1150 investments for trustees, other fiduciaries, savings banks, trust  
1151 companies and insurance companies organized under the laws of the  
1152 State of Mississippi; and such bonds shall be legal securities  
1153 which may be deposited with and shall be received by all public  
1154 officers and bodies of the state and all municipalities and other  
1155 political subdivisions thereof for the purpose of securing the  
1156 deposit of public funds.

1157 (15) The Attorney General of the State of Mississippi shall  
1158 represent the State Bond Commission in issuing, selling and  
1159 validating bonds herein provided for, and the Bond Commission is  
1160 hereby authorized and empowered to expend from the proceeds  
1161 derived from the sale of the bonds authorized hereunder all  
1162 necessary administrative, legal and other expenses incidental and  
1163 related to the issuance of bonds authorized under this chapter.

1164 (16) There is hereby created a special fund in the State  
1165 Treasury to be known as the Mississippi Major Economic Impact  
1166 Authority Fund wherein shall be deposited the proceeds of the  
1167 bonds issued under this chapter and all monies received by the  
1168 authority to carry out the purposes of this chapter. Expenditures  
1169 authorized herein shall be paid by the State Treasurer upon  
1170 warrants drawn from the fund, and the Department of Finance and  
1171 Administration shall issue warrants upon requisitions signed by  
1172 the director of the authority.

1173           (17) (a) There is hereby created the Mississippi Economic  
1174 Impact Authority Sinking Fund from which the principal of and  
1175 interest on such bonds shall be paid by appropriation. All monies  
1176 paid into the sinking fund not appropriated to pay accruing bonds  
1177 and interest shall be invested by the State Treasurer in such  
1178 securities as are provided by law for the investment of the  
1179 sinking funds of the state.

1180           (b) In the event that all or any part of the bonds and  
1181 notes are purchased, they shall be cancelled and returned to the  
1182 loan and transfer agent as cancelled and paid bonds and notes and  
1183 thereafter all payments of interest thereon shall cease and the  
1184 cancelled bonds, notes and coupons, together with any other  
1185 cancelled bonds, notes and coupons, shall be destroyed as promptly  
1186 as possible after cancellation but not later than two (2) years  
1187 after cancellation. A certificate evidencing the destruction of  
1188 the cancelled bonds, notes and coupons shall be provided by the  
1189 loan and transfer agent to the seller.

1190           (c) The State Treasurer shall determine and report to  
1191 the Department of Finance and Administration and Legislative  
1192 Budget Office by September 1 of each year the amount of money  
1193 necessary for the payment of the principal of and interest on  
1194 outstanding obligations for the following fiscal year and the  
1195 times and amounts of the payments. It shall be the duty of the  
1196 Governor to include in every executive budget submitted to the  
1197 Legislature full information relating to the issuance of bonds and  
1198 notes under the provisions of this chapter and the status of the  
1199 sinking fund for the payment of the principal of and interest on  
1200 the bonds and notes.

1201           (d) Any monies repaid to the state from loans  
1202 authorized in Section 57-75-11(hh) shall be deposited into the  
1203 Mississippi Major Economic Impact Authority Sinking Fund unless  
1204 the State Bond Commission, at the request of the authority, shall  
1205 determine that such loan repayments are needed to provide

1206 additional loans as authorized under Section 57-75-11(hh). For  
1207 purposes of providing additional loans, there is hereby created  
1208 the Mississippi Major Economic Impact Authority Revolving Loan  
1209 Fund and loan repayments shall be deposited into the fund. The  
1210 fund shall be maintained for such period as determined by the  
1211 State Bond Commission for the sole purpose of making additional  
1212 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
1213 remaining in the fund at the end of a fiscal year shall not lapse  
1214 into the State General Fund and any interest earned on amounts in  
1215 such fund shall be deposited to the credit of the fund.

1216 (e) Any monies repaid to the state from loans  
1217 authorized in Section 57-75-11(ii) shall be deposited into the  
1218 Mississippi Major Economic Impact Authority Sinking Fund.

1219 (f) Any monies repaid to the state from loans  
1220 authorized in Section 57-75-11(jj) shall be deposited into the  
1221 Mississippi Major Economic Impact Authority Sinking Fund.

1222 (18) (a) Upon receipt of a declaration by the authority  
1223 that it has determined that the state is a potential site for a  
1224 project, the State Bond Commission is authorized and directed to  
1225 authorize the State Treasurer to borrow money from any special  
1226 fund in the State Treasury not otherwise appropriated to be  
1227 utilized by the authority for the purposes provided for in this  
1228 subsection.

1229 (b) The proceeds of the money borrowed under this  
1230 subsection may be utilized by the authority for the purpose of  
1231 defraying all or a portion of the costs incurred by the authority  
1232 with respect to acquisition options and planning, design and  
1233 environmental impact studies with respect to a project defined in  
1234 Section 57-75-5(f)(xi). The authority may escalate its budget and  
1235 expend the proceeds of the money borrowed under this subsection in  
1236 accordance with rules and regulations of the Department of Finance  
1237 and Administration in a manner consistent with the escalation of  
1238 federal funds.

1239           (c) The authority shall request an appropriation or  
1240 additional authority to issue general obligation bonds to repay  
1241 the borrowed funds and establish a date for the repayment of the  
1242 funds so borrowed.

1243           (d) Borrowings made under the provisions of this  
1244 subsection shall not exceed Five Hundred Thousand Dollars  
1245 (\$500,000.00) at any one time.

1246           **SECTION 4.** This act shall take effect and be in force from  
1247 and after its passage.