

By: Senator(s) Thames

To: Finance

SENATE BILL NO. 2994

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 SECTIONS 57-75-11 AND  
4 57-75-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF  
5 STATE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED  
6 \$7,500,000.00 FOR GRANTS TO CERTAIN PROJECTS UNDER THE MISSISSIPPI  
7 MAJOR ECONOMIC IMPACT ACT; AND FOR RELATED PURPOSES.

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

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

11 57-75-5. Words and phrases used in this chapter shall have  
12 meanings as follows, unless the context clearly indicates a  
13 different meaning:

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15 Act as originally enacted or as hereafter amended.

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

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

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

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

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

42 (f) "Project" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

161 requirements for the project provided for in this subparagraph  
162 shall be met not later than July 1, 2008.

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

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

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

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

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

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

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

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

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

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

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

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

225 authority shall require that binding commitments be entered into  
226 requiring that:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

293                   (xix) Any heavy steel fabricator that manufactures  
294 heavy equipment parts, hydraulic cylinders, hydraulic components  
295 and refuse handling equipment with an investment from nonstate  
296 sources of not less than Four Million Dollars (\$4,000,000.00)  
297 which will create at least eighty (80) full-time jobs. The  
298 authority shall require that binding commitments be entered into  
299 requiring that:

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

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

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

316                   (h) "Public agency" means:

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

319                   (ii) Any city, town, county, political  
320 subdivision, school district or other district created or existing  
321 under the laws of the state or any public agency of any such city,  
322 town, county, political subdivision or district or any other

323 public entity created or existing under local and private  
324 legislation;

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

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

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

331 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
332 the project in lieu of any franchise taxes imposed on the project  
333 by Chapter 13, Title 27, Mississippi Code of 1972. The  
334 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
335 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
336 enterprise operating an existing project defined in Section  
337 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
338 for other existing enterprises that fall within the definition of  
339 the term "project."

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

342 57-75-11. The authority, in addition to any and all powers  
343 now or hereafter granted to it, is empowered and shall exercise  
344 discretion and the use of these powers depending on the  
345 circumstances of the project or projects:

346 (a) To maintain an office at a place or places within  
347 the state.

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

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

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

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

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

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

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

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

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

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

411           (ii) Unless minerals or royalties in minerals have  
412 been acquired by condemnation or otherwise, no person or persons  
413 owning the drilling rights or the right to share in production of  
414 minerals shall be prevented from exploring, developing, or  
415 producing oil or gas with necessary rights-of-way for ingress and  
416 egress, pipelines and other means of transporting interests on any  
417 land or interest therein of the authority held or used for the  
418 purposes of this act; but any such activities shall be under such  
419 reasonable regulation by the authority as will adequately protect

420 the project contemplated by this act as provided in paragraph (r)  
421 of this section; and

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

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

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

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

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

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

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

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

479           (p) To enter into contracts with any person or public  
480 agency, including, but not limited to, contracts authorized by  
481 Section 57-75-17, in furtherance of any of the purposes authorized  
482 by this act upon such consideration as the authority and such  
483 person or public agency may agree. Any such contract may extend  
484 over any period of time, notwithstanding any rule of law to the  
485 contrary, may be upon such terms as the parties thereto shall

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

495 (q) To establish and maintain reasonable rates and  
496 charges for the use of any facility within the project area owned  
497 or operated by the authority, and from time to time, to adjust  
498 such rates and to impose penalties for failure to pay such rates  
499 and charges when due.

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

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



518           (t) To develop plans for technology transfer activities  
519 to ensure private sector conduits for exchange of information,  
520 technology and expertise related to the project to generate  
521 opportunities for commercial development within the state.

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

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

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

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

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

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

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

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

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

548           (bb) To enter into contractual agreements to warrant  
549 any site work for a project defined in Section 57-75-5(f)(iv)1;

550 provided, however, that the aggregate amount of such warranties  
551 shall not exceed Fifteen Million Dollars (\$15,000,000.00).

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

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

560 (ii) To lease such surface water transmission  
561 lines to a public agency or public utility to provide water to  
562 such project and to certificated water providers.

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

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

571 (gg) To establish such guidelines, rules and  
572 regulations as the authority may deem necessary and appropriate  
573 from time to time in its sole discretion, to promote the purposes  
574 of this act.

575 (hh) In connection with projects defined in Section  
576 57-75-5(f)(ii):

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

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

583 (iii) To requisition money in the Mississippi  
584 Major Economic Impact Authority Revolving Loan Fund in connection  
585 with such loans.

586 (ii) In connection with projects defined under Section  
587 57-75-5(f)(xiv):

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

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

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

603 (jj) In connection with projects defined under Section  
604 57-75-5(f)(xviii):

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

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

614 1. Not more than Ten Million Dollars  
615 (\$10,000,000.00) may be loaned to such an enterprise for the

616 purpose of defraying costs incurred by the enterprise for site  
617 preparation and real property improvements during the construction  
618 of the project in excess of budgeted costs; however, the amount of  
619 any such loan shall not exceed fifty percent (50%) of such excess  
620 costs;

621                   2. Not more than Sixty Million Dollars  
622 (\$60,000,000.00) may be loaned to such an enterprise or paid to a  
623 lender providing financing to the enterprise for purposes  
624 determined appropriate by the authority, and the enterprise shall  
625 be obligated to repay the amount of the loan or payment plus any  
626 expenses incurred by the state as a result of the issuance of  
627 bonds pursuant to Section 57-75-15(3)(p); however, no such loan or  
628 payment may be made before the beginning of the fifth year after  
629 issuance by the enterprise of debt in like amount the proceeds of  
630 which are to be used in connection with the project;

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

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

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

641                   (kk) To provide grant funds to an enterprise operating  
642 a project defined in Section 57-75-5(f)(xix) in an amount not to  
643 exceed Seven Million Five Hundred Thousand Dollars  
644 (\$7,500,000.00).

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

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

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

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

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

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

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

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

677                       6. Any other information required by the  
678 authority.

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

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

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

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

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

692           57-75-15. (1) Upon notification to the authority by the  
693 enterprise that the state has been finally selected as the site  
694 for the project, the State Bond Commission shall have the power  
695 and is hereby authorized and directed, upon receipt of a  
696 declaration from the authority as hereinafter provided, to borrow  
697 money and issue general obligation bonds of the state in one or  
698 more series for the purposes herein set out. Upon such  
699 notification, the authority may thereafter from time to time  
700 declare the necessity for the issuance of general obligation bonds  
701 as authorized by this section and forward such declaration to the  
702 State Bond Commission, provided that before such notification, the  
703 authority may enter into agreements with the United States  
704 government, private companies and others that will commit the  
705 authority to direct the State Bond Commission to issue bonds for  
706 eligible undertakings set out in subsection (4) of this section,  
707 conditioned on the siting of the project in the state.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

816 (q) Bonds issued under the authority of this section  
817 for projects defined in Section 57-75-5(f)(xix) shall not exceed  
818 Seven Million Five Hundred Thousand Dollars (\$7,500,000.00). No  
819 bonds shall be issued under this paragraph after June 30, 2010.

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

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

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

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

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

847                   (v) Paying any warranty made by the authority  
848 regarding site work for a project defined in Section  
849 57-75-5(f)(iv)1;

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

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

859                   (viii) Providing debt service reserves;

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

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

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

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

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

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

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

883                   (xvi) Providing grant funds to an enterprise  
884 owning a project defined in Section 57-75-5(f)(xix).

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

895           (b) (i) The proceeds of bonds issued after June 21,  
896 2002, under this section for projects described in Section  
897 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
898 necessary costs incurred by the Mississippi Development Authority  
899 in providing assistance related to a project for which funding is  
900 provided from the use of proceeds of such bonds. The Mississippi  
901 Development Authority shall maintain an accounting of actual costs  
902 incurred for each project for which reimbursements are sought.  
903 Reimbursements under this paragraph (b)(i) shall not exceed Three  
904 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
905 Reimbursements under this paragraph (b)(i) shall satisfy any  
906 applicable federal tax law requirements.

907                   (ii) The proceeds of bonds issued after June 21,  
908 2002, under this section for projects described in Section  
909 57-75-5(f)(iv) may be used to reimburse reasonable actual and

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

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

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

943 paragraph shall not exceed Twenty-five Thousand Dollars  
944 (\$25,000.00) in the aggregate. Reimbursements under this  
945 paragraph shall satisfy any applicable federal tax law  
946 requirements.

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

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

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

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

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

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

1008                   (ii) The proceeds of bonds issued under this  
1009 section for projects described in Section 57-75-5(f)(xiii),  
1010 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used  
1011 to reimburse reasonable actual and necessary costs incurred by the  
1012 Department of Audit in providing services related to a project for  
1013 which funding is provided from the use of proceeds of such bonds.  
1014 The Department of Audit shall maintain an accounting of actual  
1015 costs incurred for each project for which reimbursements are  
1016 sought. The Department of Audit may escalate its budget and  
1017 expend such funds in accordance with rules and regulations of the  
1018 Department of Finance and Administration in a manner consistent  
1019 with the escalation of federal funds. Reimbursements under this  
1020 paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars  
1021 (\$25,000.00) for each project. Reimbursements under this  
1022 paragraph (f)(ii) shall satisfy any applicable federal tax law  
1023 requirements.

1024           (5) The principal of and the interest on the bonds shall be  
1025 payable in the manner hereinafter set forth. The bonds shall bear  
1026 date or dates; be in such denomination or denominations; bear  
1027 interest at such rate or rates; be payable at such place or places  
1028 within or without the state; mature absolutely at such time or  
1029 times; be redeemable before maturity at such time or times and  
1030 upon such terms, with or without premium; bear such registration  
1031 privileges; and be substantially in such form; all as shall be  
1032 determined by resolution of the State Bond Commission except that  
1033 such bonds shall mature or otherwise be retired in annual  
1034 installments beginning not more than five (5) years from the date  
1035 thereof and extending not more than twenty-five (25) years from  
1036 the date thereof. The bonds shall be signed by the Chairman of  
1037 the State Bond Commission, or by his facsimile signature, and the  
1038 official seal of the State Bond Commission shall be imprinted on  
1039 or affixed thereto, attested by the manual or facsimile signature  
1040 of the Secretary of the State Bond Commission. Whenever any such



1041 bonds have been signed by the officials herein designated to sign  
1042 the bonds, who were in office at the time of such signing but who  
1043 may have ceased to be such officers before the sale and delivery  
1044 of such bonds, or who may not have been in office on the date such  
1045 bonds may bear, the signatures of such officers upon such bonds  
1046 shall nevertheless be valid and sufficient for all purposes and  
1047 have the same effect as if the person so officially signing such  
1048 bonds had remained in office until the delivery of the same to the  
1049 purchaser, or had been in office on the date such bonds may bear.

1050 (6) All bonds issued under the provisions of this section  
1051 shall be and are hereby declared to have all the qualities and  
1052 incidents of negotiable instruments under the provisions of the  
1053 Uniform Commercial Code and in exercising the powers granted by  
1054 this chapter, the State Bond Commission shall not be required to  
1055 and need not comply with the provisions of the Uniform Commercial  
1056 Code.

1057 (7) The State Bond Commission shall sell the bonds on sealed  
1058 bids at public sale, and for such price as it may determine to be  
1059 for the best interest of the State of Mississippi, but no such  
1060 sale shall be made at a price less than par plus accrued interest  
1061 to date of delivery of the bonds to the purchaser. The bonds  
1062 shall bear interest at such rate or rates not exceeding the limits  
1063 set forth in Section 75-17-101 as shall be fixed by the State Bond  
1064 Commission. All interest accruing on such bonds so issued shall  
1065 be payable semiannually or annually; provided that the first  
1066 interest payment may be for any period of not more than one (1)  
1067 year.

1068 Notice of the sale of any bonds shall be published at least  
1069 one time, the first of which shall be made not less than ten (10)  
1070 days prior to the date of sale, and shall be so published in one  
1071 or more newspapers having a general circulation in the City of  
1072 Jackson and in one or more other newspapers or financial journals

1073 with a large national circulation, to be selected by the State  
1074 Bond Commission.

1075         The State Bond Commission, when issuing any bonds under the  
1076 authority of this section, may provide that the bonds, at the  
1077 option of the state, may be called in for payment and redemption  
1078 at the call price named therein and accrued interest on such date  
1079 or dates named therein.

1080         (8) State bonds issued under the provisions of this section  
1081 shall be the general obligations of the state and backed by the  
1082 full faith and credit of the state. The Legislature shall  
1083 appropriate annually an amount sufficient to pay the principal of  
1084 and the interest on such bonds as they become due. All bonds  
1085 shall contain recitals on their faces substantially covering the  
1086 foregoing provisions of this section.

1087         (9) The State Treasurer is authorized to certify to the  
1088 Department of Finance and Administration the necessity for  
1089 warrants, and the Department of Finance and Administration is  
1090 authorized and directed to issue such warrants payable out of any  
1091 funds appropriated by the Legislature under this section for such  
1092 purpose, in such amounts as may be necessary to pay when due the  
1093 principal of and interest on all bonds issued under the provisions  
1094 of this section. The State Treasurer shall forward the necessary  
1095 amount to the designated place or places of payment of such bonds  
1096 in ample time to discharge such bonds, or the interest thereon, on  
1097 the due dates thereof.

1098         (10) The bonds may be issued without any other proceedings  
1099 or the happening of any other conditions or things other than  
1100 those proceedings, conditions and things which are specified or  
1101 required by this chapter. Any resolution providing for the  
1102 issuance of general obligation bonds under the provisions of this  
1103 section shall become effective immediately upon its adoption by  
1104 the State Bond Commission, and any such resolution may be adopted

1105 at any regular or special meeting of the State Bond Commission by  
1106 a majority of its members.

1107 (11) In anticipation of the issuance of bonds hereunder, the  
1108 State Bond Commission is authorized to negotiate and enter into  
1109 any purchase, loan, credit or other agreement with any bank, trust  
1110 company or other lending institution or to issue and sell interim  
1111 notes for the purpose of making any payments authorized under this  
1112 section. All borrowings made under this provision shall be  
1113 evidenced by notes of the state which shall be issued from time to  
1114 time, for such amounts not exceeding the amount of bonds  
1115 authorized herein, in such form and in such denomination and  
1116 subject to such terms and conditions of sale and issuance,  
1117 prepayment or redemption and maturity, rate or rates of interest  
1118 not to exceed the maximum rate authorized herein for bonds, and  
1119 time of payment of interest as the State Bond Commission shall  
1120 agree to in such agreement. Such notes shall constitute general  
1121 obligations of the state and shall be backed by the full faith and  
1122 credit of the state. Such notes may also be issued for the  
1123 purpose of refunding previously issued notes. No note shall  
1124 mature more than three (3) years following the date of its  
1125 issuance. The State Bond Commission is authorized to provide for  
1126 the compensation of any purchaser of the notes by payment of a  
1127 fixed fee or commission and for all other costs and expenses of  
1128 issuance and service, including paying agent costs. Such costs  
1129 and expenses may be paid from the proceeds of the notes.

1130 (12) The bonds and interim notes authorized under the  
1131 authority of this section may be validated in the First Judicial  
1132 District of the Chancery Court of Hinds County, Mississippi, in  
1133 the manner and with the force and effect provided now or hereafter  
1134 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
1135 validation of county, municipal, school district and other bonds.  
1136 The necessary papers for such validation proceedings shall be  
1137 transmitted to the State Bond Attorney, and the required notice

1138 shall be published in a newspaper published in the City of  
1139 Jackson, Mississippi.

1140 (13) Any bonds or interim notes issued under the provisions  
1141 of this chapter, a transaction relating to the sale or securing of  
1142 such bonds or interim notes, their transfer and the income  
1143 therefrom shall at all times be free from taxation by the state or  
1144 any local unit or political subdivision or other instrumentality  
1145 of the state, excepting inheritance and gift taxes.

1146 (14) All bonds issued under this chapter shall be legal  
1147 investments for trustees, other fiduciaries, savings banks, trust  
1148 companies and insurance companies organized under the laws of the  
1149 State of Mississippi; and such bonds shall be legal securities  
1150 which may be deposited with and shall be received by all public  
1151 officers and bodies of the state and all municipalities and other  
1152 political subdivisions thereof for the purpose of securing the  
1153 deposit of public funds.

1154 (15) The Attorney General of the State of Mississippi shall  
1155 represent the State Bond Commission in issuing, selling and  
1156 validating bonds herein provided for, and the Bond Commission is  
1157 hereby authorized and empowered to expend from the proceeds  
1158 derived from the sale of the bonds authorized hereunder all  
1159 necessary administrative, legal and other expenses incidental and  
1160 related to the issuance of bonds authorized under this chapter.

1161 (16) There is hereby created a special fund in the State  
1162 Treasury to be known as the Mississippi Major Economic Impact  
1163 Authority Fund wherein shall be deposited the proceeds of the  
1164 bonds issued under this chapter and all monies received by the  
1165 authority to carry out the purposes of this chapter. Expenditures  
1166 authorized herein shall be paid by the State Treasurer upon  
1167 warrants drawn from the fund, and the Department of Finance and  
1168 Administration shall issue warrants upon requisitions signed by  
1169 the director of the authority.

1170           (17) (a) There is hereby created the Mississippi Economic  
1171 Impact Authority Sinking Fund from which the principal of and  
1172 interest on such bonds shall be paid by appropriation. All monies  
1173 paid into the sinking fund not appropriated to pay accruing bonds  
1174 and interest shall be invested by the State Treasurer in such  
1175 securities as are provided by law for the investment of the  
1176 sinking funds of the state.

1177           (b) In the event that all or any part of the bonds and  
1178 notes are purchased, they shall be cancelled and returned to the  
1179 loan and transfer agent as cancelled and paid bonds and notes and  
1180 thereafter all payments of interest thereon shall cease and the  
1181 cancelled bonds, notes and coupons, together with any other  
1182 cancelled bonds, notes and coupons, shall be destroyed as promptly  
1183 as possible after cancellation but not later than two (2) years  
1184 after cancellation. A certificate evidencing the destruction of  
1185 the cancelled bonds, notes and coupons shall be provided by the  
1186 loan and transfer agent to the seller.

1187           (c) The State Treasurer shall determine and report to  
1188 the Department of Finance and Administration and Legislative  
1189 Budget Office by September 1 of each year the amount of money  
1190 necessary for the payment of the principal of and interest on  
1191 outstanding obligations for the following fiscal year and the  
1192 times and amounts of the payments. It shall be the duty of the  
1193 Governor to include in every executive budget submitted to the  
1194 Legislature full information relating to the issuance of bonds and  
1195 notes under the provisions of this chapter and the status of the  
1196 sinking fund for the payment of the principal of and interest on  
1197 the bonds and notes.

1198           (d) Any monies repaid to the state from loans  
1199 authorized in Section 57-75-11(hh) shall be deposited into the  
1200 Mississippi Major Economic Impact Authority Sinking Fund unless  
1201 the State Bond Commission, at the request of the authority, shall  
1202 determine that such loan repayments are needed to provide

1203 additional loans as authorized under Section 57-75-11(hh). For  
1204 purposes of providing additional loans, there is hereby created  
1205 the Mississippi Major Economic Impact Authority Revolving Loan  
1206 Fund and loan repayments shall be deposited into the fund. The  
1207 fund shall be maintained for such period as determined by the  
1208 State Bond Commission for the sole purpose of making additional  
1209 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
1210 remaining in the fund at the end of a fiscal year shall not lapse  
1211 into the State General Fund and any interest earned on amounts in  
1212 such fund shall be deposited to the credit of the fund.

1213 (e) Any monies repaid to the state from loans  
1214 authorized in Section 57-75-11(ii) shall be deposited into the  
1215 Mississippi Major Economic Impact Authority Sinking Fund.

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

1219 (18) (a) Upon receipt of a declaration by the authority  
1220 that it has determined that the state is a potential site for a  
1221 project, the State Bond Commission is authorized and directed to  
1222 authorize the State Treasurer to borrow money from any special  
1223 fund in the State Treasury not otherwise appropriated to be  
1224 utilized by the authority for the purposes provided for in this  
1225 subsection.

1226 (b) The proceeds of the money borrowed under this  
1227 subsection may be utilized by the authority for the purpose of  
1228 defraying all or a portion of the costs incurred by the authority  
1229 with respect to acquisition options and planning, design and  
1230 environmental impact studies with respect to a project defined in  
1231 Section 57-75-5(f)(xi). The authority may escalate its budget and  
1232 expend the proceeds of the money borrowed under this subsection in  
1233 accordance with rules and regulations of the Department of Finance  
1234 and Administration in a manner consistent with the escalation of  
1235 federal funds.

1236           (c) The authority shall request an appropriation or  
1237 additional authority to issue general obligation bonds to repay  
1238 the borrowed funds and establish a date for the repayment of the  
1239 funds so borrowed.

1240           (d) Borrowings made under the provisions of this  
1241 subsection shall not exceed Five Hundred Thousand Dollars  
1242 (\$500,000.00) at any one time.

1243           **SECTION 4.** This act shall take effect and be in force from  
1244 and after its passage.