

By: Senator(s) Dearing, Butler

To: Finance

SENATE BILL NO. 3001

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 57-75-15, MISSISSIPPI  
4 CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF BONDS FOR CERTAIN  
5 PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; AND FOR  
6 RELATED PURPOSES.

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

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

10 57-75-5. Words and phrases used in this chapter shall have  
11 meanings as follows, unless the context clearly indicates a  
12 different meaning:

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14 Act as originally enacted or as hereafter amended.

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

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

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

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

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

41 (f) "Project" means:

42 (i) Any industrial, commercial, research and  
43 development, warehousing, distribution, transportation,  
44 processing, mining, United States government or tourism enterprise  
45 together with all real property required for construction,  
46 maintenance and operation of the enterprise with an initial  
47 capital investment of not less than Three Hundred Million Dollars  
48 (\$300,000,000.00) from private or United States government sources  
49 together with all buildings, and other supporting land and  
50 facilities, structures or improvements of whatever kind required  
51 or useful for construction, maintenance and operation of the  
52 enterprise; or with an initial capital investment of not less than  
53 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
54 or United States government sources together with all buildings  
55 and other supporting land and facilities, structures or  
56 improvements of whatever kind required or useful for construction,  
57 maintenance and operation of the enterprise and which creates at  
58 least one thousand (1,000) net new full-time jobs; or which  
59 creates at least one thousand (1,000) net new full-time jobs which  
60 provides an average salary, excluding benefits which are not  
61 subject to Mississippi income taxation, of at least one hundred  
62 twenty-five percent (125%) of the most recently published average

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

292                   (xix) Any major coal and/or petroleum coke  
293 gasification project with an initial capital investment from any  
294 source or combination of sources other than the State of  
295 Mississippi of not less than Eight Hundred Million Dollars  
296 (\$800,000,000.00) which will create at least two hundred (200)  
297 full-time jobs with an average annual salary, excluding benefits  
298 which are not subject to Mississippi income taxes, of at least  
299 Forty-five Thousand Dollars (\$45,000.00). The authority shall  
300 require that binding commitments be entered into requiring that:

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

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

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

317                   (h) "Public agency" means:

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

320                   (ii) Any city, town, county, political  
321 subdivision, school district or other district created or existing

322 under the laws of the state or any public agency of any such city,  
323 town, county, political subdivision or district or any other  
324 public entity created or existing under local and private  
325 legislation;

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

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

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

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

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

343 57-75-15. (1) Upon notification to the authority by the  
344 enterprise that the state has been finally selected as the site  
345 for the project, the State Bond Commission shall have the power  
346 and is hereby authorized and directed, upon receipt of a  
347 declaration from the authority as hereinafter provided, to borrow  
348 money and issue general obligation bonds of the state in one or  
349 more series for the purposes herein set out. Upon such  
350 notification, the authority may thereafter from time to time  
351 declare the necessity for the issuance of general obligation bonds  
352 as authorized by this section and forward such declaration to the  
353 State Bond Commission, provided that before such notification, the  
354 authority may enter into agreements with the United States

355 government, private companies and others that will commit the  
356 authority to direct the State Bond Commission to issue bonds for  
357 eligible undertakings set out in subsection (4) of this section,  
358 conditioned on the siting of the project in the state.

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

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

368 (b) Bonds issued under the authority of this section  
369 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
370 Sixty-one Million Dollars (\$61,000,000.00). The authority, with  
371 the express direction of the State Bond Commission, is authorized  
372 to expend any remaining proceeds of bonds issued under the  
373 authority of this act prior to January 1, 1998, for the purpose of  
374 financing projects as then defined in Section 57-75-5(f)(ii) or  
375 for any other projects as defined in Section 57-75-5(f)(ii), as it  
376 may be amended from time to time. If there are any monetary  
377 proceeds derived from the disposition of any improvements located  
378 on real property in Kemper County purchased pursuant to this act  
379 for projects related to the NAAS and if there are any monetary  
380 proceeds derived from the disposition of any timber located on  
381 real property in Kemper County purchased pursuant to this act for  
382 projects related to the NAAS, all of such proceeds (both from the  
383 disposition of improvements and the disposition of timber)  
384 commencing July 1, 1996, through June 30, 2010, shall be paid to  
385 the Board of Education of Kemper County, Mississippi, for  
386 expenditure by such board of education to benefit the public  
387 schools of Kemper County. No bonds shall be issued under this

388 paragraph (b) until the State Bond Commission by resolution adopts  
389 a finding that the issuance of such bonds will improve, expand or  
390 otherwise enhance the military installation, its support areas or  
391 military operations, or will provide employment opportunities to  
392 replace those lost by closure or reductions in operations at the  
393 military installation or will support critical studies or  
394 investigations authorized by Section 57-75-5(f)(ii).

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

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

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

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

418 (g) Bonds issued under the authority of this section  
419 for projects defined in Section 57-75-5(f)(viii) shall not exceed

420 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No  
421 bonds shall be issued under this paragraph after June 30, 2007.

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

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

430 (j) Bonds issued under the authority of this section  
431 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
432 Twenty-three Million Seven Hundred Thousand Dollars  
433 (\$23,700,000.00). No bonds shall be issued under this paragraph  
434 until local governments in or near the county in which the project  
435 is located have irrevocably committed funds to the project in an  
436 amount of not less than Two Million Five Hundred Thousand Dollars  
437 (\$2,500,000.00) in the aggregate. No bonds shall be issued under  
438 this paragraph after June 30, 2008.

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

443 (l) Bonds issued under the authority of this section  
444 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
445 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
446 issued under this paragraph until local governments in the county  
447 in which the project is located have irrevocably committed funds  
448 to the project in an amount of not less than Two Million Dollars  
449 (\$2,000,000.00). No bonds shall be issued under this paragraph  
450 after June 30, 2009.

451 (m) Bonds issued under the authority of this section  
452 for projects defined in Section 57-75-5(f)(xv) shall not exceed

453 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
454 issued under this paragraph after June 30, 2009.

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

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

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

467 (q) Bonds issued under the authority of this section  
468 for projects defined in Section 57-75-5(f)(xix) shall not exceed  
469 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be  
470 issued under this paragraph after June 30, 2010.

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

473 (i) Defraying all or any designated portion of the  
474 costs incurred with respect to acquisition, planning, design,  
475 construction, installation, rehabilitation, improvement,  
476 relocation and with respect to state-owned property, operation and  
477 maintenance of the project and any facility related to the project  
478 located within the project area, including costs of design and  
479 engineering, all costs incurred to provide land, easements and  
480 rights-of-way, relocation costs with respect to the project and  
481 with respect to any facility related to the project located within  
482 the project area, and costs associated with mitigation of  
483 environmental impacts and environmental impact studies;

484 (ii) Defraying the cost of providing for the  
485 recruitment, screening, selection, training or retraining of

486 employees, candidates for employment or replacement employees of  
487 the project and any related activity;

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

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

498 (v) Paying any warranty made by the authority  
499 regarding site work for a project defined in Section  
500 57-75-5(f)(iv)1;

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

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

510 (viii) Providing debt service reserves;

511 (ix) Paying underwriters' discount, original issue  
512 discount, accountants' fees, engineers' fees, attorneys' fees,  
513 rating agency fees and other fees and expenses in connection with  
514 the issuance of the bonds;

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

517 (xi) Providing grants to enterprises operating  
518 projects defined in Section 57-75-5(f)(v), or, in connection with



519 a facility related to such a project, for any purposes deemed by  
520 the authority in its sole discretion to be necessary and  
521 appropriate;

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

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

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

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

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

544 (b) (i) The proceeds of bonds issued after June 21,  
545 2002, under this section for projects described in Section  
546 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
547 necessary costs incurred by the Mississippi Development Authority  
548 in providing assistance related to a project for which funding is  
549 provided from the use of proceeds of such bonds. The Mississippi  
550 Development Authority shall maintain an accounting of actual costs  
551 incurred for each project for which reimbursements are sought.

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

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

556           (ii) The proceeds of bonds issued after June 21,  
557 2002, under this section for projects described in Section  
558 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
559 necessary costs incurred by the Department of Audit in providing  
560 services related to a project for which funding is provided from  
561 the use of proceeds of such bonds. The Department of Audit shall  
562 maintain an accounting of actual costs incurred for each project  
563 for which reimbursements are sought. The Department of Audit may  
564 escalate its budget and expend such funds in accordance with rules  
565 and regulations of the Department of Finance and Administration in  
566 a manner consistent with the escalation of federal funds.

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

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

571           (c) (i) The proceeds of bonds issued under this  
572 section for projects described in Section 57-75-5(f)(ix) may be  
573 used to reimburse reasonable actual and necessary costs incurred  
574 by the Mississippi Development Authority in providing assistance  
575 related to a project for which funding is provided for the use of  
576 proceeds of such bonds. The Mississippi Development Authority  
577 shall maintain an accounting of actual costs incurred for each  
578 project for which reimbursements are sought. Reimbursements under  
579 this paragraph shall not exceed Twenty-five Thousand Dollars  
580 (\$25,000.00) in the aggregate.

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

585 project for which funding is provided from the use of proceeds of  
586 such bonds. The Department of Audit shall maintain an accounting  
587 of actual costs incurred for each project for which reimbursements  
588 are sought. The Department of Audit may escalate its budget and  
589 expend such funds in accordance with rules and regulations of the  
590 Department of Finance and Administration in a manner consistent  
591 with the escalation of federal funds. Reimbursements under this  
592 paragraph shall not exceed Twenty-five Thousand Dollars  
593 (\$25,000.00) in the aggregate. Reimbursements under this  
594 paragraph shall satisfy any applicable federal tax law  
595 requirements.

596 (d) (i) The proceeds of bonds issued under this  
597 section for projects described in Section 57-75-5(f)(x) may be  
598 used to reimburse reasonable actual and necessary costs incurred  
599 by the Mississippi Development Authority in providing assistance  
600 related to a project for which funding is provided for the use of  
601 proceeds of such bonds. The Mississippi Development Authority  
602 shall maintain an accounting of actual costs incurred for each  
603 project for which reimbursements are sought. Reimbursements under  
604 this paragraph shall not exceed Twenty-five Thousand Dollars  
605 (\$25,000.00) in the aggregate.

606 (ii) The proceeds of bonds issued under this  
607 section for projects described in Section 57-75-5(f)(x) may be  
608 used to reimburse reasonable actual and necessary costs incurred  
609 by the Department of Audit in providing services related to a  
610 project for which funding is provided from the use of proceeds of  
611 such bonds. The Department of Audit shall maintain an accounting  
612 of actual costs incurred for each project for which reimbursements  
613 are sought. The Department of Audit may escalate its budget and  
614 expend such funds in accordance with rules and regulations of the  
615 Department of Finance and Administration in a manner consistent  
616 with the escalation of federal funds. Reimbursements under this  
617 paragraph shall not exceed Twenty-five Thousand Dollars

618 (\$25,000.00) in the aggregate. Reimbursements under this  
619 paragraph shall satisfy any applicable federal tax law  
620 requirements.

621 (e) (i) The proceeds of bonds issued under this  
622 section for projects described in Section 57-75-5(f)(xii) may be  
623 used to reimburse reasonable actual and necessary costs incurred  
624 by the Mississippi Development Authority in providing assistance  
625 related to a project for which funding is provided from the use of  
626 proceeds of such bonds. The Mississippi Development Authority  
627 shall maintain an accounting of actual costs incurred for each  
628 project for which reimbursements are sought. Reimbursements under  
629 this paragraph (e)(i) shall not exceed Twenty-five Thousand  
630 Dollars (\$25,000.00) in the aggregate.

631 (ii) The proceeds of bonds issued under this  
632 section for projects described in Section 57-75-5(f)(xii) may be  
633 used to reimburse reasonable actual and necessary costs incurred  
634 by the Department of Audit in providing services related to a  
635 project for which funding is provided from the use of proceeds of  
636 such bonds. The Department of Audit shall maintain an accounting  
637 of actual costs incurred for each project for which reimbursements  
638 are sought. The Department of Audit may escalate its budget and  
639 expend such funds in accordance with rules and regulations of the  
640 Department of Finance and Administration in a manner consistent  
641 with the escalation of federal funds. Reimbursements under this  
642 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars  
643 (\$25,000.00) in the aggregate. Reimbursements under this  
644 paragraph (e)(ii) shall satisfy any applicable federal tax law  
645 requirements.

646 (f) (i) The proceeds of bonds issued under this  
647 section for projects described in Section 57-75-5(f)(xiii),  
648 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used  
649 to reimburse reasonable actual and necessary costs incurred by the  
650 Mississippi Development Authority in providing assistance related

651 to a project for which funding is provided from the use of  
652 proceeds of such bonds. The Mississippi Development Authority  
653 shall maintain an accounting of actual costs incurred for each  
654 project for which reimbursements are sought. Reimbursements under  
655 this paragraph (f)(i) shall not exceed Twenty-five Thousand  
656 Dollars (\$25,000.00) for each project.

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

673 (5) The principal of and the interest on the bonds shall be  
674 payable in the manner hereinafter set forth. The bonds shall bear  
675 date or dates; be in such denomination or denominations; bear  
676 interest at such rate or rates; be payable at such place or places  
677 within or without the state; mature absolutely at such time or  
678 times; be redeemable before maturity at such time or times and  
679 upon such terms, with or without premium; bear such registration  
680 privileges; and be substantially in such form; all as shall be  
681 determined by resolution of the State Bond Commission except that  
682 such bonds shall mature or otherwise be retired in annual  
683 installments beginning not more than five (5) years from the date

684 thereof and extending not more than twenty-five (25) years from  
685 the date thereof. The bonds shall be signed by the Chairman of  
686 the State Bond Commission, or by his facsimile signature, and the  
687 official seal of the State Bond Commission shall be imprinted on  
688 or affixed thereto, attested by the manual or facsimile signature  
689 of the Secretary of the State Bond Commission. Whenever any such  
690 bonds have been signed by the officials herein designated to sign  
691 the bonds, who were in office at the time of such signing but who  
692 may have ceased to be such officers before the sale and delivery  
693 of such bonds, or who may not have been in office on the date such  
694 bonds may bear, the signatures of such officers upon such bonds  
695 shall nevertheless be valid and sufficient for all purposes and  
696 have the same effect as if the person so officially signing such  
697 bonds had remained in office until the delivery of the same to the  
698 purchaser, or had been in office on the date such bonds may bear.

699 (6) All bonds issued under the provisions of this section  
700 shall be and are hereby declared to have all the qualities and  
701 incidents of negotiable instruments under the provisions of the  
702 Uniform Commercial Code and in exercising the powers granted by  
703 this chapter, the State Bond Commission shall not be required to  
704 and need not comply with the provisions of the Uniform Commercial  
705 Code.

706 (7) The State Bond Commission shall sell the bonds on sealed  
707 bids at public sale, and for such price as it may determine to be  
708 for the best interest of the State of Mississippi, but no such  
709 sale shall be made at a price less than par plus accrued interest  
710 to date of delivery of the bonds to the purchaser. The bonds  
711 shall bear interest at such rate or rates not exceeding the limits  
712 set forth in Section 75-17-101 as shall be fixed by the State Bond  
713 Commission. All interest accruing on such bonds so issued shall  
714 be payable semiannually or annually; provided that the first  
715 interest payment may be for any period of not more than one (1)  
716 year.

717 Notice of the sale of any bonds shall be published at least  
718 one time, the first of which shall be made not less than ten (10)  
719 days prior to the date of sale, and shall be so published in one  
720 or more newspapers having a general circulation in the City of  
721 Jackson and in one or more other newspapers or financial journals  
722 with a large national circulation, to be selected by the State  
723 Bond Commission.

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

729 (8) State bonds issued under the provisions of this section  
730 shall be the general obligations of the state and backed by the  
731 full faith and credit of the state. The Legislature shall  
732 appropriate annually an amount sufficient to pay the principal of  
733 and the interest on such bonds as they become due. All bonds  
734 shall contain recitals on their faces substantially covering the  
735 foregoing provisions of this section.

736 (9) The State Treasurer is authorized to certify to the  
737 Department of Finance and Administration the necessity for  
738 warrants, and the Department of Finance and Administration is  
739 authorized and directed to issue such warrants payable out of any  
740 funds appropriated by the Legislature under this section for such  
741 purpose, in such amounts as may be necessary to pay when due the  
742 principal of and interest on all bonds issued under the provisions  
743 of this section. The State Treasurer shall forward the necessary  
744 amount to the designated place or places of payment of such bonds  
745 in ample time to discharge such bonds, or the interest thereon, on  
746 the due dates thereof.

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

750 required by this chapter. Any resolution providing for the  
751 issuance of general obligation bonds under the provisions of this  
752 section shall become effective immediately upon its adoption by  
753 the State Bond Commission, and any such resolution may be adopted  
754 at any regular or special meeting of the State Bond Commission by  
755 a majority of its members.

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

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



783 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
784 validation of county, municipal, school district and other bonds.  
785 The necessary papers for such validation proceedings shall be  
786 transmitted to the State Bond Attorney, and the required notice  
787 shall be published in a newspaper published in the City of  
788 Jackson, Mississippi.

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

795 (14) All bonds issued under this chapter shall be legal  
796 investments for trustees, other fiduciaries, savings banks, trust  
797 companies and insurance companies organized under the laws of the  
798 State of Mississippi; and such bonds shall be legal securities  
799 which may be deposited with and shall be received by all public  
800 officers and bodies of the state and all municipalities and other  
801 political subdivisions thereof for the purpose of securing the  
802 deposit of public funds.

803 (15) The Attorney General of the State of Mississippi shall  
804 represent the State Bond Commission in issuing, selling and  
805 validating bonds herein provided for, and the Bond Commission is  
806 hereby authorized and empowered to expend from the proceeds  
807 derived from the sale of the bonds authorized hereunder all  
808 necessary administrative, legal and other expenses incidental and  
809 related to the issuance of bonds authorized under this chapter.

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

816 warrants drawn from the fund, and the Department of Finance and  
817 Administration shall issue warrants upon requisitions signed by  
818 the director of the authority.

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

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

836 (c) The State Treasurer shall determine and report to  
837 the Department of Finance and Administration and Legislative  
838 Budget Office by September 1 of each year the amount of money  
839 necessary for the payment of the principal of and interest on  
840 outstanding obligations for the following fiscal year and the  
841 times and amounts of the payments. It shall be the duty of the  
842 Governor to include in every executive budget submitted to the  
843 Legislature full information relating to the issuance of bonds and  
844 notes under the provisions of this chapter and the status of the  
845 sinking fund for the payment of the principal of and interest on  
846 the bonds and notes.

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

849 Mississippi Major Economic Impact Authority Sinking Fund unless  
850 the State Bond Commission, at the request of the authority, shall  
851 determine that such loan repayments are needed to provide  
852 additional loans as authorized under Section 57-75-11(hh). For  
853 purposes of providing additional loans, there is hereby created  
854 the Mississippi Major Economic Impact Authority Revolving Loan  
855 Fund and loan repayments shall be deposited into the fund. The  
856 fund shall be maintained for such period as determined by the  
857 State Bond Commission for the sole purpose of making additional  
858 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
859 remaining in the fund at the end of a fiscal year shall not lapse  
860 into the State General Fund and any interest earned on amounts in  
861 such fund shall be deposited to the credit of the fund.

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

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

868 (18) (a) Upon receipt of a declaration by the authority  
869 that it has determined that the state is a potential site for a  
870 project, the State Bond Commission is authorized and directed to  
871 authorize the State Treasurer to borrow money from any special  
872 fund in the State Treasury not otherwise appropriated to be  
873 utilized by the authority for the purposes provided for in this  
874 subsection.

875 (b) The proceeds of the money borrowed under this  
876 subsection may be utilized by the authority for the purpose of  
877 defraying all or a portion of the costs incurred by the authority  
878 with respect to acquisition options and planning, design and  
879 environmental impact studies with respect to a project defined in  
880 Section 57-75-5(f)(xi). The authority may escalate its budget and  
881 expend the proceeds of the money borrowed under this subsection in

882 accordance with rules and regulations of the Department of Finance  
883 and Administration in a manner consistent with the escalation of  
884 federal funds.

885           (c) The authority shall request an appropriation or  
886 additional authority to issue general obligation bonds to repay  
887 the borrowed funds and establish a date for the repayment of the  
888 funds so borrowed.

889           (d) Borrowings made under the provisions of this  
890 subsection shall not exceed Five Hundred Thousand Dollars  
891 (\$500,000.00) at any one time.

892           **SECTION 3.** This act shall take effect and be in force from  
893 and after July 1, 2006.