

By: Senator(s) Davis

To: Finance

SENATE BILL NO. 3078

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14 Act as originally enacted or as hereafter amended.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 master planned community consisting of
293 not less than four thousand five hundred (4,500) acres that
294 includes residential, commercial, tourism, healthcare, open space
295 and recreational components with a capital investment from private
296 sources of not less than One Billion Dollars (\$1,000,000,000.00)
297 over a ten-year period, which will create at least two thousand
298 five hundred (2,500) jobs. The authority shall require that
299 binding commitments be entered into 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 57-75-15, Mississippi Code of 1972, is
341 amended as follows:

342 57-75-15. (1) Upon notification to the authority by the
343 enterprise that the state has been finally selected as the site
344 for the project, the State Bond Commission shall have the power
345 and is hereby authorized and directed, upon receipt of a
346 declaration from the authority as hereinafter provided, to borrow
347 money and issue general obligation bonds of the state in one or
348 more series for the purposes herein set out. Upon such
349 notification, the authority may thereafter from time to time
350 declare the necessity for the issuance of general obligation bonds
351 as authorized by this section and forward such declaration to the
352 State Bond Commission, provided that before such notification, the
353 authority may enter into agreements with the United States
354 government, private companies and others that will commit the

355 authority to direct the State Bond Commission to issue bonds for
356 eligible undertakings set out in subsection (4) of this section,
357 conditioned on the siting of the project in the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

466 (q) Bonds issued under the authority of this section
467 for projects defined in Section 57-75-5(f)(xix) shall not exceed
468 Fifty-seven Million Dollars (\$57,000,000.00). No bonds shall be
469 issued under this paragraph after June 30, 2020.

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

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

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

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

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

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

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

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

509 (viii) Providing debt service reserves;

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

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

516 (xi) Providing grants to enterprises operating
517 projects defined in Section 57-75-5(f)(v), or, in connection with
518 a facility related to such a project, for any purposes deemed by

519 the authority in its sole discretion to be necessary and
520 appropriate;

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

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

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

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

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

543 (b) (i) The proceeds of bonds issued after June 21,
544 2002, under this section for projects described in Section
545 57-75-5(f)(iv) may be used to reimburse reasonable actual and
546 necessary costs incurred by the Mississippi Development Authority
547 in providing assistance related to a project for which funding is
548 provided from the use of proceeds of such bonds. The Mississippi
549 Development Authority shall maintain an accounting of actual costs
550 incurred for each project for which reimbursements are sought.
551 Reimbursements under this paragraph (b)(i) shall not exceed Three

552 Hundred Thousand Dollars (\$300,000.00) in the aggregate.

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

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

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

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

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

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

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

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

605 (ii) The proceeds of bonds issued under this
606 section for projects described in Section 57-75-5(f)(x) may be
607 used to reimburse reasonable actual and necessary costs incurred
608 by the Department of Audit in providing services related to a
609 project for which funding is provided from the use of proceeds of
610 such bonds. The Department of Audit shall maintain an accounting
611 of actual costs incurred for each project for which reimbursements
612 are sought. The Department of Audit may escalate its budget and
613 expend such funds in accordance with rules and regulations of the
614 Department of Finance and Administration in a manner consistent
615 with the escalation of federal funds. Reimbursements under this
616 paragraph shall not exceed Twenty-five Thousand Dollars
617 (\$25,000.00) in the aggregate. Reimbursements under this

618 paragraph shall satisfy any applicable federal tax law
619 requirements.

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

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

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

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

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

672 (5) The principal of and the interest on the bonds shall be
673 payable in the manner hereinafter set forth. The bonds shall bear
674 date or dates; be in such denomination or denominations; bear
675 interest at such rate or rates; be payable at such place or places
676 within or without the state; mature absolutely at such time or
677 times; be redeemable before maturity at such time or times and
678 upon such terms, with or without premium; bear such registration
679 privileges; and be substantially in such form; all as shall be
680 determined by resolution of the State Bond Commission except that
681 such bonds shall mature or otherwise be retired in annual
682 installments beginning not more than five (5) years from the date
683 thereof and extending not more than twenty-five (25) years from

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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