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To: S.C.
Accountblty, Efficiency, Transp
arency

HOUSE BILL NO. 1318
(As Passed the House)

1 AN ACT TO AMEND SECTION 7-7-211, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE AUDITOR TO CONDUCT PERFORMANCE AND COMPLIANCE
3 AUDITS OF STATE-FUNDED ECONOMIC DEVELOPMENT PROJECTS; TO AMEND
4 SECTION 57-61-11, MISSISSIPPI CODE OF 1972, TO SPECIFICALLY
5 AUTHORIZE AUDITS OF PROJECTS UNDER THE MISSISSIPPI BUSINESS
6 INVESTMENT ACT AND TO AUTHORIZE THE STATE AUDITOR TO BILL FOR THE
7 COST OF SUCH AUDITS; TO AMEND SECTION 57-62-9, MISSISSIPPI CODE OF
8 1972, TO SPECIFICALLY AUTHORIZE AUDITS OF PROJECTS UNDER THE
9 MISSISSIPPI ADVANTAGE JOBS ACT AND TO AUTHORIZE THE STATE AUDITOR
10 TO BILL FOR THE COST OF SUCH AUDITS; TO BRING FORWARD SECTION
11 57-75-15, MISSISSIPPI CODE OF 1972, WHICH GRANTS CERTAIN POWERS TO
12 THE STATE BOND COMMISSION UNDER THE MAJOR ECONOMIC IMPACT ACT, FOR
13 PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 57-85-5,
14 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF MONIES IN THE
15 MISSISSIPPI RURAL IMPACT FUND TO PAY FOR THE COSTS OF AUDITS ON
16 PROJECTS CONDUCTED BY THE STATE AUDITOR; TO AMEND SECTION 57-89-7,
17 MISSISSIPPI CODE OF 1972, TO SPECIFICALLY AUTHORIZE THE STATE
18 AUDITOR TO CONDUCT AUDITS ON MOTION PICTURE PRODUCTION COMPANIES
19 RECEIVING REBATES UNDER THE MISSISSIPPI MOTION PICTURE INCENTIVE
20 ACT; TO AMEND SECTION 57-93-1, MISSISSIPPI CODE OF 1972, TO
21 SPECIFICALLY AUTHORIZE THE STATE AUDITOR TO CONDUCT AUDITS ON
22 EXISTING INDUSTRIES RECEIVING A LOAN UNDER THE MISSISSIPPI
23 EXISTING INDUSTRY PRODUCTIVITY LOAN PROGRAM AND TO BILL FOR THE
24 COSTS OF SUCH AUDITS; TO AMEND SECTION 57-95-1, MISSISSIPPI CODE
25 OF 1972, TO SPECIFICALLY AUTHORIZE THE STATE AUDITOR TO CONDUCT
26 AUDITS ON AT-RISK INDUSTRIES RECEIVING A LOAN UNDER THE
27 MISSISSIPPI JOB PROTECTION ACT AND TO BILL FOR THE COSTS OF SUCH
28 AUDITS; TO AMEND SECTION 69-2-13, MISSISSIPPI CODE OF 1972, TO
29 AUTHORIZE THE STATE AUDITOR TO BILL THE MISSISSIPPI DEVELOPMENT
30 AUTHORITY FOR EXPENSES RELATING TO AUDITS OF BUSINESSES RECEIVING
31 A LOAN FROM THE EMERGING CROPS FUND; AND FOR RELATED PURPOSES.

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



33 **SECTION 1.** Section 7-7-211, Mississippi Code of 1972, is
34 amended as follows:

35 7-7-211. The department shall have the power and it shall be
36 its duty:

37 (a) To identify and define for all public offices of
38 the state and its subdivisions generally accepted accounting
39 principles or other accounting principles as promulgated by
40 nationally recognized professional organizations and to consult
41 with the State Fiscal Officer in the prescription and
42 implementation of accounting rules and regulations;

43 (b) To provide best practices, for all public offices
44 of regional and local subdivisions of the state, systems of
45 accounting, budgeting and reporting financial facts relating to
46 said offices in conformity with legal requirements and with
47 generally accepted accounting principles or other accounting
48 principles as promulgated by nationally recognized professional
49 organizations; to assist such subdivisions in need of assistance
50 in the installation of such systems; to revise such systems when
51 deemed necessary, and to report to the Legislature at periodic
52 times the extent to which each office is maintaining such systems,
53 along with such recommendations to the Legislature for improvement
54 as seem desirable;

55 (c) To study and analyze existing managerial policies,
56 methods, procedures, duties and services of the various state
57 departments and institutions upon written request of the Governor,



the Legislature or any committee or other body empowered by the Legislature to make such request to determine whether and where operations can be eliminated, combined, simplified and improved;

(d) To postaudit each year and, when deemed necessary, preaudit and investigate the financial affairs of the departments, institutions, boards, commissions or other agencies of state government, as part of the publication of a comprehensive annual financial report for the State of Mississippi, or as deemed necessary by the State Auditor. In complying with the requirements of this paragraph, the department shall have the authority to conduct all necessary audit procedures on an interim and year-end basis;

(e) To postaudit and, when deemed necessary, preaudit and investigate separately the financial affairs of (i) the offices, boards and commissions of county governments and any departments and institutions thereof and therein; (ii) public school districts, departments of education and junior college districts; and (iii) any other local offices or agencies which share revenues derived from taxes or fees imposed by the State Legislature or receive grants from revenues collected by governmental divisions of the state; the cost of such audits, investigations or other services to be paid as follows: Such part shall be paid by the state from appropriations made by the Legislature for the operation of the State Department of Audit as may exceed the sum of Thirty Dollars (\$30.00) per man hour for the



83 services of each staff person engaged in performing the audit or
84 other service plus the actual cost of any independent specialist
85 firm contracted by the State Auditor to assist in the performance
86 of the audit, which sum shall be paid by the county, district,
87 department, institution or other agency audited out of its general
88 fund or any other available funds from which such payment is not
89 prohibited by law. Costs paid for independent specialists or
90 firms contracted by the State Auditor shall be paid by the audited
91 entity through the State Auditor to the specialist or firm
92 conducting the postaudit.

93 Each school district in the state shall have its financial
94 records audited annually, at the end of each fiscal year, either
95 by the State Auditor or by a certified public accountant approved
96 by the State Auditor. Beginning with the audits of fiscal year
97 2010 activity, no certified public accountant shall be selected to
98 perform the annual audit of a school district who has audited that
99 district for three (3) or more consecutive years previously.

100 Certified public accountants shall be selected in a manner
101 determined by the State Auditor. The school district shall have
102 the responsibility to pay for the audit, including the review by
103 the State Auditor of audits performed by certified public
104 accountants;

105 (f) To postaudit and, when deemed necessary, preaudit
106 and investigate the financial affairs of the levee boards;
107 agencies created by the Legislature or by executive order of the



Governor; profit or nonprofit business entities administering programs financed by funds flowing through the State Treasury or through any of the agencies of the state, or its subdivisions; and all other public bodies supported by funds derived in part or wholly from public funds, except municipalities which annually submit an audit prepared by a qualified certified public accountant using methods and procedures prescribed by the department;

(g) To make written demand, when necessary, for the recovery of any amounts representing public funds improperly withheld, misappropriated and/or otherwise illegally expended by an officer, employee or administrative body of any state, county or other public office, and/or for the recovery of the value of any public property disposed of in an unlawful manner by a public officer, employee or administrative body, such demands to be made (i) upon the person or persons liable for such amounts and upon the surety on official bond thereof, and/or (ii) upon any individual, partnership, corporation or association to whom the illegal expenditure was made or with whom the unlawful disposition of public property was made, if such individual, partnership, corporation or association knew or had reason to know through the exercising of reasonable diligence that the expenditure was illegal or the disposition unlawful. Such demand shall be premised on competent evidence, which shall include at least one (1) of the following: (i) sworn statements, (ii) written



documentation, (iii) physical evidence, or (iv) reports and findings of government or other law enforcement agencies. Other provisions notwithstanding, a demand letter issued pursuant to this paragraph shall remain confidential by the State Auditor until the individual against whom the demand letter is being filed has been served with a copy of such demand letter. If, however, such individual cannot be notified within fifteen (15) days using reasonable means and due diligence, such notification shall be made to the individual's bonding company, if he or she is bonded. Each such demand shall be paid into the proper treasury of the state, county or other public body through the office of the department in the amount demanded within thirty (30) days from the date thereof, together with interest thereon in the sum of one percent (1%) per month from the date such amount or amounts were improperly withheld, misappropriated and/or otherwise illegally expended. In the event, however, such person or persons or such surety shall refuse, neglect or otherwise fail to pay the amount demanded and the interest due thereon within the allotted thirty (30) days, the State Auditor shall have the authority and it shall be his duty to institute suit, and the Attorney General shall prosecute the same in any court of the state to the end that there shall be recovered the total of such amounts from the person or persons and surety on official bond named therein; and the amounts so recovered shall be paid into the proper treasury of the state, county or other public body through the State Auditor. In any



case where written demand is issued to a surety on the official bond of such person or persons and the surety refuses, neglects or otherwise fails within one hundred twenty (120) days to either pay the amount demanded and the interest due thereon or to give the State Auditor a written response with specific reasons for nonpayment, then the surety shall be subject to a civil penalty in an amount of twelve percent (12%) of the bond, not to exceed Ten Thousand Dollars (\$10,000.00), to be deposited into the State General Fund;

(h) To investigate any alleged or suspected violation of the laws of the state by any officer or employee of the state, county or other public office in the purchase, sale or the use of any supplies, services, equipment or other property belonging thereto; and in such investigation to do any and all things necessary to procure evidence sufficient either to prove or disprove the existence of such alleged or suspected violations. The Department of Investigation of the State Department of Audit may investigate, for the purpose of prosecution, any suspected criminal violation of the provisions of this chapter. For the purpose of administration and enforcement of this chapter, the enforcement employees of the Department of Investigation of the State Department of Audit have the powers of a law enforcement officer of this state, and shall be empowered to make arrests and to serve and execute search warrants and other valid legal process anywhere within the State of Mississippi. All enforcement



employees of the Department of Investigation of the State Department of Audit hired on or after July 1, 1993, shall be required to complete the Law Enforcement Officers Training Program and shall meet the standards of the program;

(i) To issue subpoenas, with the approval of, and returnable to, a judge of a chancery or circuit court, in termtime or in vacation, to examine the records, documents or other evidence of persons, firms, corporations or any other entities insofar as such records, documents or other evidence relate to dealings with any state, county or other public entity. The circuit or chancery judge must serve the county in which the records, documents or other evidence is located; or where all or part of the transaction or transactions occurred which are the subject of the subpoena;

(j) In any instances in which the State Auditor is or shall be authorized or required to examine or audit, whether preaudit or postaudit, any books, ledgers, accounts or other records of the affairs of any public hospital owned or owned and operated by one or more political subdivisions or parts thereof or any combination thereof, or any school district, including activity funds thereof, it shall be sufficient compliance therewith, in the discretion of the State Auditor, that such examination or audit be made from the report of any audit or other examination certified by a certified public accountant and prepared by or under the supervision of such certified public



208 accountant. Such audits shall be made in accordance with
209 generally accepted standards of auditing, with the use of an audit
210 program prepared by the State Auditor, and final reports of such
211 audits shall conform to the format prescribed by the State
212 Auditor. All files, working papers, notes, correspondence and all
213 other data compiled during the course of the audit shall be
214 available, without cost, to the State Auditor for examination and
215 abstracting during the normal business hours of any business day.
216 The expense of such certified reports shall be borne by the
217 respective hospital, or any available school district funds other
218 than minimum program funds, subject to examination or audit. The
219 State Auditor shall not be bound by such certified reports and
220 may, in his or their discretion, conduct such examination or audit
221 from the books, ledgers, accounts or other records involved as may
222 be appropriate and authorized by law;

223 (k) The State Auditor shall have the authority to
224 contract with qualified public accounting firms to perform
225 selected audits required in paragraphs (d), (e), (f) and (j) of
226 this section, if funds are made available for such contracts by
227 the Legislature, or if funds are available from the governmental
228 entity covered by paragraphs (d), (e), (f) and (j). Such audits
229 shall be made in accordance with generally accepted standards of
230 auditing. All files, working papers, notes, correspondence and
231 all other data compiled during the course of the audit shall be



available, without cost, to the State Auditor for examination and abstracting during the normal business hours of any business day;

(l) The State Auditor shall have the authority to establish training courses and programs for the personnel of the various state and local governmental entities under the jurisdiction of the Office of the State Auditor. The training courses and programs shall include, but not be limited to, topics on internal control of funds, property and equipment control and inventory, governmental accounting and financial reporting, and internal auditing. The State Auditor is authorized to charge a fee from the participants of these courses and programs, which fee shall be deposited into the Department of Audit Special Fund. State and local governmental entities are authorized to pay such fee and any travel expenses out of their general funds or any other available funds from which such payment is not prohibited by law;

(m) Upon written request by the Governor or any member of the State Legislature, the State Auditor may audit any state funds and/or state and federal funds received by any nonprofit corporation incorporated under the laws of this state;

(n) To conduct performance audits of personal or professional service contracts by state agencies on a random sampling basis, or upon request of the State Personal Service Contract Review Board under Section 25-9-120(3) * * *; and



(o) At the discretion of the State Auditor, the Auditor may conduct risk assessments, as well as performance and compliance audits based on Generally Accepted Government Auditing Standards (GAGAS) of any state-funded economic development program authorized under Title 57, Mississippi Code of 1972. After risk assessments or program audits, the State Auditor may conduct audits of those projects deemed high-risk, specifically as they identify any potential wrongdoing or noncompliance based on objectives of the economic development program. The Auditor is granted authority to gather, audit and review data and information from the Mississippi Development Authority or any of its agents, the Department of Revenue, and when necessary under this paragraph, the recipient business or businesses or any other private, public or nonprofit entity with information relevant to the audit project. The maximum amount the State Auditor may bill the oversight agency under this paragraph in any fiscal year is One Hundred Thousand Dollars (\$100,000.00), based on reasonable and necessary expenses.

SECTION 2. Section 57-61-11, Mississippi Code of 1972, is amended as follows:

57-61-11. The Mississippi Development Authority shall establish such guidelines, rules and regulations for the repayment of funds loaned pursuant to this chapter as may be necessary. These provisions shall include, but not be limited to, the following:



281 (a) Funds may be loaned for a maximum of ten (10) years
282 or the estimated useful life of the property as established by the
283 United States Department of Treasury, whichever is greater.

284 (b) The rate of interest charged by the Mississippi
285 Development Authority for improvements not on publicly owned
286 property may be negotiated by the Mississippi Development
287 Authority.

288 (c) For all improvements funded through this chapter
289 which occur on publicly owned property, repayment of funds loaned
290 may, in the discretion of the Mississippi Development Authority,
291 involve only the principal amount loaned with no interest charged
292 thereon.

293 (d) An audit by a certified public accountant of all
294 costs of a project hereunder must be submitted to the Mississippi
295 Development Authority not later than ninety (90) days after a
296 project's completion. Such an audit shall certify that all of the
297 funds loaned or granted pursuant to this chapter were disbursed in
298 accordance with the terms of this chapter and shall be paid for by
299 the private company benefited by the project. In addition to the
300 audit required under this paragraph, the State Auditor may conduct
301 performance and compliance audits under this chapter according to
302 Section 7-7-211(o) and may bill the oversight agency.

303 (e) Notwithstanding the foregoing, in the case of an
304 application under Section 57-61-9(5) (a), the guidelines shall
305 include, but not be limited to, the following:



(i) Funds may be loaned for a maximum of twenty (20) years, or the estimated useful life of improvements on the land areas of the port, whichever is greater.

(ii) The rate of interest charged by the Mississippi Development Authority for loans for port projects may be negotiated by the Mississippi Development Authority and shall be consistent with Section 57-61-11(b) and (c).

(iii) The total of grants and loans to any one (1) state-owned port made pursuant to an application under Section 57-61-9(5) (a) shall not exceed Twenty Million Dollars (\$20,000,000.00).

(iv) Before any loan or grant may be made under Section 57-61-9(5) (a) to a state-owned port bordering the Gulf of Mexico, the applicant shall make adequate assurance to the Mississippi Development Authority that federal participation in the cost of the project or projects has been committed contingent only upon availability of local participation in accordance with federal guidelines.

(v) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Four Million Dollars (\$4,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter to be made available as interest-bearing loans to state-owned ports for the purpose of repairing, renovating, maintaining and improving the state-owned port. The Mississippi Development



Authority shall establish an amortization schedule for the repayment of any loans made pursuant to this subparagraph. The state-owned port shall not spend any revenues for other purposes unless payments on the loan are being timely made according to the amortization schedule. The match requirements of this section and Section 57-61-9 shall not apply to any loan made pursuant to this subparagraph.

(f) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Three Million Dollars (\$3,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making loans to municipalities operating county-owned ports or municipally owned ports for the purpose of acquiring land, buildings and other improvements and for repairing, renovating, maintaining and improving such ports. The Mississippi Development Authority shall establish an amortization schedule for the repayment of any loans made pursuant to this paragraph (f). A municipality shall not spend any port revenues for other purposes unless payments on the loan are being timely made according to the amortization schedule.

SECTION 3. Section 57-62-9, Mississippi Code of 1972, is amended as follows:

[For businesses or industries that received or applied for incentive payments prior to July 1, 2005, this section shall read as follows:]



57-62-9. (1) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this chapter in an amount which shall be equal to the net benefit rate multiplied by the actual gross payroll of new direct jobs for a calendar quarter as verified by the Mississippi Department of Employment Security, but not to exceed the amount of money previously paid into the fund by the employer. A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may elect the date upon which the ten-year period will begin. Such date may not be later than sixty (60) months after the date the business or industry applied for incentive payments.

(2) (a) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to receive incentive payments for an additional period not to exceed five (5) years beyond the expiration date of the initial ten-year period if:

(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average



381 annual wage of the jobs is at least one hundred fifty percent
382 (150%) of the most recently published state average annual wage or
383 the most recently published average annual wage of the county in
384 which the qualified business or industry is located as determined
385 by the Mississippi Department of Employment Security, whichever is
386 the lesser. The criteria for the average annual wage requirement
387 shall be based upon the state average annual wage or the average
388 annual wage of the county whichever is appropriate, at the time of
389 creation of the minimum number of jobs, and the threshold
390 established at that time will remain constant for the duration of
391 the additional period; and

392 (iii) The qualified business or industry meets and
393 maintains the job and wage requirements of subparagraphs (i) and
394 (ii) of this paragraph (a) for four (4) consecutive calendar
395 quarters.

396 (b) A qualified business or industry that is a project
397 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
398 incentive payments for the additional period provided in paragraph
399 (a) of this subsection (2) may apply to the MDA to receive
400 incentive payments for an additional period not to exceed ten (10)
401 years beyond the expiration date of the additional period provided
402 in paragraph (a) of this subsection (2) if:

403 (i) The qualified business or industry creates at
404 least four thousand (4,000) new direct jobs after qualifying for
405 the additional incentive period provided in paragraph (a) of this



subsection (2) but before the expiration of the additional period. For purposes of determining whether the business or industry meets the minimum jobs requirement of this subparagraph (i), the number of jobs the business or industry created in order to meet the minimum jobs requirement of paragraph (a) of this subsection (2) shall be subtracted from the minimum jobs requirement of this subparagraph (i);

(ii) The average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (b) for four (4) consecutive calendar quarters.

(3) In order to receive incentive payments, an establishment shall apply to the MDA. The application shall be on a form



prescribed by the MDA and shall contain such information as may be required by the MDA to determine if the applicant is qualified.

(4) In order to qualify to receive such payments, the establishment applying shall be required to:

(a) Be engaged in a qualified business or industry;

(b) Provide an average salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for this requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of application, and the threshold established upon application will remain constant for the duration of the project;

(c) The business or industry must create and maintain a minimum of ten (10) full-time jobs in counties that have an average unemployment rate over the previous twelve-month period which is at least one hundred fifty percent (150%) of the most recently published state unemployment rate, as determined by the Mississippi Department of Employment Security or in Tier Three counties as determined under Section 57-73-21. In all other counties, the business or industry must create and maintain a minimum of twenty-five (25) full-time jobs. The criteria for this



requirement shall be based on the designation of the county at the time of the application. The threshold established upon the application will remain constant for the duration of the project. The business or industry must meet its job creation commitment within twenty-four (24) months of the application approval. However, if the qualified business or industry is applying for incentive payments for an additional period under subsection (2) of this section, the business or industry must comply with the applicable job and wage requirements of subsection (2) of this section.

(5) The MDA shall determine if the applicant is qualified to receive incentive payments. If the applicant is determined to be qualified by the MDA, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and the net benefit rate applicable for a period not to exceed ten (10) years and to estimate the amount of gross payroll for the period. If the applicant is determined to be qualified to receive incentive payments for an additional period under subsection (2) of this section, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and the net benefit rate applicable for the appropriate additional period and to estimate the amount of gross payroll for the additional period. In conducting such cost/benefit analysis, the MDA shall consider quantitative factors, such as the anticipated level of new tax revenues to the state along with the cost to the state of the



480 qualified business or industry, and such other criteria as deemed
481 appropriate by the MDA, including the adequacy of retirement
482 benefits that the business or industry provides to individuals it
483 employs in new direct jobs in this state. In no event shall
484 incentive payments, cumulatively, exceed the estimated net direct
485 state benefits. Once the qualified business or industry is
486 approved by the MDA, an agreement shall be deemed to exist between
487 the qualified business or industry and the State of Mississippi,
488 requiring the continued incentive payment to be made as long as
489 the qualified business or industry retains its eligibility.

490 (6) Upon approval of such an application, the MDA shall
491 notify the Department of Revenue and shall provide it with a copy
492 of the approved application and the estimated net direct state
493 benefits. The Department of Revenue may require the qualified
494 business or industry to submit such additional information as may
495 be necessary to administer the provisions of this chapter. The
496 qualified business or industry shall report to the Department of
497 Revenue periodically to show its continued eligibility for
498 incentive payments. The qualified business or industry may be
499 audited by the Department of Revenue to verify such eligibility.
500 In addition, the State Auditor may conduct performance and
501 compliance audits under this chapter according to Section
502 7-7-211(o) and may bill the oversight agency.

503 (7) If the qualified business or industry is located in an
504 area that has been declared by the Governor to be a disaster area



and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

[For businesses or industries that received or applied for incentive payments from and after July 1, 2005, but prior to July 1, 2010, this section shall read as follows:]

57-62-9. (1) (a) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this chapter in an amount which shall be equal to the net benefit rate multiplied by the actual gross payroll of new direct jobs for a calendar quarter as verified by the Mississippi Department of Employment Security, but not to exceed:

(i) Ninety percent (90%) of the amount of money previously paid into the fund by the employer if the employer



530 provides an average annual salary, excluding benefits which are
531 not subject to Mississippi income taxes, of at least one hundred
532 seventy-five percent (175%) of the most recently published state
533 average annual wage or the most recently published average annual
534 wage of the county in which the qualified business or industry is
535 located as determined by the Mississippi Department of Employment
536 Security, whichever is the lesser;

537 (ii) Eighty percent (80%) of the amount of money
538 previously paid into the fund by the employer if the employer
539 provides an average annual salary, excluding benefits which are
540 not subject to Mississippi income taxes, of at least one hundred
541 twenty-five percent (125%) but less than one hundred seventy-five
542 percent (175%) of the most recently published state average annual
543 wage or the most recently published average annual wage of the
544 county in which the qualified business or industry is located as
545 determined by the Mississippi Department of Employment Security,
546 whichever is the lesser; or

547 (iii) Seventy percent (70%) of the amount of money
548 previously paid into the fund by the employer if the employer
549 provides an average annual salary, excluding benefits which are
550 not subject to Mississippi income taxes, of less than one hundred
551 twenty-five percent (125%) of the most recently published state
552 average annual wage or the most recently published average annual
553 wage of the county in which the qualified business or industry is



located as determined by the Mississippi Department of Employment Security, whichever is the lesser.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may elect the date upon which the ten-year period will begin. Such date may not be later than sixty (60) months after the date the business or industry applied for incentive payments.

(2) (a) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to receive incentive payments for an additional period not to exceed five (5) years beyond the expiration date of the initial ten-year period if:

(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average



579 annual wage of the county whichever is appropriate, at the time of
580 creation of the minimum number of jobs, and the threshold
581 established at that time will remain constant for the duration of
582 the additional period; and

583 (iii) The qualified business or industry meets and
584 maintains the job and wage requirements of subparagraphs (i) and
585 (ii) of this paragraph (a) for four (4) consecutive calendar
586 quarters.

587 (b) A qualified business or industry that is a project
588 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
589 incentive payments for the additional period provided in paragraph
590 (a) of this subsection (2) may apply to the MDA to receive
591 incentive payments for an additional period not to exceed ten (10)
592 years beyond the expiration date of the additional period provided
593 in paragraph (a) of this subsection (2) if:

594 (i) The qualified business or industry creates at
595 least four thousand (4,000) new direct jobs after qualifying for
596 the additional incentive period provided in paragraph (a) of this
597 subsection (2) but before the expiration of the additional period.
598 For purposes of determining whether the business or industry meets
599 the minimum jobs requirement of this subparagraph (i), the number
600 of jobs the business or industry created in order to meet the
601 minimum jobs requirement of paragraph (a) of this subsection (2)
602 shall be subtracted from the minimum jobs requirement of this
603 subparagraph (i);



604 (ii) The average annual wage of the jobs is at
605 least one hundred fifty percent (150%) of the most recently
606 published state average annual wage or the most recently published
607 average annual wage of the county in which the qualified business
608 or industry is located as determined by the Mississippi Department
609 of Employment Security, whichever is the lesser. The criteria for
610 the average annual wage requirement shall be based upon the state
611 average annual wage or the average annual wage of the county
612 whichever is appropriate, at the time of creation of the minimum
613 number of jobs, and the threshold established at that time will
614 remain constant for the duration of the additional period; and

615 (iii) The qualified business or industry meets and
616 maintains the job and wage requirements of subparagraphs (i) and
617 (ii) of this paragraph (b) for four (4) consecutive calendar
618 quarters.

619 (3) In order to receive incentive payments, an establishment
620 shall apply to the MDA. The application shall be on a form
621 prescribed by the MDA and shall contain such information as may be
622 required by the MDA to determine if the applicant is qualified.

623 (4) (a) In order to qualify to receive such payments, the
624 establishment applying shall be required to meet the definition of
625 the term "qualified business or industry";

626 (b) The criteria for the average annual salary
627 requirement shall be based upon the state average annual wage or
628 the average annual wage of the county whichever is appropriate, at



the time of application, and the threshold established upon application will remain constant for the duration of the project;

(c) The business or industry must meet its job creation commitment within twenty-four (24) months of the application approval. However, if the qualified business or industry is applying for incentive payments for an additional period under subsection (2) of this section, the business or industry must comply with the applicable job and wage requirements of subsection (2) of this section.

(5) (a) The MDA shall determine if the applicant is qualified to receive incentive payments.

(b) If the applicant is determined to be qualified to receive incentive payments for an additional period under subsection (2) of this section, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and the net benefit rate applicable for the appropriate additional period and to estimate the amount of gross payroll for the additional period. In conducting such cost/benefit analysis, the MDA shall consider quantitative factors, such as the anticipated level of new tax revenues to the state along with the cost to the state of the qualified business or industry, and such other criteria as deemed appropriate by the MDA, including the adequacy of retirement benefits that the business or industry provides to individuals it employs in new direct jobs in this state. In no event shall incentive payments, cumulatively, exceed



654 the estimated net direct state benefits. Once the qualified
655 business or industry is approved by the MDA, an agreement shall be
656 deemed to exist between the qualified business or industry and the
657 State of Mississippi, requiring the continued incentive payment to
658 be made as long as the qualified business or industry retains its
659 eligibility.

660 (6) Upon approval of such an application, the MDA shall
661 notify the Department of Revenue and shall provide it with a copy
662 of the approved application and the estimated net direct state
663 benefits. The Department of Revenue may require the qualified
664 business or industry to submit such additional information as may
665 be necessary to administer the provisions of this chapter. The
666 qualified business or industry shall report to the Department of
667 Revenue periodically to show its continued eligibility for
668 incentive payments. The qualified business or industry may be
669 audited by the Department of Revenue to verify such eligibility.
670 In addition, the State Auditor may conduct performance and
671 compliance audits under this chapter according to Section
672 7-7-211(o) and may bill the oversight agency.

673 (7) If the qualified business or industry is located in an
674 area that has been declared by the Governor to be a disaster area
675 and as a result of the disaster the business or industry is unable
676 to create or maintain the full-time jobs required by this section:



677 (a) The Commissioner of Revenue may extend the period
678 of time that the business or industry may receive incentive
679 payments for a period of time not to exceed two (2) years;

680 (b) The Commissioner of Revenue may waive the
681 requirement that a certain number of jobs be maintained for a
682 period of time not to exceed twenty-four (24) months; and

683 (c) The MDA may extend the period of time within which
684 the jobs must be created for a period of time not to exceed
685 twenty-four (24) months.

686 **[For businesses or industries that apply for incentive**
687 **payments from and after July 1, 2010, this section shall read as**
688 **follows:]**

689 57-62-9. (1) (a) Except as otherwise provided in this
690 section, a qualified business or industry that meets the
691 qualifications specified in this chapter may receive quarterly
692 incentive payments for a period not to exceed ten (10) years from
693 the Department of Revenue pursuant to the provisions of this
694 chapter in an amount which shall be equal to ninety percent (90%)
695 of the amount of actual income tax withheld for employees with new
696 direct jobs, but in no event more than four percent (4%) of the
697 total annual salary paid for new direct jobs during such period,
698 excluding benefits which are not subject to Mississippi income
699 taxes.

700 (b) A qualified business or industry that is a project
701 as defined in Section 57-75-5(f)(iv)1 may elect the date upon



702 which the ten-year period will begin. Such date may not be later
703 than sixty (60) months after the date the business or industry
704 applied for incentive payments.

705 (c) A qualified business or industry as defined in
706 Section 57-62-5(a)(iii) may elect the date upon which the ten-year
707 period will begin and may elect to begin receiving incentive
708 payments as early as the second quarter after that date.

709 Incentive payments will be calculated on all jobs above the
710 existing number of jobs as of the date the MDA determines that the
711 applicant is qualified to receive incentive payments. In the
712 event that the qualified business or industry falls below the
713 number of existing jobs at the time of determination that the
714 applicant is qualified to receive the incentive payment, the
715 incentive payment shall cease until the qualified business or
716 industry once again exceeds that number. If after forty-eight
717 (48) months, the qualified business or industry has failed to
718 create at least three thousand (3,000) new direct jobs, incentive
719 payments shall cease and the qualified business or industry shall
720 not be qualified to receive further incentive payments.

721 (2) (a) A qualified business or industry that is a project
722 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
723 receive incentive payments for an additional period not to exceed
724 five (5) years beyond the expiration date of the initial ten-year
725 period if:



(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (a) for four (4) consecutive calendar quarters.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 and qualified to receive incentive payments for the additional period provided in paragraph (a) of this subsection (2) may apply to the MDA to receive



incentive payments for an additional period not to exceed ten (10) years beyond the expiration date of the additional period provided in paragraph (a) of this subsection (2) if:

(i) The qualified business or industry creates at least four thousand (4,000) new direct jobs after qualifying for the additional incentive period provided in paragraph (a) of this subsection (2) but before the expiration of the additional period. For purposes of determining whether the business or industry meets the minimum jobs requirement of this subparagraph (i), the number of jobs the business or industry created in order to meet the minimum jobs requirement of paragraph (a) of this subsection (2) shall be subtracted from the minimum jobs requirement of this subparagraph (i);

(ii) The average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and



775 (iii) The qualified business or industry meets and
776 maintains the job and wage requirements of subparagraphs (i) and
777 (ii) of this paragraph (b) for four (4) consecutive calendar
778 quarters.

779 (3) In order to receive incentive payments, an establishment
780 shall apply to the MDA. The application shall be on a form
781 prescribed by the MDA and shall contain such information as may be
782 required by the MDA to determine if the applicant is qualified.

783 (4) (a) In order to qualify to receive such payments, the
784 establishment applying shall be required to meet the definition of
785 the term "qualified business or industry";

786 (b) The criteria for the average annual salary
787 requirement shall be based upon the state average annual wage or
788 the average annual wage of the county whichever is appropriate, at
789 the time of application, and the threshold established upon
790 application will remain constant for the duration of the project;

791 (c) Except as otherwise provided for a qualified
792 business or industry as defined in Section 57-62-5(a)(iii), the
793 business or industry must meet its job creation commitment within
794 twenty-four (24) months of the application approval. However, if
795 the qualified business or industry is applying for incentive
796 payments for an additional period under subsection (2) of this
797 section, the business or industry must comply with the applicable
798 job and wage requirements of subsection (2) of this section.



799 (5) (a) The MDA shall determine if the applicant is
800 qualified to receive incentive payments.

801 (b) If the applicant is determined to be qualified to
802 receive incentive payments for an additional period under
803 subsection (2) of this section, the MDA shall conduct an analysis
804 to estimate the amount of gross payroll for the appropriate
805 additional period. Incentive payments, cumulatively, shall not
806 exceed ninety percent (90%) of the amount of actual income tax
807 withheld for employees with new direct jobs, but in no event more
808 than four percent (4%) of the total annual salary paid for new
809 direct jobs during the additional period, excluding benefits which
810 are not subject to Mississippi income taxes. Once the qualified
811 business or industry is approved by the MDA, an agreement shall be
812 deemed to exist between the qualified business or industry and the
813 State of Mississippi, requiring the continued incentive payment to
814 be made as long as the qualified business or industry retains its
815 eligibility.

816 (6) Upon approval of such an application, the MDA shall
817 notify the Department of Revenue and shall provide it with a copy
818 of the approved application and the minimum job and salary
819 requirements. The Department of Revenue may require the qualified
820 business or industry to submit such additional information as may
821 be necessary to administer the provisions of this chapter. The
822 qualified business or industry shall report to the Department of
823 Revenue periodically to show its continued eligibility for



incentive payments. The qualified business or industry may be audited by the Department of Revenue to verify such eligibility. In addition, the State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(7) If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

SECTION 4. Section 57-75-15, Mississippi Code of 1972, is brought forward as follows:

[Through June 30, 2014, this section shall read as follows:]

57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a



849 declaration from the authority as hereinafter provided, to borrow
850 money and issue general obligation bonds of the state in one or
851 more series for the purposes herein set out. Upon such
852 notification, the authority may thereafter from time to time
853 declare the necessity for the issuance of general obligation bonds
854 as authorized by this section and forward such declaration to the
855 State Bond Commission, provided that before such notification, the
856 authority may enter into agreements with the United States
857 government, private companies and others that will commit the
858 authority to direct the State Bond Commission to issue bonds for
859 eligible undertakings set out in subsection (4) of this section,
860 conditioned on the siting of the project in the state.

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

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

870 (b) Bonds issued under the authority of this section
871 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
872 Sixty-three Million Dollars (\$63,000,000.00). The authority, with
873 the express direction of the State Bond Commission, is authorized



874 to expend any remaining proceeds of bonds issued under the
875 authority of this act prior to January 1, 1998, for the purpose of
876 financing projects as then defined in Section 57-75-5(f)(ii) or
877 for any other projects as defined in Section 57-75-5(f)(ii), as it
878 may be amended from time to time. No bonds shall be issued under
879 this paragraph (b) until the State Bond Commission by resolution
880 adopts a finding that the issuance of such bonds will improve,
881 expand or otherwise enhance the military installation, its support
882 areas or military operations, or will provide employment
883 opportunities to replace those lost by closure or reductions in
884 operations at the military installation or will support critical
885 studies or investigations authorized by Section 57-75-5(f)(ii).

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

890 (d) Bonds issued under the authority of this section
891 for projects defined in Section 57-75-5(f)(iv) shall not exceed
892 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
893 additional amount of bonds in an amount not to exceed Twelve
894 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
895 issued under the authority of this section for the purpose of
896 defraying costs associated with the construction of surface water
897 transmission lines for a project defined in Section 57-75-5(f)(iv)



898 or for any facility related to the project. No bonds shall be
899 issued under this paragraph after June 30, 2005.

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

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

909 (g) Bonds issued under the authority of this section
910 for projects defined in Section 57-75-5(f)(viii) shall not exceed
911 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
912 bonds shall be issued under this paragraph after June 30, 2008.

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

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

921 (j) Bonds issued under the authority of this section
922 for projects defined in Section 57-75-5(f)(xii) shall not exceed



923 Thirty-three Million Dollars (\$33,000,000.00). The amount of
924 bonds that may be issued under this paragraph for projects defined
925 in Section 57-75-5(f)(xii) may be reduced by the amount of any
926 federal or local funds made available for such projects. No bonds
927 shall be issued under this paragraph until local governments in or
928 near the county in which the project is located have irrevocably
929 committed funds to the project in an amount of not less than Two
930 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
931 aggregate; however, this irrevocable commitment requirement may be
932 waived by the authority upon a finding that due to the unforeseen
933 circumstances created by Hurricane Katrina, the local governments
934 are unable to comply with such commitment. No bonds shall be
935 issued under this paragraph after June 30, 2008.

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

940 (l) Bonds issued under the authority of this section
941 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
942 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
943 issued under this paragraph until local governments in the county
944 in which the project is located have irrevocably committed funds
945 to the project in an amount of not less than Two Million Dollars
946 (\$2,000,000.00). No bonds shall be issued under this paragraph
947 after June 30, 2009.



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

952 (n) Bonds issued under the authority of this section
953 for projects defined in Section 57-75-5(f)(xvi) shall not exceed
954 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
955 under this paragraph after June 30, 2011.

956 (o) Bonds issued under the authority of this section
957 for projects defined in Section 57-75-5(f)(xvii) shall not exceed
958 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
959 bonds shall be issued under this paragraph after June 30, 2010.

960 (p) Bonds issued under the authority of this section
961 for projects defined in Section 57-75-5(f)(xviii) shall not exceed
962 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
963 issued under this paragraph after June 30, 2011.

964 (q) Bonds issued under the authority of this section
965 for projects defined in Section 57-75-5(f)(xix) shall not exceed
966 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
967 issued under this paragraph after June 30, 2012.

968 (r) Bonds issued under the authority of this section
969 for projects defined in Section 57-75-5(f)(xx) shall not exceed
970 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
971 issued under this paragraph after April 25, 2013.



972 (s) Bonds issued under the authority of this section
973 for projects defined in Section 57-75-5(f)(xxi) shall not exceed
974 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
975 (\$293,900,000.00). No bonds shall be issued under this paragraph
976 after July 1, 2020.

977 (t) Bonds issued under the authority of this section
978 for Tier One suppliers shall not exceed Thirty Million Dollars
979 (\$30,000,000.00). No bonds shall be issued under this paragraph
980 after July 1, 2020.

981 (u) Bonds issued under the authority of this section
982 for projects defined in Section 57-75-5(f)(xxii) shall not exceed
983 Forty-eight Million Four Hundred Thousand Dollars
984 (\$48,400,000.00). No bonds shall be issued under this paragraph
985 after July 1, 2020.

986 (v) Bonds issued under the authority of this section
987 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed
988 Eighty-eight Million Two Hundred Fifty Thousand Dollars
989 (\$88,250,000.00). No bonds shall be issued under this paragraph
990 after July 1, 2009.

991 (w) Bonds issued under the authority of this section
992 for projects defined in Section 57-75-5(f)(xxiv) shall not exceed
993 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
994 issued under this paragraph after July 1, 2020.

995 (x) Bonds issued under the authority of this section
996 for projects defined in Section 57-75-5(f)(xxv) shall not exceed



997 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
998 issued under this paragraph after July 1, 2017.

999 (y) Bonds issued under the authority of this section
1000 for projects defined in Section 57-75-5(f)(xxvi) shall not exceed
1001 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
1002 No bonds shall be issued under this paragraph after July 1, 2021.

1003 (z) Bonds issued under the authority of this section
1004 for projects defined in Section 57-75-5(f)(xxvii) shall not exceed
1005 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
1006 under this paragraph after April 25, 2013.

1007 (aa) Bonds issued under the authority of this section
1008 for projects defined in Section 57-75-5(f)(xxviii) shall not
1009 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
1010 bonds shall be issued under this paragraph after July 1, 2023.

1011 (4) (a) The proceeds from the sale of the bonds issued
1012 under this section may be applied for the following purposes:

1013 (i) Defraying all or any designated portion of the
1014 costs incurred with respect to acquisition, planning, design,
1015 construction, installation, rehabilitation, improvement,
1016 relocation and with respect to state-owned property, operation and
1017 maintenance of the project and any facility related to the project
1018 located within the project area, including costs of design and
1019 engineering, all costs incurred to provide land, easements and
1020 rights-of-way, relocation costs with respect to the project and
1021 with respect to any facility related to the project located within



1022 the project area, and costs associated with mitigation of
1023 environmental impacts and environmental impact studies;

1024 (ii) Defraying the cost of providing for the
1025 recruitment, screening, selection, training or retraining of
1026 employees, candidates for employment or replacement employees of
1027 the project and any related activity;

1028 (iii) Reimbursing the Mississippi Development
1029 Authority for expenses it incurred in regard to projects defined
1030 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
1031 Mississippi Development Authority shall submit an itemized list of
1032 expenses it incurred in regard to such projects to the Chairmen of
1033 the Finance and Appropriations Committees of the Senate and the
1034 Chairmen of the Ways and Means and Appropriations Committees of
1035 the House of Representatives;

1036 (iv) Providing grants to enterprises operating
1037 projects defined in Section 57-75-5(f)(iv)1;

1038 (v) Paying any warranty made by the authority
1039 regarding site work for a project defined in Section
1040 57-75-5(f)(iv)1;

1041 (vi) Defraying the cost of marketing and promotion
1042 of a project as defined in Section 57-75-5(f)(iv)1, Section
1043 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall
1044 submit an itemized list of costs incurred for marketing and
1045 promotion of such project to the Chairmen of the Finance and
1046 Appropriations Committees of the Senate and the Chairmen of the



1047 Ways and Means and Appropriations Committees of the House of
1048 Representatives;

1049 (vii) Providing for the payment of interest on the
1050 bonds;

1051 (viii) Providing debt service reserves;

1052 (ix) Paying underwriters' discount, original issue
1053 discount, accountants' fees, engineers' fees, attorneys' fees,
1054 rating agency fees and other fees and expenses in connection with
1055 the issuance of the bonds;

1056 (x) For purposes authorized in paragraphs (b),
1057 (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this
1058 subsection (4);

1059 (xi) Providing grants to enterprises operating
1060 projects defined in Section 57-75-5(f)(v), or, in connection with
1061 a facility related to such a project, for any purposes deemed by
1062 the authority in its sole discretion to be necessary and
1063 appropriate;

1064 (xii) Providing grant funds or loans to a public
1065 agency or an enterprise owning, leasing or operating a project
1066 defined in Section 57-75-5(f)(ii);

1067 (xiii) Providing grant funds or loans to an
1068 enterprise owning, leasing or operating a project defined in
1069 Section 57-75-5(f)(xiv);



1070 (xiv) Providing grants, loans and payments to or
1071 for the benefit of an enterprise owning or operating a project
1072 defined in Section 57-75-5(f)(xviii);

1073 (xv) Purchasing equipment for a project defined in
1074 Section 57-75-5(f)(viii) subject to such terms and conditions as
1075 the authority considers necessary and appropriate;

1076 (xvi) Providing grant funds to an enterprise
1077 developing or owning a project defined in Section 57-75-5(f)(xx);

1078 (xvii) Providing grants for projects as authorized
1079 in Section 57-75-11(kk), (ll), (mm) and (uu), or, in connection
1080 with a facility related to such a project, for any purposes deemed
1081 by the authority in its sole discretion to be necessary and
1082 appropriate;

1083 (xviii) Providing grants for projects as
1084 authorized in Section 57-75-11(pp) for any purposes deemed by the
1085 authority in its sole discretion to be necessary and appropriate;

1086 (xix) Providing grants and loans for projects as
1087 authorized in Section 57-75-11(qq);

1088 (xx) Providing grants for projects as authorized
1089 in Section 57-75-11(rr);

1090 (xxi) Providing grants, loans and payments as
1091 authorized in Section 57-75-11(ss); and

1092 (xxii) Providing grants and loans as authorized in
1093 Section 57-75-11(tt).



1094 Such bonds shall be issued from time to time and in such
1095 principal amounts as shall be designated by the authority, not to
1096 exceed in aggregate principal amounts the amount authorized in
1097 subsection (3) of this section. Proceeds from the sale of the
1098 bonds issued under this section may be invested, subject to
1099 federal limitations, pending their use, in such securities as may
1100 be specified in the resolution authorizing the issuance of the
1101 bonds or the trust indenture securing them, and the earning on
1102 such investment applied as provided in such resolution or trust
1103 indenture.

1104 (b) (i) The proceeds of bonds issued after June 21,
1105 2002, under this section for projects described in Section
1106 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1107 necessary costs incurred by the Mississippi Development Authority
1108 in providing assistance related to a project for which funding is
1109 provided from the use of proceeds of such bonds. The Mississippi
1110 Development Authority shall maintain an accounting of actual costs
1111 incurred for each project for which reimbursements are sought.
1112 Reimbursements under this paragraph (b) (i) shall not exceed Three
1113 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
1114 Reimbursements under this paragraph (b) (i) shall satisfy any
1115 applicable federal tax law requirements.

1116 (ii) The proceeds of bonds issued after June 21,
1117 2002, under this section for projects described in Section
1118 57-75-5(f) (iv) may be used to reimburse reasonable actual and



1119 necessary costs incurred by the Department of Audit in providing
1120 services related to a project for which funding is provided from
1121 the use of proceeds of such bonds. The Department of Audit shall
1122 maintain an accounting of actual costs incurred for each project
1123 for which reimbursements are sought. The Department of Audit may
1124 escalate its budget and expend such funds in accordance with rules
1125 and regulations of the Department of Finance and Administration in
1126 a manner consistent with the escalation of federal funds.
1127 Reimbursements under this paragraph (b)(ii) shall not exceed One
1128 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
1129 Reimbursements under this paragraph (b)(ii) shall satisfy any
1130 applicable federal tax law requirements.

1131 (c) (i) The proceeds of bonds issued under this
1132 section for projects described in Section 57-75-5(f)(ix) may be
1133 used to reimburse reasonable actual and necessary costs incurred
1134 by the Mississippi Development Authority in providing assistance
1135 related to a project for which funding is provided for the use of
1136 proceeds of such bonds. The Mississippi Development Authority
1137 shall maintain an accounting of actual costs incurred for each
1138 project for which reimbursements are sought. Reimbursements under
1139 this paragraph shall not exceed Twenty-five Thousand Dollars
1140 (\$25,000.00) in the aggregate.

1141 (ii) The proceeds of bonds issued under this
1142 section for projects described in Section 57-75-5(f)(ix) may be
1143 used to reimburse reasonable actual and necessary costs incurred



1144 by the Department of Audit in providing services related to a
1145 project for which funding is provided from the use of proceeds of
1146 such bonds. The Department of Audit shall maintain an accounting
1147 of actual costs incurred for each project for which reimbursements
1148 are sought. The Department of Audit may escalate its budget and
1149 expend such funds in accordance with rules and regulations of the
1150 Department of Finance and Administration in a manner consistent
1151 with the escalation of federal funds. Reimbursements under this
1152 paragraph shall not exceed Twenty-five Thousand Dollars
1153 (\$25,000.00) in the aggregate. Reimbursements under this
1154 paragraph shall satisfy any applicable federal tax law
1155 requirements.

1156 (d) (i) The proceeds of bonds issued under this
1157 section for projects described in Section 57-75-5(f)(x) may be
1158 used to reimburse reasonable actual and necessary costs incurred
1159 by the Mississippi Development Authority in providing assistance
1160 related to a project for which funding is provided for the use of
1161 proceeds of such bonds. The Mississippi Development Authority
1162 shall maintain an accounting of actual costs incurred for each
1163 project for which reimbursements are sought. Reimbursements under
1164 this paragraph shall not exceed Twenty-five Thousand Dollars
1165 (\$25,000.00) in the aggregate.

1166 (ii) The proceeds of bonds issued under this
1167 section for projects described in Section 57-75-5(f)(x) may be
1168 used to reimburse reasonable actual and necessary costs incurred



1169 by the Department of Audit in providing services related to a
1170 project for which funding is provided from the use of proceeds of
1171 such bonds. The Department of Audit shall maintain an accounting
1172 of actual costs incurred for each project for which reimbursements
1173 are sought. The Department of Audit may escalate its budget and
1174 expend such funds in accordance with rules and regulations of the
1175 Department of Finance and Administration in a manner consistent
1176 with the escalation of federal funds. Reimbursements under this
1177 paragraph shall not exceed Twenty-five Thousand Dollars
1178 (\$25,000.00) in the aggregate. Reimbursements under this
1179 paragraph shall satisfy any applicable federal tax law
1180 requirements.

1181 (e) (i) The proceeds of bonds issued under this
1182 section for projects described in Section 57-75-5(f)(xii) may be
1183 used to reimburse reasonable actual and necessary costs incurred
1184 by the Mississippi Development Authority in providing assistance
1185 related to a project for which funding is provided from the use of
1186 proceeds of such bonds. The Mississippi Development Authority
1187 shall maintain an accounting of actual costs incurred for each
1188 project for which reimbursements are sought. Reimbursements under
1189 this paragraph (e)(i) shall not exceed Twenty-five Thousand
1190 Dollars (\$25,000.00) in the aggregate.

1191 (ii) The proceeds of bonds issued under this
1192 section for projects described in Section 57-75-5(f)(xii) may be
1193 used to reimburse reasonable actual and necessary costs incurred



1194 by the Department of Audit in providing services related to a
1195 project for which funding is provided from the use of proceeds of
1196 such bonds. The Department of Audit shall maintain an accounting
1197 of actual costs incurred for each project for which reimbursements
1198 are sought. The Department of Audit may escalate its budget and
1199 expend such funds in accordance with rules and regulations of the
1200 Department of Finance and Administration in a manner consistent
1201 with the escalation of federal funds. Reimbursements under this
1202 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars
1203 (\$25,000.00) in the aggregate. Reimbursements under this
1204 paragraph (e)(ii) shall satisfy any applicable federal tax law
1205 requirements.

1206 (f) (i) The proceeds of bonds issued under this
1207 section for projects described in Section 57-75-5(f)(xiii),
1208 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may
1209 be used to reimburse reasonable actual and necessary costs
1210 incurred by the Mississippi Development Authority in providing
1211 assistance related to a project for which funding is provided from
1212 the use of proceeds of such bonds. The Mississippi Development
1213 Authority shall maintain an accounting of actual costs incurred
1214 for each project for which reimbursements are sought.

1215 Reimbursements under this paragraph (f)(i) shall not exceed
1216 Twenty-five Thousand Dollars (\$25,000.00) for each project.

1217 (ii) The proceeds of bonds issued under this
1218 section for projects described in Section 57-75-5(f)(xiii),



1219 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may
1220 be used to reimburse reasonable actual and necessary costs
1221 incurred by the Department of Audit in providing services related
1222 to a project for which funding is provided from the use of
1223 proceeds of such bonds. The Department of Audit shall maintain an
1224 accounting of actual costs incurred for each project for which
1225 reimbursements are sought. The Department of Audit may escalate
1226 its budget and expend such funds in accordance with rules and
1227 regulations of the Department of Finance and Administration in a
1228 manner consistent with the escalation of federal funds.
1229 Reimbursements under this paragraph (f)(ii) shall not exceed
1230 Twenty-five Thousand Dollars (\$25,000.00) for each project.
1231 Reimbursements under this paragraph (f)(ii) shall satisfy any
1232 applicable federal tax law requirements.

1233 (g) (i) The proceeds of bonds issued under this
1234 section for projects described in Section 57-75-5(f)(xxi) or
1235 projects for a Tier One supplier may be used to reimburse
1236 reasonable actual and necessary costs incurred by the Mississippi
1237 Development Authority in providing assistance related to a project
1238 for which funding is provided from the use of proceeds of such
1239 bonds. The Mississippi Development Authority shall maintain an
1240 accounting of actual costs incurred for each project for which
1241 reimbursements are sought. Reimbursements under this paragraph
1242 (g)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)
1243 in the aggregate.



1244 (ii) The proceeds of bonds issued under this
1245 section for projects described in Section 57-75-5(f)(xxi) or
1246 projects for a Tier One supplier may be used to reimburse
1247 reasonable actual and necessary costs incurred by the Department
1248 of Audit in providing services related to a project for which
1249 funding is provided from the use of proceeds of such bonds. The
1250 Department of Audit shall maintain an accounting of actual costs
1251 incurred for each project for which reimbursements are sought.
1252 The Department of Audit may escalate its budget and expend such
1253 funds in accordance with rules and regulations of the Department
1254 of Finance and Administration in a manner consistent with the
1255 escalation of federal funds. Reimbursements under this paragraph
1256 (g)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)
1257 in the aggregate. Reimbursements under this paragraph (g)(ii)
1258 shall satisfy any applicable federal tax law requirements.

1259 (h) (i) The proceeds of bonds issued under this
1260 section for projects described in Section 57-75-5(f)(xxii) may be
1261 used to reimburse reasonable actual and necessary costs incurred
1262 by the Mississippi Development Authority in providing assistance
1263 related to a project for which funding is provided from the use of
1264 proceeds of such bonds. The Mississippi Development Authority
1265 shall maintain an accounting of actual costs incurred for each
1266 project for which reimbursements are sought. Reimbursements under
1267 this paragraph (h)(i) shall not exceed Twenty-five Thousand
1268 Dollars (\$25,000.00) in the aggregate.



1269 (ii) The proceeds of bonds issued under this
1270 section for projects described in Section 57-75-5(f)(xxii) may be
1271 used to reimburse reasonable actual and necessary costs incurred
1272 by the Department of Audit in providing services related to a
1273 project for which funding is provided from the use of proceeds of
1274 such bonds. The Department of Audit shall maintain an accounting
1275 of actual costs incurred for each project for which reimbursements
1276 are sought. The Department of Audit may escalate its budget and
1277 expend such funds in accordance with rules and regulations of the
1278 Department of Finance and Administration in a manner consistent
1279 with the escalation of federal funds. Reimbursements under this
1280 paragraph (h)(ii) shall not exceed Twenty-five Thousand Dollars
1281 (\$25,000.00) in the aggregate. Reimbursements under this
1282 paragraph (h)(ii) shall satisfy any applicable federal tax law
1283 requirements.

1284 (i) (i) The proceeds of bonds issued under this
1285 section for projects described in Section 57-75-5(f)(xxiii) may be
1286 used to reimburse reasonable actual and necessary costs incurred
1287 by the Mississippi Development Authority in providing assistance
1288 related to a project for which funding is provided from the use of
1289 proceeds of such bonds. The Mississippi Development Authority
1290 shall maintain an accounting of actual costs incurred for each
1291 project for which reimbursements are sought. Reimbursements under
1292 this paragraph (i)(i) shall not exceed Twenty-five Thousand
1293 Dollars (\$25,000.00) in the aggregate.



1294 (ii) The proceeds of bonds issued under this
1295 section for projects described in Section 57-75-5(f)(xxiii) may be
1296 used to reimburse reasonable actual and necessary costs incurred
1297 by the Department of Audit in providing services related to a
1298 project for which funding is provided from the use of proceeds of
1299 such bonds. The Department of Audit shall maintain an accounting
1300 of actual costs incurred for each project for which reimbursements
1301 are sought. The Department of Audit may escalate its budget and
1302 expend such funds in accordance with rules and regulations of the
1303 Department of Finance and Administration in a manner consistent
1304 with the escalation of federal funds. Reimbursements under this
1305 paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars
1306 (\$25,000.00) in the aggregate. Reimbursements under this
1307 paragraph (i)(ii) shall satisfy any applicable federal tax law
1308 requirements.

1309 (j) (i) The proceeds of bonds issued under this
1310 section for projects described in Section 57-75-5(f)(xxiv) may be
1311 used to reimburse reasonable actual and necessary costs incurred
1312 by the Mississippi Development Authority in providing assistance
1313 related to a project for which funding is provided from the use of
1314 proceeds of such bonds. The Mississippi Development Authority
1315 shall maintain an accounting of actual costs incurred for each
1316 project for which reimbursements are sought. Reimbursements under
1317 this paragraph (j)(i) shall not exceed Twenty-five Thousand
1318 Dollars (\$25,000.00) in the aggregate.



1319 (ii) The proceeds of bonds issued under this
1320 section for projects described in Section 57-75-5(f)(xxiv) may be
1321 used to reimburse reasonable actual and necessary costs incurred
1322 by the Department of Audit in providing services related to a
1323 project for which funding is provided from the use of proceeds of
1324 such bonds. The Department of Audit shall maintain an accounting
1325 of actual costs incurred for each project for which reimbursements
1326 are sought. The Department of Audit may escalate its budget and
1327 expend such funds in accordance with rules and regulations of the
1328 Department of Finance and Administration in a manner consistent
1329 with the escalation of federal funds. Reimbursements under this
1330 paragraph (j)(ii) shall not exceed Twenty-five Thousand Dollars
1331 (\$25,000.00) in the aggregate. Reimbursements under this
1332 paragraph (j)(ii) shall satisfy any applicable federal tax law
1333 requirements.

1334 (k) (i) The proceeds of bonds issued under this
1335 section for projects described in Section 57-75-5(f)(xxv) may be
1336 used to reimburse reasonable actual and necessary costs incurred
1337 by the Mississippi Development Authority in providing assistance
1338 related to a project for which funding is provided from the use of
1339 proceeds of such bonds. The Mississippi Development Authority
1340 shall maintain an accounting of actual costs incurred for each
1341 project for which reimbursements are sought. Reimbursements under
1342 this paragraph (k)(i) shall not exceed Twenty-five Thousand
1343 Dollars (\$25,000.00) in the aggregate.



1344 (ii) The proceeds of bonds issued under this
1345 section for projects described in Section 57-75-5(f)(xxv) may be
1346 used to reimburse reasonable actual and necessary costs incurred
1347 by the Department of Audit in providing services related to a
1348 project for which funding is provided from the use of proceeds of
1349 such bonds. The Department of Audit shall maintain an accounting
1350 of actual costs incurred for each project for which reimbursements
1351 are sought. The Department of Audit may escalate its budget and
1352 expend such funds in accordance with rules and regulations of the
1353 Department of Finance and Administration in a manner consistent
1354 with the escalation of federal funds. Reimbursements under this
1355 paragraph (k)(ii) shall not exceed Twenty-five Thousand Dollars
1356 (\$25,000.00) in the aggregate. Reimbursements under this
1357 paragraph (k)(ii) shall satisfy any applicable federal tax law
1358 requirements.

1359 (1) (i) The proceeds of bonds issued under this
1360 section for projects described in Section 57-75-5(f)(xxvi) may be
1361 used to reimburse reasonable actual and necessary costs incurred
1362 by the Mississippi Development Authority in providing assistance
1363 related to a project for which funding is provided from the use of
1364 proceeds of such bonds. The Mississippi Development Authority
1365 shall maintain an accounting of actual costs incurred for each
1366 project for which reimbursements are sought. Reimbursements under
1367 this paragraph (1)(i) shall not exceed Twenty-five Thousand
1368 Dollars (\$25,000.00) in the aggregate.



1369 (ii) The proceeds of bonds issued under this
1370 section for projects described in Section 57-75-5(f)(xxvi) may be
1371 used to reimburse reasonable actual and necessary costs incurred
1372 by the Department of Audit in providing services related to a
1373 project for which funding is provided from the use of proceeds of
1374 such bonds. The Department of Audit shall maintain an accounting
1375 of actual costs incurred for each project for which reimbursements
1376 are sought. The Department of Audit may escalate its budget and
1377 expend such funds in accordance with rules and regulations of the
1378 Department of Finance and Administration in a manner consistent
1379 with the escalation of federal funds. Reimbursements under this
1380 paragraph (l)(ii) shall not exceed Twenty-five Thousand Dollars
1381 (\$25,000.00) in the aggregate. Reimbursements under this
1382 paragraph (l)(ii) shall satisfy any applicable federal tax law
1383 requirements.

1384 (m) (i) The proceeds of bonds issued under this
1385 section for projects described in Section 57-75-5(f)(xxvii) may be
1386 used to reimburse reasonable actual and necessary costs incurred
1387 by the Mississippi Development Authority in providing assistance
1388 related to a project for which funding is provided from the use of
1389 proceeds of such bonds. The Mississippi Development Authority
1390 shall maintain an accounting of actual costs incurred for each
1391 project for which reimbursements are sought. Reimbursements under
1392 this paragraph (m)(i) shall not exceed Twenty-five Thousand
1393 Dollars (\$25,000.00) in the aggregate.



1394 (ii) The proceeds of bonds issued under this
1395 section for projects described in Section 57-75-5(f)(xxvii) may be
1396 used to reimburse reasonable actual and necessary costs incurred
1397 by the Department of Audit in providing services related to a
1398 project for which funding is provided from the use of proceeds of
1399 such bonds. The Department of Audit shall maintain an accounting
1400 of actual costs incurred for each project for which reimbursements
1401 are sought. The Department of Audit may escalate its budget and
1402 expend such funds in accordance with rules and regulations of the
1403 Department of Finance and Administration in a manner consistent
1404 with the escalation of federal funds. Reimbursements under this
1405 paragraph (m)(ii) shall not exceed Twenty-five Thousand Dollars
1406 (\$25,000.00) in the aggregate. Reimbursements under this
1407 paragraph (m)(ii) shall satisfy any applicable federal tax law
1408 requirements.

1409 (n) (i) The proceeds of bonds issued under this
1410 section for projects described in Section 57-75-5(f)(xxviii) may
1411 be used to reimburse reasonable actual and necessary costs
1412 incurred by the Mississippi Development Authority in providing
1413 assistance related to a project for which funding is provided from
1414 the use of proceeds of such bonds. The Mississippi Development
1415 Authority shall maintain an accounting of actual costs incurred
1416 for each project for which reimbursements are sought.
1417 Reimbursements under this paragraph (n)(i) shall not exceed
1418 Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.



1419 (ii) The proceeds of bonds issued under this
1420 section for projects described in Section 57-75-5(f)(xxviii) may
1421 be used to reimburse reasonable actual and necessary costs
1422 incurred by the Department of Audit in providing services related
1423 to a project for which funding is provided from the use of
1424 proceeds of such bonds. The Department of Audit shall maintain an
1425 accounting of actual costs incurred for each project for which
1426 reimbursements are sought. The Department of Audit may escalate
1427 its budget and expend such funds in accordance with rules and
1428 regulations of the Department of Finance and Administration in a
1429 manner consistent with the escalation of federal funds.
1430 Reimbursements under this paragraph (n)(ii) shall not exceed
1431 Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.
1432 Reimbursements under this paragraph (n)(ii) shall satisfy any
1433 applicable federal tax law requirements.

1434 (5) The principal of and the interest on the bonds shall be
1435 payable in the manner hereinafter set forth. The bonds shall bear
1436 date or dates; be in such denomination or denominations; bear
1437 interest at such rate or rates; be payable at such place or places
1438 within or without the state; mature absolutely at such time or
1439 times; be redeemable before maturity at such time or times and
1440 upon such terms, with or without premium; bear such registration
1441 privileges; and be substantially in such form; all as shall be
1442 determined by resolution of the State Bond Commission except that
1443 such bonds shall mature or otherwise be retired in annual



1444 installments beginning not more than five (5) years from the date
1445 thereof and extending not more than twenty-five (25) years from
1446 the date thereof. The bonds shall be signed by the Chairman of
1447 the State Bond Commission, or by his facsimile signature, and the
1448 official seal of the State Bond Commission shall be imprinted on
1449 or affixed thereto, attested by the manual or facsimile signature
1450 of the Secretary of the State Bond Commission. Whenever any such
1451 bonds have been signed by the officials herein designated to sign
1452 the bonds, who were in office at the time of such signing but who
1453 may have ceased to be such officers before the sale and delivery
1454 of such bonds, or who may not have been in office on the date such
1455 bonds may bear, the signatures of such officers upon such bonds
1456 shall nevertheless be valid and sufficient for all purposes and
1457 have the same effect as if the person so officially signing such
1458 bonds had remained in office until the delivery of the same to the
1459 purchaser, or had been in office on the date such bonds may bear.

1460 (6) All bonds issued under the provisions of this section
1461 shall be and are hereby declared to have all the qualities and
1462 incidents of negotiable instruments under the provisions of the
1463 Uniform Commercial Code and in exercising the powers granted by
1464 this chapter, the State Bond Commission shall not be required to
1465 and need not comply with the provisions of the Uniform Commercial
1466 Code.

1467 (7) The State Bond Commission shall act as issuing agent for
1468 the bonds, prescribe the form of the bonds, determine the



1469 appropriate method for sale of the bonds, advertise for and accept
1470 bids or negotiate the sale of the bonds, issue and sell the bonds,
1471 pay all fees and costs incurred in such issuance and sale, and do
1472 any and all other things necessary and advisable in connection
1473 with the issuance and sale of the bonds. The State Bond
1474 Commission may sell such bonds on sealed bids at public sale or
1475 may negotiate the sale of the bonds for such price as it may
1476 determine to be for the best interest of the State of Mississippi.
1477 The bonds shall bear interest at such rate or rates not exceeding
1478 the limits set forth in Section 75-17-101 as shall be fixed by the
1479 State Bond Commission. All interest accruing on such bonds so
1480 issued shall be payable semiannually or annually.

1481 If the bonds are to be sold on sealed bids at public sale,
1482 notice of the sale of any bonds shall be published at least one
1483 time, the first of which shall be made not less than ten (10) days
1484 prior to the date of sale, and shall be so published in one or
1485 more newspapers having a general circulation in the City of
1486 Jackson selected by the State Bond Commission.

1487 The State Bond Commission, when issuing any bonds under the
1488 authority of this section, may provide that the bonds, at the
1489 option of the state, may be called in for payment and redemption
1490 at the call price named therein and accrued interest on such date
1491 or dates named therein.

1492 (8) State bonds issued under the provisions of this section
1493 shall be the general obligations of the state and backed by the



1494 full faith and credit of the state. The Legislature shall
1495 appropriate annually an amount sufficient to pay the principal of
1496 and the interest on such bonds as they become due. All bonds
1497 shall contain recitals on their faces substantially covering the
1498 foregoing provisions of this section.

1499 (9) The State Treasurer is authorized to certify to the
1500 Department of Finance and Administration the necessity for
1501 warrants, and the Department of Finance and Administration is
1502 authorized and directed to issue such warrants payable out of any
1503 funds appropriated by the Legislature under this section for such
1504 purpose, in such amounts as may be necessary to pay when due the
1505 principal of and interest on all bonds issued under the provisions
1506 of this section. The State Treasurer shall forward the necessary
1507 amount to the designated place or places of payment of such bonds
1508 in ample time to discharge such bonds, or the interest thereon, on
1509 the due dates thereof.

1510 (10) The bonds may be issued without any other proceedings
1511 or the happening of any other conditions or things other than
1512 those proceedings, conditions and things which are specified or
1513 required by this chapter. Any resolution providing for the
1514 issuance of general obligation bonds under the provisions of this
1515 section shall become effective immediately upon its adoption by
1516 the State Bond Commission, and any such resolution may be adopted
1517 at any regular or special meeting of the State Bond Commission by
1518 a majority of its members.



1519 (11) In anticipation of the issuance of bonds hereunder, the
1520 State Bond Commission is authorized to negotiate and enter into
1521 any purchase, loan, credit or other agreement with any bank, trust
1522 company or other lending institution or to issue and sell interim
1523 notes for the purpose of making any payments authorized under this
1524 section. All borrowings made under this provision shall be
1525 evidenced by notes of the state which shall be issued from time to
1526 time, for such amounts not exceeding the amount of bonds
1527 authorized herein, in such form and in such denomination and
1528 subject to such terms and conditions of sale and issuance,
1529 prepayment or redemption and maturity, rate or rates of interest
1530 not to exceed the maximum rate authorized herein for bonds, and
1531 time of payment of interest as the State Bond Commission shall
1532 agree to in such agreement. Such notes shall constitute general
1533 obligations of the state and shall be backed by the full faith and
1534 credit of the state. Such notes may also be issued for the
1535 purpose of refunding previously issued notes. No note shall
1536 mature more than three (3) years following the date of its
1537 issuance. The State Bond Commission is authorized to provide for
1538 the compensation of any purchaser of the notes by payment of a
1539 fixed fee or commission and for all other costs and expenses of
1540 issuance and service, including paying agent costs. Such costs
1541 and expenses may be paid from the proceeds of the notes.

1542 (12) The bonds and interim notes authorized under the
1543 authority of this section may be validated in the Chancery Court



1544 of the First Judicial District of Hinds County, Mississippi, in
1545 the manner and with the force and effect provided now or hereafter
1546 by Chapter 13, Title 31, Mississippi Code of 1972, for the
1547 validation of county, municipal, school district and other bonds.
1548 The necessary papers for such validation proceedings shall be
1549 transmitted to the State Bond Attorney, and the required notice
1550 shall be published in a newspaper published in the City of
1551 Jackson, Mississippi.

1552 (13) Any bonds or interim notes issued under the provisions
1553 of this chapter, a transaction relating to the sale or securing of
1554 such bonds or interim notes, their transfer and the income
1555 therefrom shall at all times be free from taxation by the state or
1556 any local unit or political subdivision or other instrumentality
1557 of the state, excepting inheritance and gift taxes.

1558 (14) All bonds issued under this chapter shall be legal
1559 investments for trustees, other fiduciaries, savings banks, trust
1560 companies and insurance companies organized under the laws of the
1561 State of Mississippi; and such bonds shall be legal securities
1562 which may be deposited with and shall be received by all public
1563 officers and bodies of the state and all municipalities and other
1564 political subdivisions thereof for the purpose of securing the
1565 deposit of public funds.

1566 (15) The Attorney General of the State of Mississippi shall
1567 represent the State Bond Commission in issuing, selling and
1568 validating bonds herein provided for, and the Bond Commission is



1569 hereby authorized and empowered to expend from the proceeds
1570 derived from the sale of the bonds authorized hereunder all
1571 necessary administrative, legal and other expenses incidental and
1572 related to the issuance of bonds authorized under this chapter.

1573 (16) There is hereby created a special fund in the State
1574 Treasury to be known as the Mississippi Major Economic Impact
1575 Authority Fund wherein shall be deposited the proceeds of the
1576 bonds issued under this chapter and all monies received by the
1577 authority to carry out the purposes of this chapter. Expenditures
1578 authorized herein shall be paid by the State Treasurer upon
1579 warrants drawn from the fund, and the Department of Finance and
1580 Administration shall issue warrants upon requisitions signed by
1581 the director of the authority.

1582 (17) (a) There is hereby created the Mississippi Economic
1583 Impact Authority Sinking Fund from which the principal of and
1584 interest on such bonds shall be paid by appropriation. All monies
1585 paid into the sinking fund not appropriated to pay accruing bonds
1586 and interest shall be invested by the State Treasurer in such
1587 securities as are provided by law for the investment of the
1588 sinking funds of the state.

1589 (b) In the event that all or any part of the bonds and
1590 notes are purchased, they shall be cancelled and returned to the
1591 loan and transfer agent as cancelled and paid bonds and notes and
1592 thereafter all payments of interest thereon shall cease and the
1593 cancelled bonds, notes and coupons, together with any other



1594 cancelled bonds, notes and coupons, shall be destroyed as promptly
1595 as possible after cancellation but not later than two (2) years
1596 after cancellation. A certificate evidencing the destruction of
1597 the cancelled bonds, notes and coupons shall be provided by the
1598 loan and transfer agent to the seller.

1599 (c) The State Treasurer shall determine and report to
1600 the Department of Finance and Administration and Legislative
1601 Budget Office by September 1 of each year the amount of money
1602 necessary for the payment of the principal of and interest on
1603 outstanding obligations for the following fiscal year and the
1604 times and amounts of the payments. It shall be the duty of the
1605 Governor to include in every executive budget submitted to the
1606 Legislature full information relating to the issuance of bonds and
1607 notes under the provisions of this chapter and the status of the
1608 sinking fund for the payment of the principal of and interest on
1609 the bonds and notes.

1610 (d) Any monies repaid to the state from loans
1611 authorized in Section 57-75-11(hh) shall be deposited into the
1612 Mississippi Major Economic Impact Authority Sinking Fund unless
1613 the State Bond Commission, at the request of the authority, shall
1614 determine that such loan repayments are needed to provide
1615 additional loans as authorized under Section 57-75-11(hh). For
1616 purposes of providing additional loans, there is hereby created
1617 the Mississippi Major Economic Impact Authority Revolving Loan
1618 Fund and loan repayments shall be deposited into the fund. The



1619 fund shall be maintained for such period as determined by the
1620 State Bond Commission for the sole purpose of making additional
1621 loans as authorized by Section 57-75-11(hh). Unexpended amounts
1622 remaining in the fund at the end of a fiscal year shall not lapse
1623 into the State General Fund and any interest earned on amounts in
1624 such fund shall be deposited to the credit of the fund.

1625 (e) Any monies repaid to the state from loans
1626 authorized in Section 57-75-11(ii) shall be deposited into the
1627 Mississippi Major Economic Impact Authority Sinking Fund.

1628 (f) Any monies repaid to the state from loans
1629 authorized in Section 57-75-11(jj) shall be deposited into the
1630 Mississippi Major Economic Impact Authority Sinking Fund.

1631 (18) (a) Upon receipt of a declaration by the authority
1632 that it has determined that the state is a potential site for a
1633 project, the State Bond Commission is authorized and directed to
1634 authorize the State Treasurer to borrow money from any special
1635 fund in the State Treasury not otherwise appropriated to be
1636 utilized by the authority for the purposes provided for in this
1637 subsection.

1638 (b) The proceeds of the money borrowed under this
1639 subsection may be utilized by the authority for the purpose of
1640 defraying all or a portion of the costs incurred by the authority
1641 with respect to acquisition options and planning, design and
1642 environmental impact studies with respect to a project defined in
1643 Section 57-75-5(f)(xi). The authority may escalate its budget and



1644 expend the proceeds of the money borrowed under this subsection in
1645 accordance with rules and regulations of the Department of Finance
1646 and Administration in a manner consistent with the escalation of
1647 federal funds.

1648 (c) The authority shall request an appropriation or
1649 additional authority to issue general obligation bonds to repay
1650 the borrowed funds and establish a date for the repayment of the
1651 funds so borrowed.

1652 (d) Borrowings made under the provisions of this
1653 subsection shall not exceed Five Hundred Thousand Dollars
1654 (\$500,000.00) at any one time.

1655 **[From and after July 1, 2014, this section shall read as**
1656 **follows:]**

1657 57-75-15. (1) Upon notification to the authority by the
1658 enterprise that the state has been finally selected as the site
1659 for the project, the State Bond Commission shall have the power
1660 and is hereby authorized and directed, upon receipt of a
1661 declaration from the authority as hereinafter provided, to borrow
1662 money and issue general obligation bonds of the state in one or
1663 more series for the purposes herein set out. Upon such
1664 notification, the authority may thereafter from time to time
1665 declare the necessity for the issuance of general obligation bonds
1666 as authorized by this section and forward such declaration to the
1667 State Bond Commission, provided that before such notification, the
1668 authority may enter into agreements with the United States



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

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

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

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Sixty-three Million Dollars (\$63,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support



1694 areas or military operations, or will provide employment
1695 opportunities to replace those lost by closure or reductions in
1696 operations at the military installation or will support critical
1697 studies or investigations authorized by Section 57-75-5(f)(ii).

1698 (c) Bonds issued under the authority of this section
1699 for projects as defined in Section 57-75-5(f)(iii) shall not
1700 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
1701 issued under this paragraph after December 31, 1996.

1702 (d) Bonds issued under the authority of this section
1703 for projects defined in Section 57-75-5(f)(iv) shall not exceed
1704 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
1705 additional amount of bonds in an amount not to exceed Twelve
1706 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
1707 issued under the authority of this section for the purpose of
1708 defraying costs associated with the construction of surface water
1709 transmission lines for a project defined in Section 57-75-5(f)(iv)
1710 or for any facility related to the project. No bonds shall be
1711 issued under this paragraph after June 30, 2005.

1712 (e) Bonds issued under the authority of this section
1713 for projects defined in Section 57-75-5(f)(v) and for facilities
1714 related to such projects shall not exceed Thirty-eight Million
1715 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
1716 issued under this paragraph after April 1, 2005.

1717 (f) Bonds issued under the authority of this section
1718 for projects defined in Section 57-75-5(f)(vii) shall not exceed



1719 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1720 under this paragraph after June 30, 2006.

1721 (g) Bonds issued under the authority of this section
1722 for projects defined in Section 57-75-5(f)(viii) shall not exceed
1723 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
1724 bonds shall be issued under this paragraph after June 30, 2008.

1725 (h) Bonds issued under the authority of this section
1726 for projects defined in Section 57-75-5(f)(ix) shall not exceed
1727 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1728 under this paragraph after June 30, 2007.

1729 (i) Bonds issued under the authority of this section
1730 for projects defined in Section 57-75-5(f)(x) shall not exceed
1731 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1732 under this paragraph after April 1, 2005.

1733 (j) Bonds issued under the authority of this section
1734 for projects defined in Section 57-75-5(f)(xii) shall not exceed
1735 Thirty-three Million Dollars (\$33,000,000.00). The amount of
1736 bonds that may be issued under this paragraph for projects defined
1737 in Section 57-75-5(f)(xii) may be reduced by the amount of any
1738 federal or local funds made available for such projects. No bonds
1739 shall be issued under this paragraph until local governments in or
1740 near the county in which the project is located have irrevocably
1741 committed funds to the project in an amount of not less than Two
1742 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
1743 aggregate; however, this irrevocable commitment requirement may be



1744 waived by the authority upon a finding that due to the unforeseen
1745 circumstances created by Hurricane Katrina, the local governments
1746 are unable to comply with such commitment. No bonds shall be
1747 issued under this paragraph after June 30, 2008.

1748 (k) Bonds issued under the authority of this section
1749 for projects defined in Section 57-75-5(f)(xiii) shall not exceed
1750 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
1751 under this paragraph after June 30, 2009.

1752 (l) Bonds issued under the authority of this section
1753 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
1754 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
1755 issued under this paragraph until local governments in the county
1756 in which the project is located have irrevocably committed funds
1757 to the project in an amount of not less than Two Million Dollars
1758 (\$2,000,000.00). No bonds shall be issued under this paragraph
1759 after June 30, 2009.

1760 (m) Bonds issued under the authority of this section
1761 for projects defined in Section 57-75-5(f)(xv) shall not exceed
1762 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
1763 issued under this paragraph after June 30, 2009.

1764 (n) Bonds issued under the authority of this section
1765 for projects defined in Section 57-75-5(f)(xvi) shall not exceed
1766 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
1767 under this paragraph after June 30, 2011.



1768 (o) Bonds issued under the authority of this section
1769 for projects defined in Section 57-75-5(f)(xvii) shall not exceed
1770 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
1771 bonds shall be issued under this paragraph after June 30, 2010.

1772 (p) Bonds issued under the authority of this section
1773 for projects defined in Section 57-75-5(f)(xviii) shall not exceed
1774 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
1775 issued under this paragraph after June 30, 2016.

1776 (q) Bonds issued under the authority of this section
1777 for projects defined in Section 57-75-5(f)(xix) shall not exceed
1778 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
1779 issued under this paragraph after June 30, 2012.

1780 (r) Bonds issued under the authority of this section
1781 for projects defined in Section 57-75-5(f)(xx) shall not exceed
1782 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
1783 issued under this paragraph after April 25, 2013.

1784 (s) Bonds issued under the authority of this section
1785 for projects defined in Section 57-75-5(f)(xxi) shall not exceed
1786 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
1787 (\$293,900,000.00). No bonds shall be issued under this paragraph
1788 after July 1, 2020.

1789 (t) Bonds issued under the authority of this section
1790 for Tier One suppliers shall not exceed Thirty Million Dollars
1791 (\$30,000,000.00). No bonds shall be issued under this paragraph
1792 after July 1, 2020.



1793 (u) Bonds issued under the authority of this section
1794 for projects defined in Section 57-75-5(f)(xxii) shall not exceed
1795 Forty-eight Million Four Hundred Thousand Dollars
1796 (\$48,400,000.00). No bonds shall be issued under this paragraph
1797 after July 1, 2020.

1798 (v) Bonds issued under the authority of this section
1799 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed
1800 Eighty-eight Million Two Hundred Fifty Thousand Dollars
1801 (\$88,250,000.00). No bonds shall be issued under this paragraph
1802 after July 1, 2009.

1803 (w) Bonds issued under the authority of this section
1804 for projects defined in Section 57-75-5(f)(xxiv) shall not exceed
1805 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
1806 issued under this paragraph after July 1, 2020.

1807 (x) Bonds issued under the authority of this section
1808 for projects defined in Section 57-75-5(f)(xxv) shall not exceed
1809 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
1810 issued under this paragraph after July 1, 2017.

1811 (y) Bonds issued under the authority of this section
1812 for projects defined in Section 57-75-5(f)(xxvi) shall not exceed
1813 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
1814 No bonds shall be issued under this paragraph after July 1, 2021.

1815 (z) Bonds issued under the authority of this section
1816 for projects defined in Section 57-75-5(f)(xxvii) shall not exceed



1817 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
1818 under this paragraph after April 25, 2013.

1819 (aa) Bonds issued under the authority of this section
1820 for projects defined in Section 57-75-5(f)(xxviii) shall not
1821 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
1822 bonds shall be issued under this paragraph after July 1, 2023.

1823 (4) (a) The proceeds from the sale of the bonds issued
1824 under this section may be applied for the following purposes:

1825 (i) Defraying all or any designated portion of the
1826 costs incurred with respect to acquisition, planning, design,
1827 construction, installation, rehabilitation, improvement,
1828 relocation and with respect to state-owned property, operation and
1829 maintenance of the project and any facility related to the project
1830 located within the project area, including costs of design and
1831 engineering, all costs incurred to provide land, easements and
1832 rights-of-way, relocation costs with respect to the project and
1833 with respect to any facility related to the project located within
1834 the project area, and costs associated with mitigation of
1835 environmental impacts and environmental impact studies;

1836 (ii) Defraying the cost of providing for the
1837 recruitment, screening, selection, training or retraining of
1838 employees, candidates for employment or replacement employees of
1839 the project and any related activity;

1840 (iii) Reimbursing the Mississippi Development
1841 Authority for expenses it incurred in regard to projects defined



1842 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
1843 Mississippi Development Authority shall submit an itemized list of
1844 expenses it incurred in regard to such projects to the Chairmen of
1845 the Finance and Appropriations Committees of the Senate and the
1846 Chairmen of the Ways and Means and Appropriations Committees of
1847 the House of Representatives;

1848 (iv) Providing grants to enterprises operating
1849 projects defined in Section 57-75-5(f)(iv)1;

1850 (v) Paying any warranty made by the authority
1851 regarding site work for a project defined in Section
1852 57-75-5(f)(iv)1;

1853 (vi) Defraying the cost of marketing and promotion
1854 of a project as defined in Section 57-75-5(f)(iv)1, Section
1855 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall
1856 submit an itemized list of costs incurred for marketing and
1857 promotion of such project to the Chairmen of the Finance and
1858 Appropriations Committees of the Senate and the Chairmen of the
1859 Ways and Means and Appropriations Committees of the House of
1860 Representatives;

1861 (vii) Providing for the payment of interest on the
1862 bonds;

1863 (viii) Providing debt service reserves;

1864 (ix) Paying underwriters' discount, original issue
1865 discount, accountants' fees, engineers' fees, attorneys' fees,



1866 rating agency fees and other fees and expenses in connection with
1867 the issuance of the bonds;

1868 (x) For purposes authorized in paragraphs (b),
1869 (c), (d), (e) and (f) of this subsection (4);

1870 (xi) Providing grants to enterprises operating
1871 projects defined in Section 57-75-5(f)(v), or, in connection with
1872 a facility related to such a project, for any purposes deemed by
1873 the authority in its sole discretion to be necessary and
1874 appropriate;

1875 (xii) Providing grant funds or loans to a public
1876 agency or an enterprise owning, leasing or operating a project
1877 defined in Section 57-75-5(f)(ii);

1878 (xiii) Providing grant funds or loans to an
1879 enterprise owning, leasing or operating a project defined in
1880 Section 57-75-5(f)(xiv);

1881 (xiv) Providing grants, loans and payments to or
1882 for the benefit of an enterprise owning or operating a project
1883 defined in Section 57-75-5(f)(xviii);

1884 (xv) Purchasing equipment for a project defined in
1885 Section 57-75-5(f)(viii) subject to such terms and conditions as
1886 the authority considers necessary and appropriate;

1887 (xvi) Providing grant funds to an enterprise
1888 developing or owning a project defined in Section 57-75-5(f)(xx);

1889 (xvii) Providing grants for projects as authorized
1890 in Section 57-75-11(kk), (ll), (mm) and (uu), or, in connection



1891 with a facility related to such a project, for any purposes deemed
1892 by the authority in its sole discretion to be necessary and
1893 appropriate;

1894 (xviii) Providing grants for projects as
1895 authorized in Section 57-75-11(pp) for any purposes deemed by the
1896 authority in its sole discretion to be necessary and appropriate;

1897 (xix) Providing grants and loans for projects as
1898 authorized in Section 57-75-11(qq);

1899 (xx) Providing grants for projects as authorized
1900 in Section 57-75-11(rr);

1901 (xxi) Providing grants, loans and payments as
1902 authorized in Section 57-75-11(ss); and

1903 (xxii) Providing loans as authorized in Section
1904 57-75-11(tt).

1905 Such bonds shall be issued from time to time and in such
1906 principal amounts as shall be designated by the authority, not to
1907 exceed in aggregate principal amounts the amount authorized in
1908 subsection (3) of this section. Proceeds from the sale of the
1909 bonds issued under this section may be invested, subject to
1910 federal limitations, pending their use, in such securities as may
1911 be specified in the resolution authorizing the issuance of the
1912 bonds or the trust indenture securing them, and the earning on
1913 such investment applied as provided in such resolution or trust
1914 indenture.



1915 (b) (i) The proceeds of bonds issued after June 21,
1916 2002, under this section for projects described in Section
1917 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1918 necessary costs incurred by the Mississippi Development Authority
1919 in providing assistance related to a project for which funding is
1920 provided from the use of proceeds of such bonds. The Mississippi
1921 Development Authority shall maintain an accounting of actual costs
1922 incurred for each project for which reimbursements are sought.
1923 Reimbursements under this paragraph (b) (i) shall not exceed Three
1924 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
1925 Reimbursements under this paragraph (b) (i) shall satisfy any
1926 applicable federal tax law requirements.

1927 (ii) The proceeds of bonds issued after June 21,
1928 2002, under this section for projects described in Section
1929 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1930 necessary costs incurred by the Department of Audit in providing
1931 services related to a project for which funding is provided from
1932 the use of proceeds of such bonds. The Department of Audit shall
1933 maintain an accounting of actual costs incurred for each project
1934 for which reimbursements are sought. The Department of Audit may
1935 escalate its budget and expend such funds in accordance with rules
1936 and regulations of the Department of Finance and Administration in
1937 a manner consistent with the escalation of federal funds.
1938 Reimbursements under this paragraph (b) (ii) shall not exceed One
1939 Hundred Thousand Dollars (\$100,000.00) in the aggregate.



1940 Reimbursements under this paragraph (b) (ii) shall satisfy any
1941 applicable federal tax law requirements.

1942 (c) (i) The proceeds of bonds issued under this
1943 section for projects described in Section 57-75-5(f) (ix) may be
1944 used to reimburse reasonable actual and necessary costs incurred
1945 by the Mississippi Development Authority in providing assistance
1946 related to a project for which funding is provided for the use of
1947 proceeds of such bonds. The Mississippi Development Authority
1948 shall maintain an accounting of actual costs incurred for each
1949 project for which reimbursements are sought. Reimbursements under
1950 this paragraph shall not exceed Twenty-five Thousand Dollars
1951 (\$25,000.00) in the aggregate.

1952 (ii) The proceeds of bonds issued under this
1953 section for projects described in Section 57-75-5(f) (ix) may be
1954 used to reimburse reasonable actual and necessary costs incurred
1955 by the Department of Audit in providing services related to a
1956 project for which funding is provided from the use of proceeds of
1957 such bonds. The Department of Audit shall maintain an accounting
1958 of actual costs incurred for each project for which reimbursements
1959 are sought. The Department of Audit may escalate its budget and
1960 expend such funds in accordance with rules and regulations of the
1961 Department of Finance and Administration in a manner consistent
1962 with the escalation of federal funds. Reimbursements under this
1963 paragraph shall not exceed Twenty-five Thousand Dollars
1964 (\$25,000.00) in the aggregate. Reimbursements under this



1965 paragraph shall satisfy any applicable federal tax law
1966 requirements.

1967 (d) (i) The proceeds of bonds issued under this
1968 section for projects described in Section 57-75-5(f)(x) may be
1969 used to reimburse reasonable actual and necessary costs incurred
1970 by the Mississippi Development Authority in providing assistance
1971 related to a project for which funding is provided for the use of
1972 proceeds of such bonds. The Mississippi Development Authority
1973 shall maintain an accounting of actual costs incurred for each
1974 project for which reimbursements are sought. Reimbursements under
1975 this paragraph shall not exceed Twenty-five Thousand Dollars
1976 (\$25,000.00) in the aggregate.

1977 (ii) The proceeds of bonds issued under this
1978 section for projects described in Section 57-75-5(f)(x) may be
1979 used to reimburse reasonable actual and necessary costs incurred
1980 by the Department of Audit in providing services related to a
1981 project for which funding is provided from the use of proceeds of
1982 such bonds. The Department of Audit shall maintain an accounting
1983 of actual costs incurred for each project for which reimbursements
1984 are sought. The Department of Audit may escalate its budget and
1985 expend such funds in accordance with rules and regulations of the
1986 Department of Finance and Administration in a manner consistent
1987 with the escalation of federal funds. Reimbursements under this
1988 paragraph shall not exceed Twenty-five Thousand Dollars
1989 (\$25,000.00) in the aggregate. Reimbursements under this



paragraph shall satisfy any applicable federal tax law requirements.

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

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



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

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

Reimbursements under this paragraph (f)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for each project.

(ii) The proceeds of bonds issued under this section for projects described in Section 57-75-5(f)(xiii), (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to a project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.



2040 Reimbursements under this paragraph (f)(ii) shall not exceed
2041 Twenty-five Thousand Dollars (\$25,000.00) for each project.
2042 Reimbursements under this paragraph (f)(ii) shall satisfy any
2043 applicable federal tax law requirements.

2044 (g) (i) The proceeds of bonds issued under this
2045 section for projects described in Section 57-75-5(f)(xxi) or
2046 projects for a Tier One supplier may be used to reimburse
2047 reasonable actual and necessary costs incurred by the Mississippi
2048 Development Authority in providing assistance related to a project
2049 for which funding is provided from the use of proceeds of such
2050 bonds. The Mississippi Development Authority shall maintain an
2051 accounting of actual costs incurred for each project for which
2052 reimbursements are sought. Reimbursements under this paragraph
2053 (g)(i) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)
2054 in the aggregate.

2055 (ii) The proceeds of bonds issued under this
2056 section for projects described in Section 57-75-5(f)(xxi) or
2057 projects for a Tier One supplier may be used to reimburse
2058 reasonable actual and necessary costs incurred by the Department
2059 of Audit in providing services related to a project for which
2060 funding is provided from the use of proceeds of such bonds. The
2061 Department of Audit shall maintain an accounting of actual costs
2062 incurred for each project for which reimbursements are sought.
2063 The Department of Audit may escalate its budget and expend such
2064 funds in accordance with rules and regulations of the Department



2065 of Finance and Administration in a manner consistent with the
2066 escalation of federal funds. Reimbursements under this paragraph
2067 (g)(ii) shall not exceed Twenty-five Thousand Dollars (\$25,000.00)
2068 in the aggregate. Reimbursements under this paragraph (g)(ii)
2069 shall satisfy any applicable federal tax law requirements.

2070 (h) (i) The proceeds of bonds issued under this
2071 section for projects described in Section 57-75-5(f)(xxii) may be
2072 used to reimburse reasonable actual and necessary costs incurred
2073 by the Mississippi Development Authority in providing assistance
2074 related to a project for which funding is provided from the use of
2075 proceeds of such bonds. The Mississippi Development Authority
2076 shall maintain an accounting of actual costs incurred for each
2077 project for which reimbursements are sought. Reimbursements under
2078 this paragraph (h)(i) shall not exceed Twenty-five Thousand
2079 Dollars (\$25,000.00) in the aggregate.

2080 (ii) The proceeds of bonds issued under this
2081 section for projects described in Section 57-75-5(f)(xxii) may be
2082 used to reimburse reasonable actual and necessary costs incurred
2083 by the Department of Audit in providing services related to a
2084 project for which funding is provided from the use of proceeds of
2085 such bonds. The Department of Audit shall maintain an accounting
2086 of actual costs incurred for each project for which reimbursements
2087 are sought. The Department of Audit may escalate its budget and
2088 expend such funds in accordance with rules and regulations of the
2089 Department of Finance and Administration in a manner consistent



2090 with the escalation of federal funds. Reimbursements under this
2091 paragraph (h)(ii) shall not exceed Twenty-five Thousand Dollars
2092 (\$25,000.00) in the aggregate. Reimbursements under this
2093 paragraph (h)(ii) shall satisfy any applicable federal tax law
2094 requirements.

2095 (i) (i) The proceeds of bonds issued under this
2096 section for projects described in Section 57-75-5(f)(xxiii) may be
2097 used to reimburse reasonable actual and necessary costs incurred
2098 by the Mississippi Development Authority in providing assistance
2099 related to a project for which funding is provided from the use of
2100 proceeds of such bonds. The Mississippi Development Authority
2101 shall maintain an accounting of actual costs incurred for each
2102 project for which reimbursements are sought. Reimbursements under
2103 this paragraph (i)(i) shall not exceed Twenty-five Thousand
2104 Dollars (\$25,000.00) in the aggregate.

2105 (ii) The proceeds of bonds issued under this
2106 section for projects described in Section 57-75-5(f)(xxiii) may be
2107 used to reimburse reasonable actual and necessary costs incurred
2108 by the Department of Audit in providing services related to a
2109 project for which funding is provided from the use of proceeds of
2110 such bonds. The Department of Audit shall maintain an accounting
2111 of actual costs incurred for each project for which reimbursements
2112 are sought. The Department of Audit may escalate its budget and
2113 expend such funds in accordance with rules and regulations of the
2114 Department of Finance and Administration in a manner consistent



2115 with the escalation of federal funds. Reimbursements under this
2116 paragraph (i)(ii) shall not exceed Twenty-five Thousand Dollars
2117 (\$25,000.00) in the aggregate. Reimbursements under this
2118 paragraph (i)(ii) shall satisfy any applicable federal tax law
2119 requirements.

2120 (j) (i) The proceeds of bonds issued under this
2121 section for projects described in Section 57-75-5(f)(xxiv) may be
2122 used to reimburse reasonable actual and necessary costs incurred
2123 by the Mississippi Development Authority in providing assistance
2124 related to a project for which funding is provided from the use of
2125 proceeds of such bonds. The Mississippi Development Authority
2126 shall maintain an accounting of actual costs incurred for each
2127 project for which reimbursements are sought. Reimbursements under
2128 this paragraph (j)(i) shall not exceed Twenty-five Thousand
2129 Dollars (\$25,000.00) in the aggregate.

2130 (ii) The proceeds of bonds issued under this
2131 section for projects described in Section 57-75-5(f)(xxiv) may be
2132 used to reimburse reasonable actual and necessary costs incurred
2133 by the Department of Audit in providing services related to a
2134 project for which funding is provided from the use of proceeds of
2135 such bonds. The Department of Audit shall maintain an accounting
2136 of actual costs incurred for each project for which reimbursements
2137 are sought. The Department of Audit may escalate its budget and
2138 expend such funds in accordance with rules and regulations of the
2139 Department of Finance and Administration in a manner consistent



2140 with the escalation of federal funds. Reimbursements under this
2141 paragraph (j)(ii) shall not exceed Twenty-five Thousand Dollars
2142 (\$25,000.00) in the aggregate. Reimbursements under this
2143 paragraph (j)(ii) shall satisfy any applicable federal tax law
2144 requirements.

2145 (k) (i) The proceeds of bonds issued under this
2146 section for projects described in Section 57-75-5(f)(xxv) may be
2147 used to reimburse reasonable actual and necessary costs incurred
2148 by the Mississippi Development Authority in providing assistance
2149 related to a project for which funding is provided from the use of
2150 proceeds of such bonds. The Mississippi Development Authority
2151 shall maintain an accounting of actual costs incurred for each
2152 project for which reimbursements are sought. Reimbursements under
2153 this paragraph (k)(i) shall not exceed Twenty-five Thousand
2154 Dollars (\$25,000.00) in the aggregate.

2155 (ii) The proceeds of bonds issued under this
2156 section for projects described in Section 57-75-5(f)(xxv) may be
2157 used to reimburse reasonable actual and necessary costs incurred
2158 by the Department of Audit in providing services related to a
2159 project for which funding is provided from the use of proceeds of
2160 such bonds. The Department of Audit shall maintain an accounting
2161 of actual costs incurred for each project for which reimbursements
2162 are sought. The Department of Audit may escalate its budget and
2163 expend such funds in accordance with rules and regulations of the
2164 Department of Finance and Administration in a manner consistent



2165 with the escalation of federal funds. Reimbursements under this
2166 paragraph (k)(ii) shall not exceed Twenty-five Thousand Dollars
2167 (\$25,000.00) in the aggregate. Reimbursements under this
2168 paragraph (k)(ii) shall satisfy any applicable federal tax law
2169 requirements.

2170 (1) (i) The proceeds of bonds issued under this
2171 section for projects described in Section 57-75-5(f)(xxvi) may be
2172 used to reimburse reasonable actual and necessary costs incurred
2173 by the Mississippi Development Authority in providing assistance
2174 related to a project for which funding is provided from the use of
2175 proceeds of such bonds. The Mississippi Development Authority
2176 shall maintain an accounting of actual costs incurred for each
2177 project for which reimbursements are sought. Reimbursements under
2178 this paragraph (1)(i) shall not exceed Twenty-five Thousand
2179 Dollars (\$25,000.00) in the aggregate.

2180 (ii) The proceeds of bonds issued under this
2181 section for projects described in Section 57-75-5(f)(xxvi) may be
2182 used to reimburse reasonable actual and necessary costs incurred
2183 by the Department of Audit in providing services related to a
2184 project for which funding is provided from the use of proceeds of
2185 such bonds. The Department of Audit shall maintain an accounting
2186 of actual costs incurred for each project for which reimbursements
2187 are sought. The Department of Audit may escalate its budget and
2188 expend such funds in accordance with rules and regulations of the
2189 Department of Finance and Administration in a manner consistent



2190 with the escalation of federal funds. Reimbursements under this
2191 paragraph (l)(ii) shall not exceed Twenty-five Thousand Dollars
2192 (\$25,000.00) in the aggregate. Reimbursements under this
2193 paragraph (l)(ii) shall satisfy any applicable federal tax law
2194 requirements.

2195 (m) (i) The proceeds of bonds issued under this
2196 section for projects described in Section 57-75-5(f)(xxvii) may be
2197 used to reimburse reasonable actual and necessary costs incurred
2198 by the Mississippi Development Authority in providing assistance
2199 related to a project for which funding is provided from the use of
2200 proceeds of such bonds. The Mississippi Development Authority
2201 shall maintain an accounting of actual costs incurred for each
2202 project for which reimbursements are sought. Reimbursements under
2203 this paragraph (m)(i) shall not exceed Twenty-five Thousand
2204 Dollars (\$25,000.00) in the aggregate.

2205 (ii) The proceeds of bonds issued under this
2206 section for projects described in Section 57-75-5(f)(xxvii) may be
2207 used to reimburse reasonable actual and necessary costs incurred
2208 by the Department of Audit in providing services related to a
2209 project for which funding is provided from the use of proceeds of
2210 such bonds. The Department of Audit shall maintain an accounting
2211 of actual costs incurred for each project for which reimbursements
2212 are sought. The Department of Audit may escalate its budget and
2213 expend such funds in accordance with rules and regulations of the
2214 Department of Finance and Administration in a manner consistent



2215 with the escalation of federal funds. Reimbursements under this
2216 paragraph (m)(ii) shall not exceed Twenty-five Thousand Dollars
2217 (\$25,000.00) in the aggregate. Reimbursements under this
2218 paragraph (m)(ii) shall satisfy any applicable federal tax law
2219 requirements.

2220 (n) (i) The proceeds of bonds issued under this
2221 section for projects described in Section 57-75-5(f)(xxviii) may
2222 be used to reimburse reasonable actual and necessary costs
2223 incurred by the Mississippi Development Authority in providing
2224 assistance related to a project for which funding is provided from
2225 the use of proceeds of such bonds. The Mississippi Development
2226 Authority shall maintain an accounting of actual costs incurred
2227 for each project for which reimbursements are sought.
2228 Reimbursements under this paragraph (n)(i) shall not exceed
2229 Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

2230 (ii) The proceeds of bonds issued under this
2231 section for projects described in Section 57-75-5(f)(xxviii) may
2232 be used to reimburse reasonable actual and necessary costs
2233 incurred by the Department of Audit in providing services related
2234 to a project for which funding is provided from the use of
2235 proceeds of such bonds. The Department of Audit shall maintain an
2236 accounting of actual costs incurred for each project for which
2237 reimbursements are sought. The Department of Audit may escalate
2238 its budget and expend such funds in accordance with rules and
2239 regulations of the Department of Finance and Administration in a



2240 manner consistent with the escalation of federal funds.
2241 Reimbursements under this paragraph (n)(ii) shall not exceed
2242 Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.
2243 Reimbursements under this paragraph (n)(ii) shall satisfy any
2244 applicable federal tax law requirements.

2245 (5) The principal of and the interest on the bonds shall be
2246 payable in the manner hereinafter set forth. The bonds shall bear
2247 date or dates; be in such denomination or denominations; bear
2248 interest at such rate or rates; be payable at such place or places
2249 within or without the state; mature absolutely at such time or
2250 times; be redeemable before maturity at such time or times and
2251 upon such terms, with or without premium; bear such registration
2252 privileges; and be substantially in such form; all as shall be
2253 determined by resolution of the State Bond Commission except that
2254 such bonds shall mature or otherwise be retired in annual
2255 installments beginning not more than five (5) years from the date
2256 thereof and extending not more than twenty-five (25) years from
2257 the date thereof. The bonds shall be signed by the Chairman of
2258 the State Bond Commission, or by his facsimile signature, and the
2259 official seal of the State Bond Commission shall be imprinted on
2260 or affixed thereto, attested by the manual or facsimile signature
2261 of the Secretary of the State Bond Commission. Whenever any such
2262 bonds have been signed by the officials herein designated to sign
2263 the bonds, who were in office at the time of such signing but who
2264 may have ceased to be such officers before the sale and delivery



2265 of such bonds, or who may not have been in office on the date such
2266 bonds may bear, the signatures of such officers upon such bonds
2267 shall nevertheless be valid and sufficient for all purposes and
2268 have the same effect as if the person so officially signing such
2269 bonds had remained in office until the delivery of the same to the
2270 purchaser, or had been in office on the date such bonds may bear.

2271 (6) All bonds issued under the provisions of this section
2272 shall be and are hereby declared to have all the qualities and
2273 incidents of negotiable instruments under the provisions of the
2274 Uniform Commercial Code and in exercising the powers granted by
2275 this chapter, the State Bond Commission shall not be required to
2276 and need not comply with the provisions of the Uniform Commercial
2277 Code.

2278 (7) The State Bond Commission shall act as issuing agent for
2279 the bonds, prescribe the form of the bonds, advertise for and
2280 accept bids, issue and sell the bonds on sealed bids at public
2281 sale, pay all fees and costs incurred in such issuance and sale,
2282 and do any and all other things necessary and advisable in
2283 connection with the issuance and sale of the bonds. The State
2284 Bond Commission may sell such bonds on sealed bids at public sale
2285 for such price as it may determine to be for the best interest of
2286 the State of Mississippi, but no such sale shall be made at a
2287 price less than par plus accrued interest to date of delivery of
2288 the bonds to the purchaser. The bonds shall bear interest at such
2289 rate or rates not exceeding the limits set forth in Section



2290 75-17-101 as shall be fixed by the State Bond Commission. All
2291 interest accruing on such bonds so issued shall be payable
2292 semiannually or annually; provided that the first interest payment
2293 may be for any period of not more than one (1) year.

2294 Notice of the sale of any bonds shall be published at least
2295 one time, the first of which shall be made not less than ten (10)
2296 days prior to the date of sale, and shall be so published in one
2297 or more newspapers having a general circulation in the City of
2298 Jackson selected by the State Bond Commission.

2299 The State Bond Commission, when issuing any bonds under the
2300 authority of this section, may provide that the bonds, at the
2301 option of the state, may be called in for payment and redemption
2302 at the call price named therein and accrued interest on such date
2303 or dates named therein.

2304 (8) State bonds issued under the provisions of this section
2305 shall be the general obligations of the state and backed by the
2306 full faith and credit of the state. The Legislature shall
2307 appropriate annually an amount sufficient to pay the principal of
2308 and the interest on such bonds as they become due. All bonds
2309 shall contain recitals on their faces substantially covering the
2310 foregoing provisions of this section.

2311 (9) The State Treasurer is authorized to certify to the
2312 Department of Finance and Administration the necessity for
2313 warrants, and the Department of Finance and Administration is
2314 authorized and directed to issue such warrants payable out of any



2315 funds appropriated by the Legislature under this section for such
2316 purpose, in such amounts as may be necessary to pay when due the
2317 principal of and interest on all bonds issued under the provisions
2318 of this section. The State Treasurer shall forward the necessary
2319 amount to the designated place or places of payment of such bonds
2320 in ample time to discharge such bonds, or the interest thereon, on
2321 the due dates thereof.

2322 (10) The bonds may be issued without any other proceedings
2323 or the happening of any other conditions or things other than
2324 those proceedings, conditions and things which are specified or
2325 required by this chapter. Any resolution providing for the
2326 issuance of general obligation bonds under the provisions of this
2327 section shall become effective immediately upon its adoption by
2328 the State Bond Commission, and any such resolution may be adopted
2329 at any regular or special meeting of the State Bond Commission by
2330 a majority of its members.

2331 (11) In anticipation of the issuance of bonds hereunder, the
2332 State Bond Commission is authorized to negotiate and enter into
2333 any purchase, loan, credit or other agreement with any bank, trust
2334 company or other lending institution or to issue and sell interim
2335 notes for the purpose of making any payments authorized under this
2336 section. All borrowings made under this provision shall be
2337 evidenced by notes of the state which shall be issued from time to
2338 time, for such amounts not exceeding the amount of bonds
2339 authorized herein, in such form and in such denomination and



2340 subject to such terms and conditions of sale and issuance,
2341 prepayment or redemption and maturity, rate or rates of interest
2342 not to exceed the maximum rate authorized herein for bonds, and
2343 time of payment of interest as the State Bond Commission shall
2344 agree to in such agreement. Such notes shall constitute general
2345 obligations of the state and shall be backed by the full faith and
2346 credit of the state. Such notes may also be issued for the
2347 purpose of refunding previously issued notes. No note shall
2348 mature more than three (3) years following the date of its
2349 issuance. The State Bond Commission is authorized to provide for
2350 the compensation of any purchaser of the notes by payment of a
2351 fixed fee or commission and for all other costs and expenses of
2352 issuance and service, including paying agent costs. Such costs
2353 and expenses may be paid from the proceeds of the notes.

2354 (12) The bonds and interim notes authorized under the
2355 authority of this section may be validated in the Chancery Court
2356 of the First Judicial District of Hinds County, Mississippi, in
2357 the manner and with the force and effect provided now or hereafter
2358 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2359 validation of county, municipal, school district and other bonds.
2360 The necessary papers for such validation proceedings shall be
2361 transmitted to the State Bond Attorney, and the required notice
2362 shall be published in a newspaper published in the City of
2363 Jackson, Mississippi.



2364 (13) Any bonds or interim notes issued under the provisions
2365 of this chapter, a transaction relating to the sale or securing of
2366 such bonds or interim notes, their transfer and the income
2367 therefrom shall at all times be free from taxation by the state or
2368 any local unit or political subdivision or other instrumentality
2369 of the state, excepting inheritance and gift taxes.

2370 (14) All bonds issued under this chapter shall be legal
2371 investments for trustees, other fiduciaries, savings banks, trust
2372 companies and insurance companies organized under the laws of the
2373 State of Mississippi; and such bonds shall be legal securities
2374 which may be deposited with and shall be received by all public
2375 officers and bodies of the state and all municipalities and other
2376 political subdivisions thereof for the purpose of securing the
2377 deposit of public funds.

2378 (15) The Attorney General of the State of Mississippi shall
2379 represent the State Bond Commission in issuing, selling and
2380 validating bonds herein provided for, and the Bond Commission is
2381 hereby authorized and empowered to expend from the proceeds
2382 derived from the sale of the bonds authorized hereunder all
2383 necessary administrative, legal and other expenses incidental and
2384 related to the issuance of bonds authorized under this chapter.

2385 (16) There is hereby created a special fund in the State
2386 Treasury to be known as the Mississippi Major Economic Impact
2387 Authority Fund wherein shall be deposited the proceeds of the
2388 bonds issued under this chapter and all monies received by the



2389 authority to carry out the purposes of this chapter. Expenditures
2390 authorized herein shall be paid by the State Treasurer upon
2391 warrants drawn from the fund, and the Department of Finance and
2392 Administration shall issue warrants upon requisitions signed by
2393 the director of the authority.

2394 (17) (a) There is hereby created the Mississippi Economic
2395 Impact Authority Sinking Fund from which the principal of and
2396 interest on such bonds shall be paid by appropriation. All monies
2397 paid into the sinking fund not appropriated to pay accruing bonds
2398 and interest shall be invested by the State Treasurer in such
2399 securities as are provided by law for the investment of the
2400 sinking funds of the state.

2401 (b) In the event that all or any part of the bonds and
2402 notes are purchased, they shall be cancelled and returned to the
2403 loan and transfer agent as cancelled and paid bonds and notes and
2404 thereafter all payments of interest thereon shall cease and the
2405 cancelled bonds, notes and coupons, together with any other
2406 cancelled bonds, notes and coupons, shall be destroyed as promptly
2407 as possible after cancellation but not later than two (2) years
2408 after cancellation. A certificate evidencing the destruction of
2409 the cancelled bonds, notes and coupons shall be provided by the
2410 loan and transfer agent to the seller.

2411 (c) The State Treasurer shall determine and report to
2412 the Department of Finance and Administration and Legislative
2413 Budget Office by September 1 of each year the amount of money



2414 necessary for the payment of the principal of and interest on
2415 outstanding obligations for the following fiscal year and the
2416 times and amounts of the payments. It shall be the duty of the
2417 Governor to include in every executive budget submitted to the
2418 Legislature full information relating to the issuance of bonds and
2419 notes under the provisions of this chapter and the status of the
2420 sinking fund for the payment of the principal of and interest on
2421 the bonds and notes.

2422 (d) Any monies repaid to the state from loans
2423 authorized in Section 57-75-11(hh) shall be deposited into the
2424 Mississippi Major Economic Impact Authority Sinking Fund unless
2425 the State Bond Commission, at the request of the authority, shall
2426 determine that such loan repayments are needed to provide
2427 additional loans as authorized under Section 57-75-11(hh). For
2428 purposes of providing additional loans, there is hereby created
2429 the Mississippi Major Economic Impact Authority Revolving Loan
2430 Fund and loan repayments shall be deposited into the fund. The
2431 fund shall be maintained for such period as determined by the
2432 State Bond Commission for the sole purpose of making additional
2433 loans as authorized by Section 57-75-11(hh). Unexpended amounts
2434 remaining in the fund at the end of a fiscal year shall not lapse
2435 into the State General Fund and any interest earned on amounts in
2436 such fund shall be deposited to the credit of the fund.



2437 (e) Any monies repaid to the state from loans
2438 authorized in Section 57-75-11(ii) shall be deposited into the
2439 Mississippi Major Economic Impact Authority Sinking Fund.

2440 (f) Any monies repaid to the state from loans
2441 authorized in Section 57-75-11(jj) shall be deposited into the
2442 Mississippi Major Economic Impact Authority Sinking Fund.

2443 (18) (a) Upon receipt of a declaration by the authority
2444 that it has determined that the state is a potential site for a
2445 project, the State Bond Commission is authorized and directed to
2446 authorize the State Treasurer to borrow money from any special
2447 fund in the State Treasury not otherwise appropriated to be
2448 utilized by the authority for the purposes provided for in this
2449 subsection.

2450 (b) The proceeds of the money borrowed under this
2451 subsection may be utilized by the authority for the purpose of
2452 defraying all or a portion of the costs incurred by the authority
2453 with respect to acquisition options and planning, design and
2454 environmental impact studies with respect to a project defined in
2455 Section 57-75-5(f)(xi). The authority may escalate its budget and
2456 expend the proceeds of the money borrowed under this subsection in
2457 accordance with rules and regulations of the Department of Finance
2458 and Administration in a manner consistent with the escalation of
2459 federal funds.

2460 (c) The authority shall request an appropriation or
2461 additional authority to issue general obligation bonds to repay



2462 the borrowed funds and establish a date for the repayment of the
2463 funds so borrowed.

2464 (d) Borrowings made under the provisions of this
2465 subsection shall not exceed Five Hundred Thousand Dollars
2466 (\$500,000.00) at any one time.

2467 **SECTION 5.** Section 57-85-5, Mississippi Code of 1972, is
2468 amended as follows:

2469 57-85-5. (1) For the purposes of this section, the
2470 following words and phrases shall have the meanings ascribed in
2471 this section unless the context clearly indicates otherwise:

2472 (a) "MDA" means the Mississippi Development Authority.

2473 (b) "Project" means construction, rehabilitation or
2474 repair of buildings; sewer systems and transportation directly
2475 affecting the site of the proposed rural business; sewer
2476 facilities, acquisition of real property, development of real
2477 property, improvements to real property, and any other project
2478 approved by the Mississippi Development Authority.

2479 (c) "Rural business" means a new or existing business
2480 located or to be located in a rural community or a business or
2481 industry located or to be located within five (5) miles of a rural
2482 community. "Rural business" does not include gaming businesses or
2483 utility businesses.

2484 (d) "Rural community" means a county in the State of
2485 Mississippi that meets the population criteria for the term
2486 "limited population county" as provided in Section 57-1-18.



2487 "Rural community" also means a municipality in the State of
2488 Mississippi that meets the population criteria for the term "small
2489 municipality" as provided in Section 57-1-18.

2490 (2) (a) There is created in the State Treasury a special
2491 fund to be designated as the "Mississippi Rural Impact Fund,"
2492 which shall consist of funds appropriated or otherwise made
2493 available by the Legislature in any manner and funds from any
2494 other source designated for deposit into such fund. Unexpended
2495 amounts remaining in the fund at the end of a fiscal year shall
2496 not lapse into the State General Fund, and any investment earnings
2497 or interest earned on amounts in the fund shall be deposited to
2498 the credit of the fund. Monies in the fund shall be used to make
2499 grants and loans to rural communities and loan guaranties on
2500 behalf of rural businesses to assist in completing projects under
2501 this section.

2502 (b) Monies in the fund which are derived from proceeds
2503 of bonds issued after April 15, 2003, may be used to reimburse
2504 reasonable actual and necessary costs incurred by the MDA in
2505 providing assistance related to a project for which funding is
2506 provided under this section from the use of proceeds of such
2507 bonds. An accounting of actual costs incurred for which
2508 reimbursement is sought shall be maintained for each project by
2509 the MDA. Reimbursement of reasonable actual and necessary costs
2510 for a project shall not exceed three percent (3%) of the proceeds
2511 of bonds issued for such project. Monies authorized for a



particular project may not be used to reimburse administrative costs for unrelated projects. Reimbursements under this paragraph (b) shall satisfy any applicable federal tax law requirements.

(c) The MDA may use monies in the fund to pay for the services of architects, engineers, attorneys and such other advisors, consultants and agents that the MDA determines are necessary to review loan and grant applications and to implement and administer the program established under this section.

(d) The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(3) The MDA shall establish a program to make grants and loans to rural communities and loan guaranties on behalf of rural businesses from the Mississippi Rural Impact Fund. A rural community may apply to the MDA for a grant or loan under this section in the manner provided for in this section. A rural business may apply to the MDA for a loan guaranty under this section in the manner provided in this section.

(4) A rural community desiring assistance under this section must submit an application to the MDA. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested and any other information required by the MDA. A rural business desiring assistance under this section must submit an application to the MDA. The application must include a



description of the purpose for which assistance is requested and any other information required by the MDA. The MDA may waive any requirements of the program established under this section in order to expedite funding for unique projects.

(5) The MDA shall have all powers necessary to implement and administer the program established under this section, and the MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 6. Section 57-89-7, Mississippi Code of 1972, is amended as follows:

57-89-7. (1) (a) A motion picture production company that expends at least Fifty Thousand Dollars (\$50,000.00) in base investment or payroll, or both, in the state shall be entitled to a rebate of a portion of the base investment made by the motion picture production company. Subject to the provisions of this section, the amount of the rebate shall be equal to twenty-five percent (25%) of the base investment made by the motion picture production company.

(b) In addition to the rebates authorized under paragraphs (a), (c) and (d) of this subsection, a motion picture production company may receive a rebate equal to twenty-five percent (25%) of payroll paid for any employee who is not a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. However, if the payroll paid for an



2562 employee exceeds Five Million Dollars (\$5,000,000.00), then the
2563 rebate is authorized only for the first Five Million Dollars
2564 (\$5,000,000.00) of such payroll.

2565 (c) In addition to the rebates authorized under
2566 paragraphs (a), (b) and (d) of this subsection, a motion picture
2567 production company may receive a rebate equal to thirty percent
2568 (30%) of payroll paid for any employee who is a resident and whose
2569 wages are subject to the Mississippi Income Tax Withholding Law of
2570 1968. However, if the payroll paid for an employee exceeds Five
2571 Million Dollars (\$5,000,000.00), then the rebate is authorized
2572 only for the first Five Million Dollars (\$5,000,000.00) of such
2573 payroll.

2574 (d) In addition to the rebates authorized in paragraphs
2575 (a), (b) and (c) of this subsection, a motion picture production
2576 company may receive an additional rebate equal to five percent
2577 (5%) of the payroll paid for any employee who is an honorably
2578 discharged veteran of the United States Armed Forces and whose
2579 wages are subject to the Mississippi Income Tax Withholding Law of
2580 1968.

2581 (e) If a motion picture has physical production
2582 activities and/or post-production activities both inside and
2583 outside the state, then the motion picture production company
2584 shall be required to provide an itemized accounting for each
2585 employee regarding such activities inside and outside the state



2586 for the purposes of proration of eligible payroll based on the
2587 percentage of activities performed in the state.

2588 (f) The total amount of rebates authorized for a motion
2589 picture project shall not exceed Ten Million Dollars
2590 (\$10,000,000.00) in the aggregate.

2591 (g) The total amount of rebates authorized in any
2592 fiscal year shall not exceed Twenty Million Dollars
2593 (\$20,000,000.00) in the aggregate.

2594 (2) A motion picture production company desiring a rebate
2595 under this section must submit a rebate request to the Department
2596 of Revenue upon completion of the project. The request must
2597 include a detailed accounting of the base investment made by the
2598 motion picture production company and any other information
2599 required by the Department of Revenue. Rebates made by the
2600 Department of Revenue under this section shall be made from
2601 current income tax collections. The Department of Revenue shall
2602 not approve any application for a rebate under subsection (1)(b)
2603 of this section after July 1, 2016.

2604 (3) The Department of Revenue shall have all powers
2605 necessary to implement and administer the provisions of this
2606 section, and the Department of Revenue shall promulgate rules and
2607 regulations, in accordance with the Mississippi Administrative
2608 Procedures Law, necessary for the implementation of this section.



(4) The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

SECTION 7. Section 57-93-1, Mississippi Code of 1972, is amended as follows:

57-93-1. (1) As used in this section:

(a) "Existing industry" means a manufacturing enterprise that has been operating in this state for not less than two (2) consecutive years that meets minimum criteria established by the Mississippi Development Authority.

(b) "Long-term fixed assets" means assets that:

(i) Through new technology will improve an enterprise's productivity and competitiveness; and

(ii) Meet criteria established by the Mississippi Development Authority.

(c) "MDA" means the Mississippi Development Authority.

(2) (a) There is established the Mississippi Existing Industry Productivity Loan Program to be administered by the MDA for the purpose of providing loans to:

(i) Existing industries to deploy long-term fixed assets that through new technology will improve productivity and competitiveness;

(ii) Existing industries for the purchase or refinancing of land, buildings or equipment; and



2633 (iii) Counties or incorporated municipalities to
2634 assist existing industries in deploying long-term fixed assets
2635 that through new technology will improve productivity and
2636 competitiveness and to assist existing industries through the
2637 purchase of land, buildings and equipment.

2638 (b) (i) An existing industry that accepts a loan under
2639 this program shall not reduce employment by more than twenty
2640 percent (20%) through the use of the long-term fixed assets for
2641 which the loan is granted.

2642 (ii) An existing industry that accepts assistance
2643 from a county or incorporated municipality through a loan made
2644 under this program shall not reduce employment by more than twenty
2645 percent (20%) through the use of the long-term fixed assets for
2646 which the assistance is granted.

2647 (c) An existing industry desiring a loan under this
2648 section must submit an application to the MDA. The application
2649 shall include:

2650 (i) A description of the purpose for which the
2651 loan is requested;
2652 (ii) The amount of the loan requested;
2653 (iii) The estimated total cost of the project;
2654 (iv) A two-year business plan for the project;
2655 (v) Financial statements or tax returns for the
2656 existing industry for the two (2) years immediately prior to the
2657 application;



2658 (vi) Credit reports on all persons or entities
2659 with a twenty percent (20%) or greater interest in the enterprise;
2660 and

2661 (vii) Any other information required by the MDA.

2662 (d) A county or incorporated municipality desiring a
2663 loan under this section must submit an application to the MDA.
2664 The application shall include:

2665 (i) A description of the purpose for which the
2666 loan is requested;

2667 (ii) The amount of the loan requested;

2668 (iii) The estimated total cost of the project;

2669 (iv) A statement showing the sources of funding
2670 for the project;

2671 (v) A two-year business plan for the project;

2672 (vi) Financial statements or tax returns for the
2673 existing industry for the two (2) years immediately prior to the
2674 application;

2675 (vii) Credit reports on all persons or entities
2676 with a twenty percent (20%) or greater interest in the existing
2677 industry;

2678 (viii) Any commitment by the existing industry to
2679 pay rental on, or to make loan repayments related to, the
2680 assistance; and

2681 (ix) Any other information required by the MDA.



2682 (e) The MDA shall require that binding commitments be
2683 entered into requiring that:

2684 (i) The minimum requirements of this section and
2685 such other requirements as the MDA considers proper shall be met;
2686 and

2687 (ii) If such requirements are not met, all or a
2688 portion of the funds provided by this section as determined by the
2689 MDA shall be repaid.

2690 (f) The rate of interest on loans under this section
2691 shall be set by the MDA.

2692 (g) The MDA shall have all powers necessary to
2693 implement and administer the program established under this
2694 section, and the MDA shall promulgate rules and regulations, in
2695 accordance with the Mississippi Administrative Procedures Law,
2696 necessary for the implementation of this section. However, in
2697 making loans under this section, the MDA shall attempt to provide
2698 for an equitable distribution of such loans among each of the
2699 congressional districts of this state in order to promote economic
2700 development across the entire state.

2701 (3) (a) There is created in the State Treasury a special
2702 fund to be designated as the "Mississippi Existing Industry
2703 Productivity Loan Fund," which shall consist of funds appropriated
2704 or otherwise made available by the Legislature in any manner and
2705 funds from any other source designated for deposit into such fund.
2706 Unexpended amounts remaining in the fund at the end of a fiscal



2707 year shall not lapse into the State General Fund, and any
2708 investment earnings or interest earned on amounts in the fund
2709 shall be deposited to the credit of the fund. Monies in the fund
2710 shall be used by the MDA for the purposes described in this
2711 section.

2712 (b) Monies in the fund which are derived from the
2713 proceeds of general obligation bonds may be used to reimburse
2714 reasonable actual and necessary costs incurred by the MDA in
2715 providing loans under this section through the use of general
2716 obligation bonds. An accounting of actual costs incurred for
2717 which reimbursement is sought shall be maintained for each loan by
2718 the MDA. Reimbursement of reasonable actual and necessary costs
2719 shall not exceed three percent (3%) of the proceeds of bonds that
2720 are deposited into the fund. Monies authorized for a particular
2721 loan may not be used to reimburse administrative costs for
2722 unrelated loans. Reimbursements made under this subsection shall
2723 satisfy any applicable federal tax law requirements.

2724 (c) (i) There is hereby created the Mississippi
2725 Existing Industry Productivity Loan Program Bond Sinking Fund from
2726 which the principal and interest on bonds whose proceeds are
2727 deposited into the Mississippi Existing Industry Productivity Loan
2728 Fund and utilized to provide loans authorized under this section,
2729 shall be repaid. Unexpended amounts remaining in the bond sinking
2730 fund at the end of a fiscal year shall not lapse into the State
2731 General Fund, and any interest earned or investment earnings on



2732 amounts in the bond sinking fund shall be deposited into the bond
2733 sinking fund. At any time when the funds required to pay the
2734 principal and interest on bonds whose proceeds are deposited into
2735 the Mississippi Existing Industry Productivity Loan Fund and are
2736 utilized to provide loans under this section are more than the
2737 amount available in the bond sinking fund, the Legislature shall
2738 appropriate the balance of the funds necessary to pay the
2739 principal and interest on such bonds.

2740 (ii) Money repaid on loans authorized under this
2741 section that are derived from the proceeds of bonds deposited into
2742 the Mississippi Existing Industry Productivity Loan Fund shall be
2743 deposited into the Mississippi Existing Industry Productivity Loan
2744 Program Bond Sinking Fund.

2745 (4) (a) A county that receives a loan under this section
2746 shall pledge for repayment of the loan any part of the homestead
2747 exemption annual tax loss reimbursement to which it may be
2748 entitled under Section 27-33-77. An incorporated municipality
2749 that receives a loan under this section shall pledge for repayment
2750 of the loan any part of the sales tax revenue distribution to
2751 which it may be entitled under Section 27-65-75. Each loan
2752 agreement shall provide for monthly payments, semiannual payments
2753 or other periodic payments, the annual total of which shall not
2754 exceed the annual total for any other year of the loan by more
2755 than fifteen percent (15%). The loan agreement shall provide for



the repayment of all funds received within not more than twenty (20) years from the date of project completion.

(b) The State Auditor, upon request of the MDA, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if he finds that the county or municipality is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the MDA. In addition, the State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(c) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 8. Section 57-95-1, Mississippi Code of 1972, is amended as follows:

57-95-1. (1) As used in this section:

(a) "At-risk industry" means any enterprise that has been operating in this state for not less than three (3)



2781 consecutive years that has lost jobs or is at risk to lose jobs
2782 because such jobs have been outsourced.

2783 (b) "MDA" means the Mississippi Development Authority.

2784 (c) "Outsource" means to send out work or jobs of a
2785 certain provider or manufacturer of the State of Mississippi to an
2786 overseas provider or manufacturer or a provider or manufacturer
2787 located outside the boundaries of the United States or any
2788 territory of the United States.

2789 (2) (a) There is established the Mississippi Job Protection
2790 Act to be administered by the MDA for the purpose of providing
2791 grants and loans to:

2792 (i) At-risk industries to be used for job
2793 retention and to improve productivity and competitiveness; and

2794 (ii) Counties and incorporated municipalities to
2795 provide assistance to at-risk industries to be used for job
2796 retention and to improve productivity and competitiveness.

2797 (b) (i) An at-risk industry that accepts a grant or
2798 loan under this program shall not reduce employment by more than
2799 twenty percent (20%).

2800 (ii) An at-risk industry that accepts assistance
2801 from a county or incorporated municipality through a loan or grant
2802 made under this section shall not reduce employment by more than
2803 twenty percent (20%).



2804 (c) An at-risk industry desiring a grant or loan under
2805 this section must submit an application to the MDA. The
2806 application shall include:

2807 (i) A description of the purpose for which the
2808 grant or loan is requested;

2809 (ii) The amount of the grant or loan requested;

2810 (iii) The estimated total cost of the project;

2811 (iv) A two-year business plan for the project;

2812 (v) Financial statements or tax returns for the
2813 at-risk industry for the two (2) years immediately prior to the
2814 application;

2815 (vi) Credit reports on all persons or entities
2816 with a twenty percent (20%) or greater interest in the at-risk
2817 industry; and

2818 (vii) Any other information required by the MDA.

2819 (d) A county or incorporated municipality desiring a
2820 grant or loan under this section must submit an application to the
2821 MDA. The application shall include:

2822 (i) A description of the purpose for which the
2823 loan is requested;

2824 (ii) The amount of the grant or loan requested;

2825 (iii) The estimated total cost of the project;

2826 (iv) A statement showing the sources of funding
2827 for the project;

2828 (v) A two-year business plan for the project;



2829 (vi) Financial statements or tax returns for the
2830 at-risk industry for the two (2) years immediately prior to the
2831 application;

2832 (vii) Credit reports on all persons or entities
2833 with a twenty percent (20%) or greater interest in the at-risk
2834 industry;

2835 (viii) Any commitment by the at-risk industry to
2836 pay rental on, or to make loan repayments related to, the
2837 assistance; and

2838 (ix) Any other information required by the MDA.

2839 (e) The MDA shall require that binding commitments be
2840 entered into requiring that:

2841 (i) The minimum requirements of this section and
2842 such other requirements as the MDA considers proper shall be met;
2843 and

2844 (ii) If such requirements are not met, all or a
2845 portion of the funds provided by this section as determined by the
2846 MDA shall be repaid.

2847 (f) The amount of a grant or loan under this section
2848 shall not exceed fifty percent (50%) of the total cost of the
2849 project.

2850 (g) The MDA shall have all powers necessary to
2851 implement and administer the program established under this
2852 section, and the MDA shall promulgate rules and regulations, in



2853 accordance with the Mississippi Administrative Procedures Law,
2854 necessary for the implementation of this section.

2855 (3) Grants under this section shall not exceed Two Hundred
2856 Thousand Dollars (\$200,000.00).

2857 (4) (a) There is created in the State Treasury a special
2858 fund to be designated as the "Mississippi Job Protection Act
2859 Fund," which shall consist of funds appropriated or otherwise made
2860 available by the Legislature in any manner and funds from any
2861 other source designated for deposit into such fund. Unexpended
2862 amounts remaining in the fund at the end of a fiscal year shall
2863 not lapse into the State General Fund, and any investment earnings
2864 or interest earned on amounts in the fund shall be deposited to
2865 the credit of the fund. Monies in the fund shall be used by the
2866 MDA for the purposes described in this section.

2867 (b) Monies in the fund which are derived from the
2868 proceeds of general obligation bonds may be used to reimburse
2869 reasonable actual and necessary costs incurred by the MDA in
2870 providing grants or loans under this section through the use of
2871 general obligation bonds. An accounting of actual costs incurred
2872 for which reimbursement is sought shall be maintained for each
2873 grant or loan by the MDA. Reimbursement of reasonable actual and
2874 necessary costs shall not exceed three percent (3%) of the
2875 proceeds of bonds issued under Sections 40 through 55 of Chapter
2876 1, Laws of Third Extraordinary Session of 2005. Monies authorized
2877 for a particular grant or loan may not be used to reimburse



2878 administrative costs for unrelated grants or loans.
2879 Reimbursements made under this subsection shall satisfy any
2880 applicable federal tax law requirements.

2881 (c) (i) There is hereby created the Mississippi Job
2882 Protection Act Bond Sinking Fund from which the principal and
2883 interest on bonds whose proceeds are deposited into the
2884 Mississippi Job Protection Act Fund and utilized to provide loans
2885 authorized under this section, shall be repaid. Unexpended
2886 amounts remaining in the bond sinking fund at the end of a fiscal
2887 year shall not lapse into the State General Fund, and any interest
2888 earned or investment earnings on amounts in the bond sinking fund
2889 shall be deposited into the bond sinking fund. At any time when
2890 the funds required to pay the principal and interest on bonds
2891 whose proceeds are deposited into the Mississippi Job Protection
2892 Act Fund and are utilized to provide loans under this section are
2893 more than the amount available in the bond sinking fund, the
2894 Legislature shall appropriate the balance of the funds necessary
2895 to pay the principal and interest on such bonds.

2896 (ii) Money repaid on loans authorized under this
2897 section that are derived from the proceeds of bonds deposited into
2898 the Mississippi Job Protection Act Fund shall be deposited into
2899 the Mississippi Job Protection Act Bond Sinking Fund.

2900 (5) (a) A county that receives a loan under this section
2901 shall pledge for repayment of the loan any part of the homestead
2902 exemption annual tax loss reimbursement to which it may be



2903 entitled under Section 27-33-77. An incorporated municipality
2904 that receives a loan under this section shall pledge for repayment
2905 of the loan any part of the sales tax revenue distribution to
2906 which it may be entitled under Section 27-65-75. Each loan
2907 agreement shall provide for monthly payments, semiannual payments
2908 or other periodic payments, the annual total of which shall not
2909 exceed the annual total for any other year of the loan by more
2910 than fifteen percent (15%). The loan agreement shall provide for
2911 the repayment of all funds received within not more than twenty
2912 (20) years from the date of project completion.

2913 (b) The State Auditor, upon request of the MDA, shall
2914 audit the receipts and expenditures of a county or an incorporated
2915 municipality whose loan payments appear to be in arrears, and if
2916 he finds that the county or municipality is in arrears in such
2917 payments, he shall immediately notify the Executive Director of
2918 the Department of Finance and Administration who shall withhold
2919 all future payments to the county of homestead exemption
2920 reimbursements under Section 27-33-77 and all sums allocated to
2921 the county or the municipality under Section 27-65-75 until such
2922 time as the county or the municipality is again current in its
2923 loan payments as certified by the MDA. The State Auditor may
2924 conduct performance and compliance audits under this chapter
2925 according to Section 7-7-211(o) and may bill the oversight agency.

2926 (c) Evidences of indebtedness which are issued pursuant
2927 to this section shall not be deemed indebtedness within the



meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 9. Section 69-2-13, Mississippi Code of 1972, is amended as follows:

69-2-13. (1) There is hereby established in the State Treasury a fund to be known as the "Emerging Crops Fund," which shall be used to pay the interest on loans made to farmers for nonland capital costs of establishing production of emerging crops on land in Mississippi, and to make loans and grants which are authorized under this section to be made from the fund. The fund shall be administered by the Mississippi Development Authority. A board comprised of the directors of the authority, the Mississippi Cooperative Extension Service, the Mississippi Small Farm Development Center and the Mississippi Agricultural and Forestry Experiment Station, or their designees, shall develop definitions, guidelines and procedures for the implementation of this chapter. Funds for the Emerging Crops Fund shall be provided from the issuance of bonds or notes under Sections 69-2-19 through 69-2-37 and from repayment of interest loans made from the fund.

(2) (a) The Mississippi Development Authority shall develop a program which gives fair consideration to making loans for the processing and manufacturing of goods and services by agribusiness, greenhouse production horticulture, and small business concerns. It is the policy of the State of Mississippi that the Mississippi Development Authority shall give due



2953 recognition to and shall aid, counsel, assist and protect, insofar
2954 as is possible, the interests of agribusiness, greenhouse
2955 production horticulture, and small business concerns. To ensure
2956 that the purposes of this subsection are carried out, the
2957 Mississippi Development Authority shall loan not more than One
2958 Million Dollars (\$1,000,000.00) to finance any single
2959 agribusiness, greenhouse production horticulture, or small
2960 business concern. Loans made pursuant to this subsection shall be
2961 made in accordance with the criteria established in Section
2962 57-71-11.

2963 (b) The Mississippi Development Authority may, out of
2964 the total amount of bonds authorized to be issued under this
2965 chapter, make available funds to any planning and development
2966 district in accordance with the criteria established in Section
2967 57-71-11. Planning and development districts which receive monies
2968 pursuant to this provision shall use such monies to make loans to
2969 private companies for purposes consistent with this subsection.

2970 (c) The Mississippi Development Authority is hereby
2971 authorized to engage legal services, financial advisors,
2972 appraisers and consultants if needed to review and close loans
2973 made hereunder and to establish and assess reasonable fees
2974 including, but not limited to, liquidation expenses.

2975 (d) The State Auditor may conduct performance and
2976 compliance audits under this chapter according to Section
2977 7-7-211(o) and may bill the oversight agency.



2978 (3) (a) The Mississippi Development Authority shall, in
2979 addition to the other programs described in this section, provide
2980 for the following programs of loans to be made to agribusiness or
2981 greenhouse production horticulture enterprises for the purpose of
2982 encouraging thereby the extension of conventional financing and
2983 the issuance of letters of credit to such agribusiness or
2984 greenhouse production horticulture enterprises by private
2985 institutions. Monies to make such loans by the Mississippi
2986 Development Authority shall be drawn from the Emerging Crops Fund.

2987 (b) The Mississippi Development Authority may make
2988 loans to agribusiness or greenhouse production horticulture
2989 enterprises. The amount of any loan to any single enterprise
2990 under this paragraph (b) shall not exceed twenty percent (20%) of
2991 the total cost of the project for which financing is sought or Two
2992 Hundred Thousand Dollars (\$200,000.00), whichever is less. No
2993 interest shall be charged on such loans, and only the amount
2994 actually loaned shall be required to be repaid. Repayments shall
2995 be deposited into the Emerging Crops Fund.

2996 (c) The Mississippi Development Authority also may make
2997 loans under this subsection (3) to existing agribusiness or
2998 greenhouse production horticulture enterprises for the purpose of
2999 assisting such enterprises to make upgrades, renovations, repairs
3000 and other improvements to their equipment, facilities and
3001 operations, which shall not exceed Two Hundred Thousand Dollars
3002 (\$200,000.00) or thirty percent (30%) of the total cost of the



3003 project for which financing is sought, whichever is less. No
3004 interest shall be charged on loans made under this paragraph, and
3005 only the amount actually loaned shall be required to be repaid.
3006 Repayments shall be deposited into the Emerging Crops Fund.

3007 (d) The maximum aggregate amount of loans that may be
3008 made under this subsection (3) to any one (1) agribusiness shall
3009 be not more than Four Hundred Thousand Dollars (\$400,000.00).

3010 (4) (a) Through June 30, 2010, the Mississippi Development
3011 Authority may loan or grant to qualified planning and development
3012 districts, and to small business investment corporations,
3013 bank-based community development corporations, the Recruitment and
3014 Training Program, Inc., the City of Jackson Business Development
3015 Loan Fund, the Lorman Southwest Mississippi Development
3016 Corporation, the West Jackson Community Development Corporation,
3017 the East Mississippi Development Corporation, and other entities
3018 meeting the criteria established by the Mississippi Development
3019 Authority (all referred to hereinafter as "qualified entities"),
3020 funds for the purpose of establishing loan revolving funds to
3021 assist in providing financing for minority economic development.
3022 The monies loaned or granted by the Mississippi Development
3023 Authority shall be drawn from the Emerging Crops Fund and shall
3024 not exceed Twenty-nine Million Dollars (\$29,000,000.00) in the
3025 aggregate. Planning and development districts or qualified
3026 entities which receive monies pursuant to this provision shall use
3027 such monies to make loans to minority business enterprises



3028 consistent with criteria established by the Mississippi
3029 Development Authority. Such criteria shall include, at a minimum,
3030 the following:

3031 (i) The business enterprise must be a private,
3032 for-profit enterprise.

3033 (ii) If the business enterprise is a
3034 proprietorship, the borrower must be a resident citizen of the
3035 State of Mississippi; if the business enterprise is a corporation
3036 or partnership, at least fifty percent (50%) of the owners must be
3037 resident citizens of the State of Mississippi.

3038 (iii) The borrower must have at least five percent
3039 (5%) equity interest in the business enterprise.

3040 (iv) The borrower must demonstrate ability to
3041 repay the loan.

3042 (v) The borrower must not be in default of any
3043 previous loan from the state or federal government.

3044 (vi) Loan proceeds may be used for financing all
3045 project costs associated with development or expansion of a new
3046 small business, including fixed assets, working capital, start-up
3047 costs, rental payments, interest expense during construction and
3048 professional fees related to the project.

3049 (vii) Loan proceeds shall not be used to pay off
3050 existing debt for loan consolidation purposes; to finance the
3051 acquisition, construction, improvement or operation of real
3052 property which is to be held primarily for sale or investment; to



3053 provide for, or free funds, for speculation in any kind of
3054 property; or as a loan to owners, partners or stockholders of the
3055 applicant which do not change ownership interest by the applicant.
3056 However, this does not apply to ordinary compensation for services
3057 rendered in the course of business.

3058 (viii) The maximum amount that may be loaned to
3059 any one (1) borrower shall be Two Hundred Fifty Thousand Dollars
3060 (\$250,000.00).

3061 (ix) The Mississippi Development Authority shall
3062 review each loan before it is made, and no loan shall be made to
3063 any borrower until the loan has been reviewed and approved by the
3064 Mississippi Development Authority.

3065 (b) For the purpose of this subsection, the term
3066 "minority business enterprise" means a socially and economically
3067 disadvantaged small business concern, organized for profit,
3068 performing a commercially useful function which is owned and
3069 controlled by one or more minorities or minority business
3070 enterprises certified by the Mississippi Development Authority, at
3071 least fifty percent (50%) of whom are resident citizens of the
3072 State of Mississippi. Except as otherwise provided, for purposes
3073 of this subsection, the term "socially and economically
3074 disadvantaged small business concern" shall have the meaning
3075 ascribed to such term under the Small Business Act (15 USCS,
3076 Section 637(a)), or women, and the term "owned and controlled"
3077 means a business in which one or more minorities or minority



3078 business enterprises certified by the Mississippi Development
3079 Authority own sixty percent (60%) or, in the case of a
3080 corporation, sixty percent (60%) of the voting stock, and control
3081 sixty percent (60%) of the management and daily business
3082 operations of the business. However, an individual whose personal
3083 net worth exceeds Five Hundred Thousand Dollars (\$500,000.00)
3084 shall not be considered to be an economically disadvantaged
3085 individual.

3086 From and after July 1, 2010, monies not loaned or granted by
3087 the Mississippi Development Authority to planning and development
3088 districts or qualified entities under this subsection, and monies
3089 not loaned by planning and development districts or qualified
3090 entities, shall be deposited to the credit of the sinking fund
3091 created and maintained in the State Treasury for the retirement of
3092 bonds issued under Section 69-2-19.

3093 (c) Notwithstanding any other provision of this
3094 subsection to the contrary, if federal funds are not available for
3095 commitments made by a planning and development district to provide
3096 assistance under any federal loan program administered by the
3097 planning and development district in coordination with the
3098 Appalachian Regional Commission or Economic Development
3099 Administration, or both, a planning and development district may
3100 use funds in its loan revolving fund, which have not been
3101 committed otherwise to provide assistance, for the purpose of
3102 providing temporary funding for such commitments. If a planning



3103 and development district uses uncommitted funds in its loan
3104 revolving fund to provide such temporary funding, the district
3105 shall use funds repaid to the district under the temporarily
3106 funded federal loan program to replenish the funds used to provide
3107 the temporary funding. Funds used by a planning and development
3108 district to provide temporary funding under this paragraph (c)
3109 must be repaid to the district's loan revolving fund no later than
3110 twelve (12) months after the date the district provides the
3111 temporary funding. A planning and development district may not
3112 use uncommitted funds in its loan revolving fund to provide
3113 temporary funding under this paragraph (c) on more than two (2)
3114 occasions during a calendar year. A planning and development
3115 district may provide temporary funding for multiple commitments on
3116 each such occasion. The maximum aggregate amount of uncommitted
3117 funds in a loan revolving fund that may be used for such purposes
3118 during a calendar year shall not exceed seventy percent (70%) of
3119 the uncommitted funds in the loan revolving fund on the date the
3120 district first provides temporary funding during the calendar
3121 year.

3122 (d) If the Mississippi Development Authority determines
3123 that a planning and development district or qualified entity has
3124 provided loans to minority businesses in a manner inconsistent
3125 with the provisions of this subsection, then the amount of such
3126 loans so provided shall be withheld by the Mississippi Development
3127 Authority from any additional grant funds to which the planning



3128 and development district or qualified entity becomes entitled
3129 under this subsection. If the Mississippi Development Authority
3130 determines, after notifying such planning and development district
3131 or qualified entity twice in writing and providing such planning
3132 and development district or qualified entity a reasonable
3133 opportunity to comply, that a planning and development district or
3134 qualified entity has consistently failed to comply with this
3135 subsection, the Mississippi Development Authority may declare such
3136 planning and development district or qualified entity in default
3137 under this subsection and, upon receipt of notice thereof from the
3138 Mississippi Development Authority, such planning and development
3139 district or qualified entity shall immediately cease providing
3140 loans under this subsection, shall refund to the Mississippi
3141 Development Authority for distribution to other planning and
3142 development districts or qualified entities all funds held in its
3143 revolving loan fund and, if required by the Mississippi
3144 Development Authority, shall convey to the Mississippi Development
3145 Authority all administrative and management control of loans
3146 provided by it under this subsection.

3147 (e) If the Mississippi Development Authority
3148 determines, after notifying a planning and development district or
3149 qualified entity twice in writing and providing copies of such
3150 notification to each member of the Legislature in whose district
3151 or in a part of whose district such planning and development
3152 district or qualified entity is located and providing such



3153 planning and development district or qualified entity a reasonable
3154 opportunity to take corrective action, that a planning and
3155 development district or qualified entity administering a revolving
3156 loan fund under the provisions of this subsection is not actively
3157 engaged in lending as defined by the rules and regulations of the
3158 Mississippi Development Authority, the Mississippi Development
3159 Authority may declare such planning and development district or
3160 qualified entity in default under this subsection and, upon
3161 receipt of notice thereof from the Mississippi Development
3162 Authority, such planning and development district or qualified
3163 entity shall immediately cease providing loans under this
3164 subsection, shall refund to the Mississippi Development Authority
3165 for distribution to other planning and development districts or
3166 qualified entities all funds held in its revolving loan fund and,
3167 if required by the Mississippi Development Authority, shall convey
3168 to the Mississippi Development Authority all administrative and
3169 management control of loans provided by it under this subsection.

3170 (5) The Mississippi Development Authority shall develop a
3171 program which will assist minority business enterprises by
3172 guaranteeing bid, performance and payment bonds which such
3173 minority businesses are required to obtain in order to contract
3174 with federal agencies, state agencies or political subdivisions of
3175 the state. The Mississippi Development Authority may secure
3176 letters of credit, as determined necessary by the authority, to
3177 guarantee bid, performance and payment bonds pursuant to this



3178 subsection. Monies for such program shall be drawn from the
3179 monies allocated under subsection (4) of this section to assist
3180 the financing of minority economic development and shall not
3181 exceed Three Million Dollars (\$3,000,000.00) in the aggregate.
3182 The Mississippi Development Authority may promulgate rules and
3183 regulations for the operation of the program established pursuant
3184 to this subsection. For the purpose of this subsection (5), the
3185 term "minority business enterprise" has the meaning assigned such
3186 term in subsection (4) of this section.

3187 (6) The Mississippi Development Authority may loan or grant
3188 to public entities and to nonprofit corporations funds to defray
3189 the expense of financing (or to match any funds available from
3190 other public or private sources for the expense of financing)
3191 projects in this state which are devoted to the study, teaching
3192 and/or promotion of regional crafts and which are deemed by the
3193 authority to be significant tourist attractions. The monies
3194 loaned or granted shall be drawn from the Emerging Crops Fund and
3195 shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00)
3196 in the aggregate.

3197 (7) Through June 30, 2006, the Mississippi Development
3198 Authority shall make available to the Mississippi Department of
3199 Agriculture and Commerce funds for the purpose of establishing
3200 loan revolving funds and other methods of financing for
3201 agribusiness programs administered under the Mississippi
3202 Agribusiness Council Act of 1993. The monies made available by



3203 the Mississippi Development Authority shall be drawn from the
3204 Emerging Crops Fund and shall not exceed One Million Two Hundred
3205 Thousand Dollars (\$1,200,000.00) in the aggregate. The
3206 Mississippi Department of Agriculture and Commerce shall establish
3207 control and auditing procedures for use of these funds. These
3208 funds will be used primarily for quick payment to farmers for
3209 vegetable and fruit crops processed and sold through vegetable
3210 processing plants associated with the Department of Agriculture
3211 and Commerce and the Mississippi State Extension Service.

3212 (8) From and after July 1, 1996, the Mississippi Development
3213 Authority shall make available to the Mississippi Small Farm
3214 Development Center One Million Dollars (\$1,000,000.00) to be used
3215 by the center to assist small entrepreneurs as provided in Section
3216 37-101-25, Mississippi Code of 1972. The monies made available by
3217 the Mississippi Development Authority shall be drawn from the
3218 Emerging Crops Fund.

3219 (9) [Repealed]

3220 (10) The Mississippi Development Authority shall make
3221 available to the Small Farm Development Center at Alcorn State
3222 University funds in an aggregate amount not to exceed Three
3223 Hundred Thousand Dollars (\$300,000.00), to be drawn from the cash
3224 balance of the Emerging Crops Fund. The Small Farm Development
3225 Center at Alcorn State University shall use such funds to make
3226 loans to producers of sweet potatoes and cooperatives anywhere in
3227 the State of Mississippi owned by sweet potato producers to assist



3228 in the planting of sweet potatoes and the purchase of sweet potato
3229 production and harvesting equipment. A report of the loans made
3230 under this subsection shall be furnished by January 15 of each
3231 year to the Chairman of the Senate Agriculture Committee and the
3232 Chairman of the House Agriculture Committee.

3233 (11) The Mississippi Development Authority shall make
3234 available to the Mississippi Department of Agriculture and
3235 Commerce "Make Mine Mississippi" program an amount not to exceed
3236 One Hundred Fifty Thousand Dollars (\$150,000.00) to be drawn from
3237 the cash balance of the Emerging Crops Fund.

3238 (12) The Mississippi Development Authority shall make
3239 available to the Mississippi Department of Agriculture and
3240 Commerce an amount not to exceed One Hundred Fifty Thousand
3241 Dollars (\$150,000.00) to be drawn from the cash balance of the
3242 Emerging Crops Fund to be used for the rehabilitation and
3243 maintenance of the Mississippi Farmers Central Market in Jackson,
3244 Mississippi.

3245 (13) The Mississippi Development Authority shall make
3246 available to the Mississippi Department of Agriculture and
3247 Commerce an amount not to exceed Twenty-five Thousand Dollars
3248 (\$25,000.00) to be drawn from the cash balance of the Emerging
3249 Crops Fund to be used for advertising purposes related to the
3250 Mississippi Farmers Central Market in Jackson, Mississippi.

3251 (14) (a) The Mississippi Development Authority shall, in
3252 addition to the other programs described in this section, provide



3253 for a program of loan guaranties to be made on behalf of any
3254 nonprofit entity qualified under Section 501(c)(3) of the Internal
3255 Revenue Code and certified by the United States Department of the
3256 Treasury as a community development financial institution for the
3257 purpose of encouraging the extension of financing to such an
3258 entity which financing the entity will use to make funds available
3259 to other entities for the purpose of making loans available in
3260 low-income communities in Mississippi. Monies to make such loan
3261 guaranties by the Mississippi Development Authority shall be drawn
3262 from the Emerging Crops Fund and shall not exceed Two Million
3263 Dollars (\$2,000,000.00) in the aggregate. The amount of a loan
3264 guaranty on behalf of such an entity under this subsection (14)
3265 shall not exceed Two Million Dollars (\$2,000,000.00). Assistance
3266 received by an entity under this subsection (14) shall not
3267 disqualify the entity from obtaining any other assistance under
3268 this chapter.

3269 (b) An entity desiring assistance under this subsection
3270 (14) must submit an application to the Mississippi Development
3271 Authority. The application must include any information required
3272 by the Mississippi Development Authority.

3273 (c) The Mississippi Development Authority shall have
3274 all powers necessary to implement and administer the program
3275 established under this subsection (14), and the Mississippi
3276 Development Authority shall promulgate rules and regulations, in



3277 accordance with the Mississippi Administrative Procedures Law,
3278 necessary for the implementation of this subsection (14).

3279 (15) (a) The Mississippi Development Authority shall, in
3280 addition to the other programs described in this section, provide
3281 for a program of grants to agribusiness enterprises that process,
3282 dry, store or ship peanuts and if the enterprise has invested
3283 prior to April 17, 2009, a minimum of Six Million Dollars
3284 (\$6,000,000.00) in land, facilities and equipment in this state
3285 that are utilized to process, dry, store or ship peanuts. Monies
3286 to make such grants by the Mississippi Development Authority shall
3287 be drawn from the Emerging Crops Fund and shall not exceed One
3288 Million Dollars (\$1,000,000.00) in the aggregate. The amount of a
3289 grant under this subsection (15) shall not exceed One Million
3290 Dollars (\$1,000,000.00).

3291 (b) An entity desiring assistance under this subsection
3292 (15) must submit an application to the Mississippi Development
3293 Authority. The application must include a description of the
3294 project for which assistance is requested, the cost of the project
3295 for which assistance is requested, the amount of assistance
3296 requested and any other information required by the Mississippi
3297 Development Authority.

3298 (c) As a condition of the receipt of a grant under this
3299 subsection (15), an entity must agree to remain in business in
3300 this state for not less than five (5) years and must meet other
3301 conditions established by the Mississippi Development Authority to



3302 ensure that the assistance results in an economic benefit to the
3303 state. The Mississippi Development Authority shall require that
3304 binding commitments be entered into requiring that:

3305 (i) The minimum requirements provided for in this
3306 subsection (15) and the conditions established by the Mississippi
3307 Development Authority are met; and

3308 (ii) If such commitments and conditions are not
3309 met, all or a portion of the funds provided pursuant to this
3310 subsection (15) shall be repaid.

3311 (d) The Mississippi Development Authority shall have
3312 all powers necessary to implement and administer the program
3313 established under this subsection (15), and the Mississippi
3314 Development Authority shall promulgate rules and regulations, in
3315 accordance with the Mississippi Administrative Procedures Law,
3316 necessary for the implementation of this subsection (15).

3317 (16) (a) The Mississippi Development Authority, in addition
3318 to the other programs described in this section, shall provide for
3319 a program of loan guaranties to be made on behalf of certain
3320 agribusinesses engaged in sweet potato growing and farming for the
3321 purpose of encouraging thereby the extension of conventional
3322 financing and the issuance of letters of credit to such
3323 agribusinesses by lenders. The amount of a loan guaranty made on
3324 behalf of such an agribusiness shall be ninety percent (90%) of
3325 the amount of assistance made available by a lender for the
3326 purposes authorized under this subsection (16). Monies to make



3327 such loan guaranties by the Mississippi Development Authority
3328 shall be drawn from the Emerging Crops Fund and shall not exceed
3329 Seventeen Million Dollars (\$17,000,000.00) in the aggregate.

3330 (b) In order to be eligible for assistance under this
3331 subsection (16) an agribusiness must:

3332 (i) Have been actively engaged in sweet potato
3333 growing and farming in this state before January 1, 2010;

3334 (ii) Have incurred a disaster-related loss for
3335 sweet potato growing and farming purposes for calendar year 2009,
3336 as determined by a lender;

3337 (iii) Agree to obtain and maintain federal
3338 Noninsured Agricultural Program (NAP) insurance coverage for the
3339 outstanding balance of any assistance received under this
3340 subsection (16); and

3341 (iv) Satisfy underwriting criteria established by
3342 a lender related to loans under this subsection (16).

3343 (c) (i) An entity desiring assistance under this
3344 subsection must submit an application for assistance to a lender
3345 not later than August 1, 2010. The application must include:

3346 1. Information verifying the length of time
3347 the applicant has been actively engaged in sweet potato growing
3348 and farming in this state;

3349 2. Information regarding the number of acres
3350 used by the applicant for sweet potato growing and farming
3351 purposes during the 2009 calendar year, as certified to by the



3352 Farm Services Authority (FSA) or the Mississippi Department of
3353 Agriculture and Commerce (MDAC), and the number of acres the
3354 applicant intends to use for such purposes during the 2010
3355 calendar year;

3356 3. The average cost per acre incurred by the
3357 applicant for sweet potato growing and farming purposes during the
3358 2009 calendar year, as certified to by the FSA or MDAC, and an
3359 estimate of the average cost per acre to be incurred by the
3360 applicant for such purposes during the calendar year for which
3361 application is made;

3362 4. The amount of assistance requested;

3363 5. A statement from the applicant agreeing
3364 that he will obtain and maintain NAP insurance coverage for the
3365 outstanding balance of any assistance received under this
3366 subsection (16); and

3367 6. Any other information required by the
3368 lender and/or the MDA.

3369 (ii) The lender shall review the application for
3370 assistance and determine whether the applicant qualifies for
3371 assistance under this subsection (16). If the lender determines
3372 that the applicant qualifies for assistance, the lender shall loan
3373 funds to the applicant subject to the provisions of this
3374 subsection (16).

3375 (d) Loans made under this subsection (16) shall be
3376 subject to the following conditions:



3377 (i) The maximum amount of a loan to a borrower
3378 shall not exceed One Thousand Seven Hundred Dollars (\$1,700.00)
3379 per acre and shall exclude any machinery and equipment costs.

3380 (ii) The proceeds of a loan may be used only for
3381 paying a borrower's sweet potato planting, production and
3382 harvesting costs, excluding machinery and equipment costs.

3383 (iii) The proceeds of a loan may not be used to
3384 repay, satisfy or finance existing debt.

3385 (iv) The time allowed for repayment of a loan
3386 shall not be more than five (5) years, and there shall be no
3387 penalty, fee or other charge imposed for the prepayment of a loan.

3388 (e) The receipt of assistance by a person or other
3389 entity under any other program described in this section shall not
3390 disqualify the person or entity from obtaining a loan under the
3391 program established in this subsection (16) if the person or
3392 entity is otherwise eligible under this program. In addition, the
3393 receipt of a loan by a person or other entity under the program
3394 established under this subsection (16) shall not disqualify the
3395 person or entity from obtaining assistance under any other program
3396 described in this section.

3397 (f) The Mississippi Development Authority shall have
3398 all powers necessary to implement and administer the program
3399 established under this subsection (16), and the Mississippi
3400 Development Authority shall promulgate rules and regulations, in



3401 accordance with the Mississippi Administrative Procedures Law,
3402 necessary for the implementation of this subsection (16).

3403 **SECTION 10.** This act shall take effect and be in force from
3404 and after July 1, 2014.

