

By: Representative Lamar

To: Ways and Means

HOUSE BILL NO. 788

1 AN ACT TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY TO
 3 RENEGOTIATE THE PAYMENT AND INTEREST OF CERTAIN LOANS PROVIDED TO
 4 A CERTAIN MUNICIPALITY FOR CERTAIN PROJECTS UNDER THE MISSISSIPPI
 5 MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 21-33-303, MISSISSIPPI
 6 CODE OF 1972, TO PROVIDE THAT ANY CERTAIN DEBT INCURRED BY A
 7 MUNICIPALITY FOR THE PROJECT SHALL NOT BE INCLUDED IN THE
 8 MUNICIPALITY'S CALCULATION OF THE MAXIMUM OUTSTANDING BONDED
 9 INDEBTEDNESS OR THE MAXIMUM OUTSTANDING GENERAL OBLIGATION
 10 INDEBTEDNESS; AND FOR RELATED PURPOSES.

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

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

14 57-75-11. The authority, in addition to any and all powers
 15 now or hereafter granted to it, is empowered and shall exercise
 16 discretion and the use of these powers depending on the
 17 circumstances of the project or projects:

18 (a) To maintain an office at a place or places within
 19 the state.

20 (b) To employ or contract with architects, engineers,
 21 attorneys, accountants, construction and financial experts and



22 such other advisors, consultants and agents as may be necessary in
23 its judgment and to fix and pay their compensation.

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

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

31 (e) (i) To acquire by purchase, lease, gift, or in
32 other manner, including quick-take eminent domain, or obtain
33 options to acquire, and to own, maintain, use, operate and convey
34 any and all property of any kind, real, personal, or mixed, or any
35 interest or estate therein, within the project area, necessary for
36 the project or any facility related to the project. The
37 provisions of this paragraph that allow the acquisition of
38 property by quick-take eminent domain shall be repealed by
39 operation of law on July 1, 1994; and

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



47 (f) To acquire by purchase or lease any public lands
48 and public property, including sixteenth section lands and lieu
49 lands, within the project area, which are necessary for the
50 project. Sixteenth section lands or lieu lands acquired under
51 this act shall be deemed to be acquired for the purposes of
52 industrial development thereon and such acquisition will serve a
53 higher public interest in accordance with the purposes of this
54 act.

55 (g) If the authority identifies any land owned by the
56 state as being necessary, for the location or use of the project,
57 or any facility related to the project, to recommend to the
58 Legislature the conveyance of such land or any interest therein,
59 as the Legislature deems appropriate.

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

63 (i) From and after the date of notification to the
64 authority by the enterprise that the state has been finally
65 selected as the site of the project, to acquire by condemnation
66 and to own, maintain, use, operate and convey or otherwise dispose
67 of any and all property of any kind, real, personal or mixed, or
68 any interest or estate therein, within the project area, necessary
69 for the project or any facility related to the project, with the
70 concurrence of the affected public agency, and the exercise of the
71 powers granted by this act, according to the procedures provided



72 by Chapter 27, Title 11, Mississippi Code of 1972, except as
73 modified by this act.

74 (i) Except as otherwise provided in subparagraph
75 (iii) of this paragraph (i), in acquiring lands by condemnation,
76 the authority shall not acquire minerals or royalties in minerals
77 unless a competent registered professional engineer shall have
78 certified that the acquisition of such minerals and royalties in
79 minerals is necessary for purposes of the project; provided that
80 limestone, clay, chalk, sand and gravel shall not be considered as
81 minerals for the purposes of subparagraphs (i) and (ii) of this
82 paragraph (i);

83 (ii) Unless minerals or royalties in minerals have
84 been acquired by condemnation or otherwise, no person or persons
85 owning the drilling rights or the right to share in production of
86 minerals shall be prevented from exploring, developing, or
87 producing oil or gas with necessary rights-of-way for ingress and
88 egress, pipelines and other means of transporting interests on any
89 land or interest therein of the authority held or used for the
90 purposes of this act; but any such activities shall be under such
91 reasonable regulation by the authority as will adequately protect
92 the project contemplated by this act as provided in paragraph (r)
93 of this section; and

94 (iii) In acquiring lands by condemnation,
95 including the exercise of immediate possession, for a project, as



96 defined in Section 57-75-5(f)(iv)1, the authority may acquire
97 minerals or royalties in minerals.

98 (j) To negotiate the necessary relocation or rerouting
99 of roads and highways, railroad, telephone and telegraph lines and
100 properties, electric power lines, pipelines and related
101 facilities, or to require the anchoring or other protection of any
102 of these, provided due compensation is paid to the owners thereof
103 or agreement is had with such owners regarding the payment of the
104 cost of such relocation, and to acquire by condemnation or
105 otherwise easements or rights-of-way for such relocation or
106 rerouting and to convey the same to the owners of the facilities
107 being relocated or rerouted in connection with the purposes of
108 this act.

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

111 (l) To perform or have performed any and all acts and
112 make all payments necessary to comply with all applicable federal
113 laws, rules or regulations including, but not limited to, the
114 Uniform Relocation Assistance and Real Property Acquisition
115 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
116 to 4655) and relocation rules and regulations promulgated by any
117 agency or department of the federal government.

118 (m) To construct, extend, improve, maintain, and
119 reconstruct, to cause to be constructed, extended, improved,
120 maintained, and reconstructed, and to use and operate any and all



121 components of the project or any facility related to the project,
122 with the concurrence of the affected public agency, within the
123 project area, necessary to the project and to the exercise of such
124 powers, rights, and privileges granted the authority.

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

128 (o) (i) To lease, sell or convey any or all property
129 acquired by the authority under the provisions of this act to the
130 enterprise, its successors or assigns, and/or any entity for
131 purposes in furtherance of economic development as determined by
132 the authority, and in connection therewith to pay the costs of
133 title search, perfection of title, title insurance and recording
134 fees as may be required. The authority may provide in the
135 instrument conveying such property a provision that such property
136 shall revert to the authority if, as and when the property is
137 declared by the transferee to be no longer needed.

138 (ii) To lease, sell, transfer or convey on any
139 terms agreed upon by the authority any or all real and personal
140 property, improvements, leases, funds and contractual obligations
141 of a project as defined in Section 57-75-5(f)(vi) and conveyed to
142 the State of Mississippi by a Quitclaim Deed from the United
143 States of America dated February 23, 1996, filed of record at
144 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,
145 Tishomingo County, Mississippi, to any governmental authority



146 located within the geographic boundaries of the county wherein
147 such project exists upon agreement of such governmental authority
148 to undertake and assume from the State of Mississippi all
149 obligations and responsibilities in connection with ownership and
150 operation of the project. Property leased, sold, transferred or
151 otherwise conveyed by the authority under this paragraph (o) shall
152 be used only for economic development purposes.

153 (p) To enter into contracts with any person or public
154 agency, including, but not limited to, contracts authorized by
155 Section 57-75-17, in furtherance of any of the purposes authorized
156 by this act upon such consideration as the authority and such
157 person or public agency may agree. Any such contract may extend
158 over any period of time, notwithstanding any rule of law to the
159 contrary, may be upon such terms as the parties thereto shall
160 agree, and may provide that it shall continue in effect until
161 bonds specified therein, refunding bonds issued in lieu of such
162 bonds, and all other obligations specified therein are paid or
163 terminated. Any such contract shall be binding upon the parties
164 thereto according to its terms. Such contracts may include an
165 agreement to reimburse the enterprise, its successors and assigns
166 for any assistance provided by the enterprise in the acquisition
167 of real property for the project or any facility related to the
168 project.

169 (q) To establish and maintain reasonable rates and
170 charges for the use of any facility within the project area owned



171 or operated by the authority, and from time to time, to adjust
172 such rates and to impose penalties for failure to pay such rates
173 and charges when due.

174 (r) To adopt and enforce with the concurrence of the
175 affected public agency all necessary and reasonable rules and
176 regulations to carry out and effectuate the implementation of the
177 project and any land use plan or zoning classification adopted for
178 the project area, including, but not limited to, rules,
179 regulations, and restrictions concerning mining, construction,
180 excavation or any other activity the occurrence of which may
181 endanger the structure or operation of the project. Such rules
182 may be enforced within the project area and without the project
183 area as necessary to protect the structure and operation of the
184 project. The authority is authorized to plan or replan, zone or
185 rezone, and make exceptions to any regulations, whether local or
186 state, with the concurrence of the affected public agency which
187 are inconsistent with the design, planning, construction or
188 operation of the project and facilities related to the project.

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

192 (t) To develop plans for technology transfer activities
193 to ensure private sector conduits for exchange of information,
194 technology and expertise related to the project to generate
195 opportunities for commercial development within the state.



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

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

203 (w) To consult with the Office of Minority Business
204 Enterprise Development and other public agencies for the purpose
205 of developing plans for technical assistance and loan programs to
206 maximize the economic impact related to the project for minority
207 business enterprises within the State of Mississippi.

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

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

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

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

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



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

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

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

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

234 (ii) To lease such surface water transmission
235 lines to a public agency or public utility to provide water to
236 such project and to certificated water providers.

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

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



245 (gg) To establish such guidelines, rules and
246 regulations as the authority may deem necessary and appropriate
247 from time to time in its sole discretion, to promote the purposes
248 of this act.

249 (hh) In connection with projects defined in Section
250 57-75-5(f) (ii):

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

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

257 (iii) To requisition money in the Mississippi
258 Major Economic Impact Authority Revolving Loan Fund in connection
259 with such loans.

260 (ii) In connection with projects defined under Section
261 57-75-5(f) (xiv):

262 (i) To provide grant funds or loans to an
263 enterprise owning, leasing or operating a project defined in
264 Section 57-75-5(f) (xiv); however, the aggregate amount of any such
265 loans under this paragraph (ii) shall not exceed Eighteen Million
266 Dollars (\$18,000,000.00) and the aggregate amount of any such
267 grants under this paragraph (ii) shall not exceed Six Million
268 Dollars (\$6,000,000.00);



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

271 (iii) Notwithstanding any provision of this act to
272 the contrary, such loans shall be for a term not to exceed twenty
273 (20) years as may be determined by the authority, shall bear
274 interest at such rates as may be determined by the authority,
275 shall, in the sole discretion of the authority, be secured in an
276 amount and a manner as may be determined by the authority.

277 (jj) In connection with projects defined under Section
278 57-75-5(f) (xviii):

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

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

288 1. Not more than Ten Million Dollars
289 (\$10,000,000.00) may be loaned to such an enterprise for the
290 purpose of defraying costs incurred by the enterprise for site
291 preparation and real property improvements during the construction
292 of the project in excess of budgeted costs; however, the amount of



293 any such loan shall not exceed fifty percent (50%) of such excess
294 costs;

295 2. Not more than Sixty Million Dollars
296 (\$60,000,000.00) may be loaned to such an enterprise or paid to a
297 lender providing financing to the enterprise for purposes
298 determined appropriate by the authority, and the enterprise shall
299 be obligated to repay the amount of the loan or payment plus any
300 expenses incurred by the state as a result of the issuance of
301 bonds pursuant to Section 57-75-15(3) (p); however, no such loan or
302 payment may be made before the beginning of the fifth year after
303 issuance by the enterprise of debt in like amount the proceeds of
304 which are to be used in connection with the project;

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

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

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

315 (kk) In connection with projects defined in Section
316 57-75-5(f) (xxi) or a facility related to such a project:



317 (i) To provide grant funds to reimburse public
318 agencies, Itawamba Community College, Northeast Mississippi
319 Community College, and/or East Mississippi Community College,
320 public or private nonprofits or an enterprise owning or operating
321 a project as defined in Section 57-75-5(f) (xxi) for site
322 preparation, real estate improvements, utilities, railroads,
323 roads, infrastructure, job training, recruiting and any other
324 expenses approved by the authority in amounts not to exceed the
325 amount authorized in Section 57-75-15(3) (s);

326 (ii) To supervise the use of all such grant funds
327 so reimbursed; and

328 (iii) To enter into contractual agreements to
329 warrant site preparation and availability for a project defined in
330 Section 57-75-5(f) (xxi).

331 (11) In connection with a project related to a Tier One
332 supplier:

333 (i) To provide grant funds to reimburse public
334 agencies, public or private nonprofits and Tier One suppliers for
335 site preparation, real estate improvements, utilities, railroads,
336 roads, infrastructure, job training, recruiting and any other
337 expenses approved by the authority in amounts not to exceed the
338 amount authorized in Section 57-75-15(3) (t);

339 (ii) To supervise the use of all such grant funds
340 so reimbursed.



341 (mm) In connection with projects defined in Section
342 57-75-5(f) (xxii) or a facility related to such a project:

343 (i) To provide grant funds to reimburse public
344 agencies or an enterprise owning or operating a project as defined
345 in Section 57-75-5(f) (xxii) for site preparation, real estate
346 improvements, utilities, fire protection, wastewater, railroads,
347 roads, infrastructure, job training, recruiting and any other
348 expenses approved by the authority in amounts not to exceed the
349 amount authorized in Section 57-75-15(3) (u); and

350 (ii) To supervise the use of all such grant funds
351 so reimbursed.

352 (nn) It is the policy of the authority and the
353 authority is authorized to accommodate and support any enterprise
354 owning or operating a project defined in Section
355 57-75-5(f) (xviii), 57-75-5(f) (xxi), 57-75-5(f) (xxii),
356 57-75-5(f) (xxvi), 57-75-5(f) (xxvii), 57-75-5(f) (xxviii),
357 57-75-5(f) (xxix) or 57-75-5(f) (xxx) or an enterprise developing or
358 owning a project defined in Section 57-75-5(f) (xx), that wishes to
359 have a program of diversity in contracting, and/or that wishes to
360 do business with or cause its prime contractor to do business with
361 Mississippi companies, including those companies that are small
362 business concerns owned and controlled by socially and
363 economically disadvantaged individuals. The term "socially and
364 economically disadvantaged individuals" shall have the meaning
365 ascribed to such term under Section 8(d) of the Small Business Act



366 (15 USCS 637(d)) and relevant subcontracting regulations
367 promulgated pursuant thereto; except that women shall be presumed
368 to be socially and economically disadvantaged individuals for the
369 purposes of this paragraph.

370 (oo) To provide grant funds to an enterprise developing
371 or owning a project defined in Section 57-75-5(f)(xx) for
372 reimbursement of costs incurred by such enterprise for
373 infrastructure improvements in the initial phase of development of
374 the project, upon dedication of such improvements to the
375 appropriate public agency.

376 (pp) In connection with projects defined in Section
377 57-75-5(f)(xxiii):

378 (i) To provide grant funds to reimburse public
379 agencies or an enterprise operating a project as defined in
380 Section 57-75-5(f)(xxiii) for site preparation, utilities, real
381 estate improvements, infrastructure, roads, public works, job
382 training and any other expenses approved by the authority in
383 amounts not to exceed the amount authorized in Section
384 57-75-15(3)(v); and

385 (ii) To supervise the use of all such grant funds
386 so reimbursed.

387 (qq) (i) To provide grant funds for the expansion of a
388 publicly owned building for the project defined in Section
389 57-75-5(f)(xxiv) or loans to an enterprise owning, leasing or
390 operating a project defined in Section 57-75-5(f)(xxiv) for the



391 purchase and/or relocation of equipment, or for any other purpose
392 related to the project as approved by the authority; however, the
393 aggregate amount of any such loans under this paragraph (qq) shall
394 not exceed Six Million Dollars (\$6,000,000.00) and the aggregate
395 amount of any such grants under this paragraph (qq) shall not
396 exceed Seven Million Dollars (\$7,000,000.00);

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

399 (iii) Notwithstanding any provision of this act to
400 the contrary, such loans shall be for a term not to exceed ten
401 (10) years as may be determined by the authority, shall bear a
402 rate of interest to be determined by the authority, and shall be
403 secured in an amount and a manner as may be determined by the
404 authority.

405 (rr) (i) To provide grant funds to an enterprise
406 owning or operating a project defined in Section 57-75-5(f) (xxv)
407 for reimbursement of costs incurred by the enterprise in
408 reconfiguring the manufacturing plant and for the purchase of
409 equipment, or for any other purpose related to the project as
410 approved by the authority;

411 (ii) To supervise the use of all such grant funds.

412 (ss) In connection with projects defined under Section
413 57-75-5(f) (xxvi):

414 (i) To provide grant funds and/or loans to a
415 public agency in an amount not to exceed Fifteen Million Dollars



416 (\$15,000,000.00) for the construction of a publicly owned building
417 to be leased by the enterprise owning or operating the project;

418 (ii) To provide loan guarantees in an amount not
419 to exceed the total cost of the project for which financing is
420 sought or Twenty Million Dollars (\$20,000,000.00), whichever is
421 less, for the purpose of encouraging the extension of conventional
422 financing and the issuance of letters of credit to the enterprise
423 owning or operating the project;

424 (iii) In connection with any loan guarantee made
425 pursuant to this paragraph, to make payments to lenders providing
426 financing to the enterprise owning or operating the project and
427 the enterprise shall be obligated to repay the amount of the
428 payment plus any expenses incurred by the state as a result of the
429 issuance of bonds pursuant to Section 57-75-15(3)(y);

430 (iv) To supervise the use of all such grant funds,
431 loan funds or payments; and

432 (v) To require the enterprise owning or operating
433 the project to provide security for the repayment obligation for
434 any loan guarantee authorized under this paragraph in an amount
435 and in a manner as may be determined by the authority.

436 (tt) In connection with projects defined under Section
437 57-75-5(f)(xxvii):

438 (i) To provide loans to a public agency in an
439 amount not to exceed Fifty Million Dollars (\$50,000,000.00) for
440 the construction of a publicly owned building and acquisition of



441 equipment to be leased by the enterprise owning or operating the
442 project; * * *

443 (ii) To supervise the use of all such loan funds;
444 and

445 (iii) To renegotiate the payment of principal and
446 interest of all such loans made to a public agency to include, but
447 not limited to, the maturity, deferment and repayment of such
448 loans as determined by the authority.

449 (uu) In connection with projects defined under Section
450 57-75-5(f) (xxviii):

451 (i) To provide grant funds to reimburse public
452 agencies or an enterprise operating a project for site
453 preparation, utilities, real estate purchase and improvements,
454 infrastructure, roads, rail improvements, public works, job
455 training and any other expenses approved by the authority in
456 amounts not to exceed the amount authorized in Section
457 57-75-15(3) (aa);

458 (ii) To supervise the use of all such grant funds
459 so reimbursed.

460 (vv) In connection with projects defined under Section
461 57-75-5(f) (xxix):

462 (i) To provide grant funds to reimburse or
463 otherwise defray the costs incurred by public agencies or an
464 enterprise operating a project for site preparation, utilities,
465 real estate purchases, purchase options and improvements,



466 infrastructure, roads, rail improvements, public works, buildings
467 and fixtures, job recruitment and training, as well as planning,
468 design, environmental mitigation and environmental impact studies
469 with respect to a project, and any other purposes approved by the
470 authority in amounts not to exceed the amount authorized in
471 Section 57-75-15(3) (bb);

472 (ii) To provide loans to public agencies for site
473 preparation, utilities, real estate purchases, purchase options
474 and improvements, infrastructure, roads, rail improvements, public
475 works, buildings and fixtures, job recruiting and training, as
476 well as planning, design, environmental mitigation and
477 environmental impact studies with respect to a project, and any
478 other purposes approved by the authority in amounts not to exceed
479 the amount authorized in Section 57-75-15(3) (bb);

480 (iii) To supervise the use of all such grant funds
481 so reimbursed and/or loans so made; and

482 (iv) To the extent that the authority enters into
483 any construction or similar contract for site preparation work or
484 for the construction of any improvements on a project site, to
485 assign or otherwise transfer to an enterprise or affiliate thereof
486 that owns or operates such a project on such project site any and
487 all contractual, express or implied warranties of any kind arising
488 from such contract or work performed or materials purchased in
489 connection therewith, and cause any such contract to contain terms



490 and provisions designating such enterprise as a third-party
491 beneficiary under the contract.

492 (ww) In connection with projects defined under Section
493 57-75-5(f) (xxx):

494 (i) To provide grant funds to reimburse or
495 otherwise defray the costs incurred by public agencies or an
496 enterprise operating a project for public infrastructure needs,
497 site preparation, building improvements, purchase of launch
498 systems, recruitment of employees to fill new full-time jobs,
499 providing internal company training and train prospective, new and
500 existing employees of the enterprise associated with the project,
501 including training of company employees who will utilize such
502 instruction to teach other prospective, new and existing employees
503 of the company and other workforce expenses and any other expenses
504 approved by the authority in amounts not to exceed the amount
505 authorized in Section 57-75-15(3) (cc); and

506 (ii) To supervise the use of all such grant funds
507 so reimbursed.

508 (xx) (i) In addition to any other requirements or
509 conditions under this chapter, the authority shall require that
510 any application for assistance regarding a project under this
511 chapter include, at a minimum:

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



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

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

521 4. Data supporting the expertise of the
522 project's principals;

523 5. A cost-benefit analysis of the project
524 performed by a state institution of higher learning or other
525 entity selected by the authority; and

526 6. Any other information required by the
527 authority.

528 (ii) The authority shall require that binding
529 commitments be entered into requiring that:

530 1. The applicable minimum requirements of
531 this chapter and such other requirements as the authority
532 considers proper shall be met; and

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

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



539 (iv) The provisions of this paragraph (xx) shall
540 not apply to a project defined in Section 57-75-5(f) (xxiii).

541 **SECTION 2.** Section 21-33-303, Mississippi Code of 1972, is
542 amended as follows:

543 21-33-303. No municipality shall hereafter issue bonds
544 secured by a pledge of its full faith and credit for the purposes
545 authorized by law in an amount which, when added to the then
546 outstanding bonded indebtedness of such municipality, shall exceed
547 either (a) fifteen percent (15%) of the assessed value of the
548 taxable property within such municipality, according to the last
549 completed assessment for taxation, or (b) ten percent (10%) of the
550 assessment upon which taxes were levied for its fiscal year ending
551 September 30, 1984, whichever is greater. In computing such
552 indebtedness, there may be deducted all bonds or other evidences
553 of indebtedness, heretofore or hereafter issued, for school,
554 water, sewerage systems, gas, and light and power purposes and for
555 the construction of special improvements primarily chargeable to
556 the property benefited, or for the purpose of paying the
557 municipality's proportion of any betterment program, a portion of
558 which is primarily chargeable to the property benefited. However,
559 in no case shall any municipality contract any indebtedness which,
560 when added to all of the outstanding general obligation
561 indebtedness, both bonded and floating, shall exceed either (a)
562 twenty percent (20%) of the assessed value of all taxable property
563 within such municipality according to the last completed



564 assessment for taxation or (b) fifteen percent (15%) of the
565 assessment upon which taxes were levied for its fiscal year ending
566 September 30, 1984, whichever is greater. Nothing herein
567 contained shall be construed to apply to contract obligations in
568 any form heretofore or hereafter incurred by any municipality
569 which are subject to annual appropriations therefor, or to bonds
570 heretofore issued by any municipality for school purposes, or to
571 contract obligations in any form heretofore or hereafter incurred
572 by any municipality which are payable exclusively from the
573 revenues of any municipally owned utility, or to bonds issued by
574 any municipality under the provisions of Sections 57-1-1 through
575 57-1-51, or to any special assessment improvement bonds issued by
576 any municipality under the provisions of Sections 21-41-1 through
577 21-41-53, or to any indebtedness incurred under Section 55-23-8,
578 or to any indebtedness incurred through a loan to a municipality
579 under Section 57-75-11(tt) in connection with a project authorized
580 under Section 57-75-5(f) (xxvii).

581 All bonds issued prior to July 1, 1990, pursuant to this
582 chapter by any municipality for the purpose of the constructing,
583 replacing, renovating or improving wastewater collection and
584 treatment facilities in order to comply with an administrative
585 order of the Mississippi Department of Natural Resources issued
586 pursuant to the Federal Water Pollution Control Act and amendments
587 thereto, are hereby exempt from the limitation imposed by this
588 section if the governing body of the municipality adopts an order,



589 resolution or ordinance to the effect that the rates paid by the
590 users of such facilities shall be increased to the extent
591 necessary to provide sufficient funds for the payment of the
592 principal of and interest on such bonds as each respectively
593 becomes due and payable as well as the necessary expenses in
594 connection with the operation and maintenance of such facilities.

595 **SECTION 3.** This act shall take effect and be in force from
596 and after its passage.

