

## Senate Amendments to House Bill No. 660

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

10           **SECTION 1.** Section 57-119-9, Mississippi Code of 1972, is  
11 amended as follows:

12           57-119-9. (1) Applicants who are eligible for assistance  
13 under this section include, but are not limited to, local units of  
14 government, nongovernmental organizations, institutions of higher  
15 learning, community colleges, public schools, ports, airports,  
16 public-private partnerships, private for-profit entities, private  
17 nonprofit entities and local economic development entities.  
18 Projects that are eligible for assistance under this section are  
19 projects that have the potential to generate increased economic  
20 activity in the region, as described in Section 57-119-11(3).

21           (2) MDA shall establish criteria, rules, and procedures for  
22 accepting and reviewing applications for assistance under this  
23 section. MDA, with advice from the Gulf Coast Restoration Fund  
24 Advisory Board, shall review, compile and score all timely  
25 received applications, and shall present the applications and its  
26 recommendations for assistance to individual projects under this

27 section to the Legislature no later than December 1 of the year.  
28 The Legislature shall determine individual projects that will be  
29 funded under this section by separate line items in an  
30 appropriation bill.

31 (3) Applications for assistance under this section will be  
32 received through web portals set up by MDA. MDA shall set  
33 criteria for the web portal which may include protection of the  
34 confidentiality of any or all of the applications.

35 (4) The project described in paragraph (m) of Section 18,  
36 Chapter 106, Laws of 2020 (Senate Bill No. 2977), to assist George  
37 County with a rail connection project, shall not be required to  
38 meet the criteria established by the Mississippi Development  
39 Authority for the selection and recommendation of projects under  
40 this section in order to receive the funds allocated for that  
41 project under Chapter 106.

42 **SECTION 2.** Section 57-119-11, Mississippi Code of 1972, is  
43 amended as follows:

44 57-119-11. (1) MDA is further authorized, on such terms and  
45 conditions consistent with the criteria set forth in this section  
46 as it may determine, to establish programs for making loans, loan  
47 guarantees, grants and any other financial assistance from the  
48 GCRF to applicants whose projects are approved for assistance  
49 under this section. MDA shall establish criteria, rules and  
50 procedures for accepting, reviewing, granting or denying  
51 applications, and for terms and conditions of financial assistance  
52 under this section in accordance with state law. The Legislature

53 shall appropriate monies from the GCRF to the MDA to fund the  
54 programs established under this section in an amount requested  
55 annually by MDA for such purpose.

56 (2) Applicants who are eligible for assistance under this  
57 section include, but are not limited to, local units of  
58 government, nongovernmental organizations, institutions of higher  
59 learning, community colleges, public schools, ports, airports,  
60 public-private partnerships, private for-profit entities, private  
61 nonprofit entities, and local economic development entities.

62 (3) MDA shall establish programs and an application process  
63 to provide assistance to applicants under this section that  
64 prioritize:

65 (a) Projects that will impact the long-term  
66 competitiveness of the region and may result in a significant  
67 positive impact on tax base, private sector job creation and  
68 private sector investment in the region;

69 (b) Projects that demonstrate the maximum long-term  
70 economic benefits and long-term growth potential of the region  
71 based on a financial analysis such as a cost-benefit analysis or a  
72 return-on-investment analysis;

73 (c) Projects that demonstrate long-term financial  
74 sustainability, including clear performance metrics, over the  
75 duration of the project;

76 (d) Projects that leverage or encourage leveraging of  
77 other private sector, local, state and federal funding sources

78 with preference to projects that can demonstrate contributions  
79 from other sources than funds from the BP settlement;

80 (e) Projects that are supported by multiple government  
81 or private sector entities;

82 (f) Projects that can move quickly and efficiently to  
83 the design, engineering, and permitting phase;

84 (g) Projects that enhance the quality of life/place and  
85 business environment of the region, including tourism and  
86 recreational opportunities;

87 (h) Projects that expand the region's ability to  
88 attract high-growth industries or establish new high-growth  
89 industries in the region;

90 (i) Projects that leverage or further enhance key  
91 regional assets, including educational institutions, research  
92 facilities, ports, airports, rails and military bases;

93 (j) Projects that are transformational for the future  
94 of the region but create a wider regional impact;

95 (k) Projects that enhance the marketability of existing  
96 industrial properties;

97 (l) Projects that enhance a targeted industry cluster  
98 or create a Center of Excellence unique to the region;

99 (m) Infrastructure projects for business retention and  
100 development;

101 (n) Projects that enhance research and innovative  
102 technologies in the region; and

103 (o) Projects that provide outcome and return on  
104 investment measures, to be judged by clear performance metrics,  
105 over the duration of the project or program.

106 **SECTION 3.** Section 57-119-13, Mississippi Code of 1972, is  
107 amended as follows:

108 57-119-13. (1) Assistance provided under this chapter may  
109 not be used to finance one hundred percent (100%) of the cost of  
110 any project; however, this limitation shall not apply to projects  
111 for public schools.

112 (2) Contracts executed by MDA with recipients of assistance  
113 under this chapter must include provisions requiring a performance  
114 report on the contracted activities, must account for the proper  
115 use of funds provided under the contract, and must include  
116 provisions for recovery of assistance if the assistance was based  
117 upon fraudulent information or the recipient of the assistance is  
118 not meeting the performance requirements established by MDA of the  
119 assistance. Recipients of assistance under this chapter must  
120 regularly report to MDA the status of the project on a schedule  
121 determined by MDA.

122 **SECTION 4.** This act shall take effect and be in force from  
123 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 57-119-9 AND 57-119-11, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT PUBLIC SCHOOLS ARE ELIGIBLE FOR  
3 ASSISTANCE FOR PROJECTS FROM THE GULF COAST RESTORATION FUND; TO  
4 AMEND SECTION 57-119-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT

5 THE PERCENTAGE LIMITATION ON ASSISTANCE THAT MAY BE PROVIDED FROM  
6 THE GULF COAST RESTORATION FUND FOR THE COST OF ANY PROJECT SHALL  
7 NOT APPLY TO PROJECTS OF CERTAIN PUBLIC ENTITIES; AND FOR RELATED  
8 PURPOSES.

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Eugene S. Clarke  
Secretary of the Senate