

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 3121

By Representative(s) Committee

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

44 **SECTION 1.** Section 57-61-25, Mississippi Code of 1972, is
45 amended as follows:
46 57-61-25. (1) The seller is authorized to borrow, on the
47 credit of the state upon receipt of a resolution from the
48 Mississippi Development Authority requesting the same, money not
49 exceeding the aggregate sum of Two Hundred Seventy Million Dollars
50 (\$270,000,000.00), not including money borrowed to refund
51 outstanding bonds, notes or replacement notes, as may be necessary
52 to carry out the purposes of this chapter. The aggregate amount
53 of bonds issued prior to June 30, 1987, shall not exceed Fifty
54 Million Dollars (\$50,000,000.00); provided, however, this Fifty
55 Million Dollar (\$50,000,000.00) limitation shall not be construed
56 to limit the aggregate amount of grants which may be awarded prior
57 to June 30, 1987, to less than the full amount authorized under
58 Section 57-61-15(1), Mississippi Code of 1972. The rate of
59 interest on any such bonds or notes which are not subject to
60 taxation shall not exceed the rates set forth in Section
61 75-17-101, Mississippi Code of 1972, for general obligation bonds.
62 (2) As evidence of indebtedness authorized in this chapter,
63 general or limited obligation bonds of the state shall be issued

64 from time to time, to provide monies necessary to carry out the
65 purposes of this chapter for such total amounts, in such form, in
66 such denominations payable in such currencies (either domestic or
67 foreign or both) and subject to such terms and conditions of
68 issue, redemption and maturity, rate of interest and time of
69 payment of interest as the seller directs, except that such bonds
70 shall mature or otherwise be retired in annual installments
71 beginning not more than five (5) years from date thereof and
72 extending not more than thirty (30) years from date thereof.

73 (3) All bonds and notes issued under authority of this
74 chapter shall be signed by the chairman of the seller, or by his
75 facsimile signature, and the official seal of the seller shall be
76 affixed thereto, attested by the secretary of the seller.

77 (4) All bonds and notes issued under authority of this
78 chapter may be general or limited obligations of the state, and
79 the full faith and credit of the State of Mississippi as to
80 general obligation bonds, or the revenues derived from projects
81 assisted as to limited obligation bonds, are hereby pledged for
82 the payment of the principal of and interest on such bonds and
83 notes.

84 (5) Such bonds and notes and the income therefrom shall be
85 exempt from all taxation in the State of Mississippi.

86 (6) The bonds may be issued as coupon bonds or registered as
87 to both principal and interest, as the seller may determine. If
88 interest coupons are attached, they shall contain the facsimile
89 signature of the chairman and secretary of the seller.

90 (7) The seller is authorized to provide, by resolution, for
91 the issuance of refunding bonds for the purpose of refunding any
92 debt issued under the provision of this chapter and then
93 outstanding, either by voluntary exchange with the holders of the
94 outstanding debt or to provide funds to redeem and the costs of
95 issuance and retirement of the debt, at maturity or at any call
96 date. The issuance of the refunding bonds, the maturities and
97 other details thereof, the rights of the holders thereof and the
98 duties of the issuing officials in respect to the same shall be

governed by the provisions of this section, insofar as they may be applicable.

(8) As to bonds issued hereunder and designated as taxable bonds by the seller, any immunity of the state to taxation by the United States government of interest on bonds or notes issued by the state is hereby waived.

SECTION 2. Section 57-61-34, Mississippi Code of 1972, is amended as follows:

57-61-34. Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Seven Million Dollars (\$7,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter to be made available as interest-bearing loans to municipalities or private companies to aid in the establishment of business incubation centers and the creation of new and expanding technology-based business and industry.

In exercising the power given it under this section, the Mississippi Development Authority shall work in conjunction with the University Research Center and may contract with the center to provide space and assistance to business incubation centers as the center is authorized to do pursuant to Section 57-13-13.

The requirements of Section 57-61-9 shall not apply to any loan made under this section. The Mississippi Development Authority shall establish criteria and guidelines to govern loans made pursuant to this section.

SECTION 3. Section 57-61-36, Mississippi Code of 1972, is amended as follows:

57-61-36. (1) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Ten Million Five Hundred Thousand Dollars (\$10,500,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants to municipalities through a development infrastructure grant fund to complete infrastructure related to new or expanded industry.

(2) Notwithstanding any provision of this chapter to the

contrary, the Mississippi Development Authority may utilize not more than Seven Million Dollars (\$7,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making interest-bearing loans to any agency, department, institution, instrumentality or political subdivision of the state; or any agency, department, institution or instrumentality of any political subdivision of the state; or any business, organization, corporation, association or other legal entity meeting criteria established by the department, through a housing development revolving loan fund, to construct or repair housing for low or moderate income earners; provided, however, that the department may not utilize any bond proceeds authorized under this chapter for the purpose of making any loans to the Mississippi Home Corporation for any purpose whatsoever. No more than forty percent (40%) of the additional bonds authorized by this section in House Bill No. 1694, 1998 Regular Session [Laws, 1998, Chapter 559], may be used for multiple family housing activities. Funds authorized under this subsection may be deposited in the Mississippi Affordable Housing Development Fund authorized in Section 43-33-759 and used for purposes authorized by that section. This subsection (2) shall be repealed from and after July 1, 2004.

(3) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Eight Million Dollars (\$8,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants or loans to municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements as determined by the Mississippi Development Authority, the purchase of equipment and in the purchase, construction or repair and renovation of public facilities. Any bonds previously issued for the Development Infrastructure Revolving Loan Program which have not been loaned or applied for are eligible to be administered as grants or loans.

The requirements of Section 57-61-9 shall not apply to any

grant made under this subsection. The Mississippi Development Authority may establish criteria and guidelines to govern grants made pursuant to this subsection.

(4) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority may utilize not more than Seven Hundred Fifty Thousand Dollars (\$750,000.00) out of the proceeds of bonds authorized to be issued in this chapter in order to match federal funds available from the United States Department of Agriculture for the purpose of establishing an intermediary relending program to be administered by the Mississippi Development Authority. The Mississippi Development Authority may establish criteria and guidelines to govern loans made under such program.

(5) The Mississippi Development Authority may establish a capital access program and may contract with any financial institution to participate in the program upon such terms and conditions as the authority shall consider necessary and proper. The Mississippi Development Authority may establish loss reserve accounts at financial institutions that participate in the program and require payments by the financial institution and the borrower to such loss reserve accounts. All money in such loss reserve accounts is the property of the Mississippi Development Authority.

Under the capital access program a participating financial institution may make a loan to any borrower the Mississippi Development Authority determines to be qualified under rules and regulations adopted by the authority and be protected against losses from such loans as provided in the program. Under such rules and regulations as may be adopted by the Mississippi Development Authority, a participating financial institution may submit claims for the reimbursement for losses incurred as a result of default on loans by qualified borrowers.

Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority may utilize not more than Seven Hundred Fifty Thousand Dollars (\$750,000.00) out of the proceeds of bonds authorized to be issued in this chapter

for the purpose of making payments to loan loss reserve accounts established at financial institutions that participate in the capital access program established by the Mississippi Development Authority.

(6) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Two Hundred Thousand Dollars (\$200,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of assisting Warren County, Mississippi, in the continuation and completion of the study for the proposed Kings Point levee.

SECTION 4. Section 57-75-5, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project within the project area: (i) facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port facilities; (v) highways, streets and other roadways; (vi) public school buildings, classrooms and instructional facilities, training facilities and equipment, including any functionally related facilities; (vii) parks, outdoor recreation facilities and athletic facilities; (viii) auditoriums, pavilions, campgrounds,

art centers, cultural centers, folklore centers and other public facilities; (ix) health care facilities, public or private; and (x) fire protection facilities, equipment and elevated water tanks.

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

(f) "Project" means:

(i) Any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise with an initial capital investment of not less than Three Hundred Million Dollars (\$300,000,000.00) from private or United States government sources together with all buildings, and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise; or with an initial capital investment of not less than One Hundred Fifty Million Dollars (\$150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or which creates at least one thousand (1,000) net new full-time jobs which provides an average salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state as determined by the Mississippi Employment Security Commission. "Project" shall include any addition to or expansion of an existing enterprise if such addition or expansion has an initial capital investment of not

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

(ii) Any major capital project designed to improve, expand or otherwise enhance any active duty United States Air Force or Navy training bases or naval stations, their support areas or their military operations, upon designation by the authority that any such base was or is at risk to be recommended for closure or realignment pursuant to the Defense Base Closure and Realignment Act of 1990; or any major development project determined by the authority to be necessary to acquire base properties and to provide employment opportunities through construction of projects as defined in Section 57-3-5, which shall be located on or provide direct support service or access to such military installation property as such property exists on July 1, 1993, in the event of closure or reduction of military operations at the installation. From and after July 1, 1997, projects described in this subparagraph (ii) shall not be considered to be within the meaning of the term "project" for purposes of this

section, unless such projects are commenced before July 1, 1997, and shall not be eligible for any funding provided under the Mississippi Major Economic Impact Act.

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

(iv) 1. Any major capital project with an initial capital investment from private sources of not less than Seven Hundred Fifty Million Dollars (\$750,000,000.00) which will create at least three thousand (3,000) new direct jobs as defined in Section 26, Chapter 1, Laws of 2000, Second Extraordinary Session.

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

(v) Any major capital project designed to construct the corporate headquarters and initial factory, to be located in the Golden Triangle Region of the state, for any Mississippi corporation that develops, constructs and operates automated robotic systems to improve the quality of, and reduce the costs of, manufacturing wire harness assemblies for certain industries, or manufactures thin film polymer lithium-ion rechargeable batteries which project has a ten-year strategic plan of supporting one thousand (1,000) direct project-related jobs for each group of wire harness contracts amounting to Thirty-five Million Dollars (\$35,000,000.00), or which has a ten-year strategic plan of supporting one thousand five hundred (1,500) direct project-related jobs for each group of polymer lithium-ion rechargeable battery contracts amounting to Forty Million Dollars (\$40,000,000.00).

(vi) Any real property owned or controlled by the National Aeronautics and Space Administration, the United States

government, or any agency thereof, which is legally conveyed to the State of Mississippi or to the State of Mississippi for the benefit of the Mississippi Major Economic Impact Authority, its successors and assigns pursuant to Section 212 of Public Law 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

(vii) Any major capital project designed to manufacture, produce and transmit electrical power using natural gas as its primary raw material to be constructed and maintained in Panola County, Mississippi, with an initial capital investment of not less than Two Hundred Fifty Million Dollars (\$250,000,000.00).

(viii) Any major capital project related to the establishment, improvement, expansion and/or other enhancement of any active duty military installation and having a minimum capital investment from any source or combination of sources other than the State of Mississippi of at least Forty Million Dollars (\$40,000,000.00), and which will create at least five hundred (500) military installation related full-time jobs, which jobs may be military jobs, civilian jobs or a combination of military and civilian jobs.

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

(h) "Public agency" means:

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

(ii) Any city, town, county, political

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

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

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

(i) "State" means State of Mississippi.

(j) "Fee-in-lieu" means a negotiated fee to be paid by the project in lieu of any franchise taxes imposed on the project by Chapter 13, Title 27, Mississippi Code of 1972. The fee-in-lieu shall not be less than Twenty-five Thousand Dollars (\$25,000.00) annually. A fee-in-lieu shall not be negotiated for existing enterprises that fall within the definition of the term "project."

SECTION 5. Section 57-75-15, Mississippi Code of 1972, is amended 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 declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the 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,

414 conditioned on the siting of the project in the state.

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

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

424 (b) Bonds issued under the authority of this section
425 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
426 Fifty Million Dollars (\$50,000,000.00), nor shall the bonds issued
427 for projects related to any single military installation exceed
428 Sixteen Million Six Hundred Sixty-seven Thousand Dollars
429 (\$16,667,000.00). If any proceeds of bonds issued for projects
430 related to the Meridian Naval Auxiliary Air Station ("NAAS") are
431 used for the development of a water and sewer service system by
432 the City of Meridian, Mississippi, to serve the NAAS and if the
433 City of Meridian annexes any of the territory served by the water
434 and sewer service system, the city shall repay the State of
435 Mississippi the amount of all bond proceeds expended on any
436 portion of the water and sewer service system project; and if
437 there are any monetary proceeds derived from the disposition of
438 any improvements located on real property in Kemper County
439 purchased pursuant to this act for projects related to the NAAS
440 and if there are any monetary proceeds derived from the
441 disposition of any timber located on real property in Kemper
442 County purchased pursuant to this act for projects related to the
443 NAAS, all of such proceeds (both from the disposition of
444 improvements and the disposition of timber) commencing July 1,
445 1996, through June 30, 2010, shall be paid to the Board of
446 Education of Kemper County, Mississippi, for expenditure by such
447 board of education to benefit the public schools of Kemper County.

448 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 areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation.

From and after July 1, 1997, bonds shall not be issued for any projects, as defined in Section 57-75-5(f)(ii), which are not commenced before July 1, 1997. The proceeds of any bonds issued for projects commenced before July 1, 1997, shall be used for the purposes for which the bonds were issued until completion of the projects.

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

(d) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(iv) shall not exceed Two Hundred Ninety-five Million Dollars (\$295,000,000.00). No bonds shall be issued under this paragraph after June 30, 2003.

(e) Bonds issued under the authority of this section for the project defined in Section 57-75-5(f)(v) shall not exceed Twenty Million Three Hundred Seventy Thousand Dollars (\$20,370,000.00). No bonds shall be issued under this paragraph (e) until the State Bond Commission by resolution adopts a finding that the project has secured wire harness contracts or contracts to manufacture thin film polymer lithium-ion rechargeable batteries, or any combination of such contracts, in the aggregate amount of Twenty Million Dollars (\$20,000,000.00), either from the United States government or the private sector. No bonds shall be issued under this paragraph after June 30, 2001.

(f) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(vii) shall not exceed Twenty-six Million Dollars (\$26,000,000.00). No bonds shall be issued after June 30, 2001.

(g) Bonds issued under the authority of this section

for projects defined in Section 57-75-5(f)(viii) shall not exceed
Five Million Dollars (\$5,000,000.00). No bonds shall be issued
under this paragraph after June 30, 2006.

(4) The proceeds from the sale of the bonds issued under this section may be applied for the purposes of: (a) defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement, relocation and with respect to state-owned property, operation and maintenance of the project and any facility related to the project located within the project area, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of environmental impacts and environmental impact studies; (b) defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity; (c) reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives; (d) providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1; (e) paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1; (f) defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1. The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of

Representatives; (g) providing for the payment of interest on the bonds; (h) providing debt service reserves; and (i) paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds. Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the authority, not to exceed in aggregate principal amounts the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued under this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

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

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

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

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

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

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

589 or dates named therein.

590 (8) State bonds issued under the provisions of this section
591 shall be the general obligations of the state and backed by the
592 full faith and credit of the state. The Legislature shall
593 appropriate annually an amount sufficient to pay the principal of
594 and the interest on such bonds as they become due. All bonds
595 shall contain recitals on their faces substantially covering the
596 foregoing provisions of this section.

597 (9) The State Treasurer is authorized to certify to the
598 Department of Finance and Administration the necessity for
599 warrants, and the Department of Finance and Administration is
600 authorized and directed to issue such warrants payable out of any
601 funds appropriated by the Legislature under this section for such
602 purpose, in such amounts as may be necessary to pay when due the
603 principal of and interest on all bonds issued under the provisions
604 of this section. The State Treasurer shall forward the necessary
605 amount to the designated place or places of payment of such bonds
606 in ample time to discharge such bonds, or the interest thereon, on
607 the due dates thereof.

608 (10) The bonds may be issued without any other proceedings
609 or the happening of any other conditions or things other than
610 those proceedings, conditions and things which are specified or
611 required by this chapter. Any resolution providing for the
612 issuance of general obligation bonds under the provisions of this
613 section shall become effective immediately upon its adoption by
614 the State Bond Commission, and any such resolution may be adopted
615 at any regular or special meeting of the State Bond Commission by
616 a majority of its members.

617 (11) In anticipation of the issuance of bonds hereunder, the
618 State Bond Commission is authorized to negotiate and enter into
619 any purchase, loan, credit or other agreement with any bank, trust
620 company or other lending institution or to issue and sell interim
621 notes for the purpose of making any payments authorized under this
622 section. All borrowings made under this provision shall be
623 evidenced by notes of the state which shall be issued from time to

time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes; except that no notes shall mature more than three (3) years following the date of issuance of the first note hereunder and provided further, that all outstanding notes shall be retired from the proceeds of the first issuance of bonds hereunder. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and interim notes authorized under the authority of this section may be validated in the First Judicial District of the Chancery Court of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds.

The necessary papers for such validation proceedings shall be transmitted to the state bond attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

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

659 (14) All bonds issued under this chapter shall be legal
660 investments for trustees, other fiduciaries, savings banks, trust
661 companies and insurance companies organized under the laws of the
662 State of Mississippi; and such bonds shall be legal securities
663 which may be deposited with and shall be received by all public
664 officers and bodies of the state and all municipalities and other
665 political subdivisions thereof for the purpose of securing the
666 deposit of public funds.

667 (15) The Attorney General of the State of Mississippi shall
668 represent the State Bond Commission in issuing, selling and
669 validating bonds herein provided for, and the Bond Commission is
670 hereby authorized and empowered to expend from the proceeds
671 derived from the sale of the bonds authorized hereunder all
672 necessary administrative, legal and other expenses incidental and
673 related to the issuance of bonds authorized under this chapter.

674 (16) There is hereby created a special fund in the State
675 Treasury to be known as the Mississippi Major Economic Impact
676 Authority Fund wherein shall be deposited the proceeds of the
677 bonds issued under this chapter and all monies received by the
678 authority to carry out the purposes of this chapter. Expenditures
679 authorized herein shall be paid by the State Treasurer upon
680 warrants drawn from the fund, and the Department of Finance and
681 Administration shall issue warrants upon requisitions signed by
682 the director of the authority.

683 (17) (a) There is hereby created the Mississippi Economic
684 Impact Authority Sinking Fund from which the principal of and
685 interest on such bonds shall be paid by appropriation. All monies
686 paid into the sinking fund not appropriated to pay accruing bonds
687 and interest shall be invested by the State Treasurer in such
688 securities as are provided by law for the investment of the
689 sinking funds of the state.

690 (b) In the event that all or any part of the bonds and
691 notes are purchased, they shall be canceled and returned to the
692 loan and transfer agent as canceled and paid bonds and notes and
693 thereafter all payments of interest thereon shall cease and the

694 canceled bonds, notes and coupons, together with any other
695 canceled bonds, notes and coupons, shall be destroyed as promptly
696 as possible after cancellation but not later than two (2) years
697 after cancellation. A certificate evidencing the destruction of
698 the canceled bonds, notes and coupons shall be provided by the
699 loan and transfer agent to the seller.

700 (c) The State Treasurer shall determine and report to
701 the Department of Finance and Administration and Legislative
702 Budget Office by September 1 of each year the amount of money
703 necessary for the payment of the principal of and interest on
704 outstanding obligations for the following fiscal year and the
705 times and amounts of the payments. It shall be the duty of the
706 Governor to include in every executive budget submitted to the
707 Legislature full information relating to the issuance of bonds and
708 notes under the provisions of this chapter and the status of the
709 sinking fund for the payment of the principal of and interest on
710 the bonds and notes.

711 **SECTION 6.** Section 69-2-19, Mississippi Code of 1972, is
712 amended as follows:

713 69-2-19. The Mississippi Development Authority is
714 authorized, at one time or from time to time, to declare by
715 resolution the necessity for issuance of negotiable general
716 obligation bonds of the State of Mississippi to provide funds for
717 the Emerging Crops Fund established in Section 69-2-13. Upon the
718 adoption of a resolution by the board, declaring the necessity for
719 the issuance of any part or all of the general obligation bonds
720 authorized by Sections 69-2-19 through 69-2-39, the authority
721 shall deliver a certified copy of its resolution or resolutions to
722 the State Bond Commission. Upon receipt of same, the State Bond
723 Commission, in its discretion, shall act as the issuing agent,
724 prescribe the form of the bonds, advertise for and accept bids,
725 issue and sell the bonds so authorized to be sold, and do any and
726 all other things necessary and advisable in connection with the
727 issuance and sale of such bonds. The amount of bonds issued under
728 Sections 69-2-19 through 69-2-39 shall not exceed One Hundred

729 Twenty-three Million Dollars (\$123,000,000.00) in the aggregate.

730 No bonds may be issued under Sections 69-2-19 through 69-2-39

731 after October 1, 2004.

732 **SECTION 7.** This act shall take effect and be in force from

733 and after its passage.

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

1 AN ACT TO AMEND SECTION 57-61-25, MISSISSIPPI CODE OF 1972,
2 TO INCREASE FROM \$254,750,000.00 TO \$270,000,000.00, THE AGGREGATE
3 AMOUNT OF BONDS THAT MAY BE ISSUED UNDER THE MISSISSIPPI BUSINESS
4 INVESTMENT ACT; TO AMEND SECTION 57-61-34, MISSISSIPPI CODE OF
5 1972, TO INCREASE FROM \$5,000,000.00 TO \$7,000,000.00, THE AMOUNT
6 OF BOND PROCEEDS THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY MAY
7 MAKE AVAILABLE UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT AS
8 INTEREST BEARING LOANS TO AID IN THE ESTABLISHMENT OF BUSINESS
9 INCUBATION CENTERS AND THE CREATION OF NEW AND EXPANDING
10 TECHNOLOGY-BASED BUSINESS AND INDUSTRY; TO AMEND SECTION 57-61-36,
11 MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$6,500,000.00 TO
12 \$8,000,000.00, THE AMOUNT OF BOND PROCEEDS THAT THE MISSISSIPPI
13 DEVELOPMENT AUTHORITY MAY USE UNDER THE MISSISSIPPI BUSINESS
14 INVESTMENT ACT FOR THE PURPOSE OF MAKING GRANTS AND LOANS TO
15 COUNTIES AND MUNICIPALITIES TO AID IN INFRASTRUCTURE RELATED
16 IMPROVEMENTS, THE PURCHASE OF EQUIPMENT AND THE PURCHASE,
17 CONSTRUCTION, REPAIR AND RENOVATION OF PUBLIC FACILITIES; TO
18 EXTEND THE DATE OF REPEAL ON THE PROVISION OF LAW THAT AUTHORIZES
19 THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE A PORTION OF THE BOND
20 PROCEEDS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT TO MAKE
21 INTEREST BEARING LOANS TO CERTAIN ENTITIES THROUGH A HOUSING
22 DEVELOPMENT REVOLVING LOAN FUND FOR LOW TO MODERATE INCOME HOUSING
23 PURPOSES; TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO
24 REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI
25 MAJOR ECONOMIC IMPACT ACT TO INCLUDE ANY MAJOR CAPITAL PROJECT
26 RELATED TO THE ESTABLISHMENT, IMPROVEMENT, EXPANSION AND/OR
27 OTHERWISE ENHANCEMENT OF ANY ACTIVE DUTY MILITARY INSTALLATION AND
28 HAVING A MINIMUM CAPITAL INVESTMENT FROM ANY SOURCE OR COMBINATION
29 OF SOURCES OTHER THAN THE STATE OF MISSISSIPPI, OF AT LEAST
30 \$40,000,000.00, AND WHICH WILL CREATE AT LEAST FIVE HUNDRED
31 MILITARY INSTALLATION RELATED FULL-TIME JOBS, WHICH JOBS MAY BE
32 MILITARY JOBS, CIVILIAN JOBS OR A COMBINATION OF MILITARY AND
33 CIVILIAN JOBS; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF
34 1972, TO DECREASE THE AMOUNT OF BONDS THAT MAY BE ISSUED FOR
35 CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT
36 AND TO AUTHORIZE THE ISSUANCE OF BONDS FOR CERTAIN PROJECTS UNDER
37 THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION
38 69-2-19, MISSISSIPPI CODE OF 1972, TO INCREASE FROM
39 \$102,000,000.00 TO \$123,000,000.00, THE AGGREGATE AMOUNT OF BONDS
40 THAT MAY BE ISSUED FOR THE EMERGING CROPS FUND; TO EXTEND THE TIME
41 WITHIN WHICH BONDS MAY BE ISSUED FOR THE EMERGING CROPS FUND; AND
42 FOR RELATED PURPOSES.