

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

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

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

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

107 57-61-34. Notwithstanding any provision of this chapter to
108 the contrary, the Mississippi Development Authority shall utilize
109 not more than Seven Million Dollars (\$7,000,000.00) out of the
110 proceeds of bonds authorized to be issued in this chapter to be
111 made available as interest-bearing loans to municipalities or
112 private companies to aid in the establishment of business
113 incubation centers and the creation of new and expanding
114 technology-based business and industry.

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

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

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

126 57-61-36. (1) Notwithstanding any provision of this chapter
127 to the contrary, the Mississippi Development Authority shall
128 utilize not more than Ten Million Five Hundred Thousand Dollars
129 (\$10,500,000.00) out of the proceeds of bonds authorized to be
130 issued in this chapter for the purpose of making grants to
131 municipalities through a development infrastructure grant fund to
132 complete infrastructure related to new or expanded industry.

133 (2) Notwithstanding any provision of this chapter to the

134 contrary, the Mississippi Development Authority may utilize not
135 more than Seven Million Dollars (\$7,000,000.00) out of the
136 proceeds of bonds authorized to be issued in this chapter for the
137 purpose of making interest-bearing loans to any agency,
138 department, institution, instrumentality or political subdivision
139 of the state; or any agency, department, institution or
140 instrumentality of any political subdivision of the state; or any
141 business, organization, corporation, association or other legal
142 entity meeting criteria established by the department, through a
143 housing development revolving loan fund, to construct or repair
144 housing for low or moderate income earners; provided, however,
145 that the department may not utilize any bond proceeds authorized
146 under this chapter for the purpose of making any loans to the
147 Mississippi Home Corporation for any purpose whatsoever. No more
148 than forty percent (40%) of the additional bonds authorized by
149 this section in House Bill No. 1694, 1998 Regular Session [Laws,
150 1998, Chapter 559], may be used for multiple family housing
151 activities. Funds authorized under this subsection may be
152 deposited in the Mississippi Affordable Housing Development Fund
153 authorized in Section 43-33-759 and used for purposes authorized
154 by that section. This subsection (2) shall be repealed from and
155 after July 1, 2004.

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

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

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

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

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

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

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

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

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

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

217 57-75-5. Words and phrases used in this chapter shall have
218 meanings as follows, unless the context clearly indicates a
219 different meaning:

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

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

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

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

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

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

248 (f) "Project" means:

249 (i) Any industrial, commercial, research and
250 development, warehousing, distribution, transportation,
251 processing, mining, United States government or tourism enterprise
252 together with all real property required for construction,
253 maintenance and operation of the enterprise with an initial
254 capital investment of not less than Three Hundred Million Dollars
255 (\$300,000,000.00) from private or United States government sources
256 together with all buildings, and other supporting land and
257 facilities, structures or improvements of whatever kind required
258 or useful for construction, maintenance and operation of the
259 enterprise; or with an initial capital investment of not less than
260 One Hundred Fifty Million Dollars (\$150,000,000.00) from private
261 or United States government sources together with all buildings
262 and other supporting land and facilities, structures or
263 improvements of whatever kind required or useful for construction,
264 maintenance and operation of the enterprise and which creates at
265 least one thousand (1,000) net new full-time jobs; or which
266 creates at least one thousand (1,000) net new full-time jobs which
267 provides an average salary, excluding benefits which are not
268 subject to Mississippi income taxation, of at least one hundred
269 twenty-five percent (125%) of the most recently published average
270 annual wage of the state as determined by the Mississippi
271 Employment Security Commission. "Project" shall include any
272 addition to or expansion of an existing enterprise if such
273 addition or expansion has an initial capital investment of not

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

293 (ii) Any major capital project designed to
294 improve, expand or otherwise enhance any active duty United States
295 Air Force or Navy training bases or naval stations, their support
296 areas or their military operations, upon designation by the
297 authority that any such base was or is at risk to be recommended
298 for closure or realignment pursuant to the Defense Base Closure
299 and Realignment Act of 1990; or any major development project
300 determined by the authority to be necessary to acquire base
301 properties and to provide employment opportunities through
302 construction of projects as defined in Section 57-3-5, which shall
303 be located on or provide direct support service or access to such
304 military installation property as such property exists on July 1,
305 1993, in the event of closure or reduction of military operations
306 at the installation. From and after July 1, 1997, projects
307 described in this subparagraph (ii) shall not be considered to be
308 within the meaning of the term "project" for purposes of this

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

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

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

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

327 (v) Any major capital project designed to
328 construct the corporate headquarters and initial factory, to be
329 located in the Golden Triangle Region of the state, for any
330 Mississippi corporation that develops, constructs and operates
331 automated robotic systems to improve the quality of, and reduce
332 the costs of, manufacturing wire harness assemblies for certain
333 industries, or manufactures thin film polymer lithium-ion
334 rechargeable batteries which project has a ten-year strategic plan
335 of supporting one thousand (1,000) direct project-related jobs for
336 each group of wire harness contracts amounting to Thirty-five
337 Million Dollars (\$35,000,000.00), or which has a ten-year
338 strategic plan of supporting one thousand five hundred (1,500)
339 direct project-related jobs for each group of polymer lithium-ion
340 rechargeable battery contracts amounting to Forty Million Dollars
341 (\$40,000,000.00).

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

344 government, or any agency thereof, which is legally conveyed to
345 the State of Mississippi or to the State of Mississippi for the
346 benefit of the Mississippi Major Economic Impact Authority, its
347 successors and assigns pursuant to Section 212 of Public Law
348 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

349 (vii) Any major capital project designed to
350 manufacture, produce and transmit electrical power using natural
351 gas as its primary raw material to be constructed and maintained
352 in Panola County, Mississippi, with an initial capital investment
353 of not less than Two Hundred Fifty Million Dollars
354 (\$250,000,000.00).

355 (viii) Any major capital project related to the
356 establishment, improvement, expansion and/or other enhancement of
357 any active duty military installation and having a minimum capital
358 investment from any source or combination of sources other than
359 the State of Mississippi of at least Forty Million Dollars
360 (\$40,000,000.00), and which will create at least five hundred
361 (500) military installation related full-time jobs, which jobs may
362 be military jobs, civilian jobs or a combination of military and
363 civilian jobs.

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

375 (h) "Public agency" means:

376 (i) Any department, board, commission, institution
377 or other agency or instrumentality of the state;
378 (ii) Any city, town, county, political

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

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

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

389 (i) "State" means State of Mississippi.

390 (j) "Fee-in-lieu" means a negotiated fee to be paid by
391 the project in lieu of any franchise taxes imposed on the project
392 by Chapter 13, Title 27, Mississippi Code of 1972. The
393 fee-in-lieu shall not be less than Twenty-five Thousand Dollars
394 (\$25,000.00) annually. A fee-in-lieu shall not be negotiated for
395 existing enterprises that fall within the definition of the term
396 "project."

397 **SECTION 5.** Section 57-75-15, Mississippi Code of 1972, is
398 amended as follows:

399 57-75-15. (1) Upon notification to the authority by the
400 enterprise that the state has been finally selected as the site
401 for the project, the State Bond Commission shall have the power
402 and is hereby authorized and directed, upon receipt of a
403 declaration from the authority as hereinafter provided, to borrow
404 money and issue general obligation bonds of the state in one or
405 more series for the purposes herein set out. Upon such
406 notification, the authority may thereafter from time to time
407 declare the necessity for the issuance of general obligation bonds
408 as authorized by this section and forward such declaration to the
409 State Bond Commission, provided that before such notification, the
410 authority may enter into agreements with the United States
411 government, private companies and others that will commit the
412 authority to direct the State Bond Commission to issue bonds for
413 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

449 Bond Commission by resolution adopts a finding that the issuance
450 of such bonds will improve, expand or otherwise enhance the
451 military installation, its support areas or military operations,
452 or will provide employment opportunities to replace those lost by
453 closure or reductions in operations at the military installation.

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

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

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

468 (e) Bonds issued under the authority of this section
469 for the project defined in Section 57-75-5(f)(v) shall not exceed
470 Twenty Million Three Hundred Seventy Thousand Dollars
471 (\$20,370,000.00). No bonds shall be issued under this paragraph

472 (e) until the State Bond Commission by resolution adopts a finding
473 that the project has secured wire harness contracts or contracts
474 to manufacture thin film polymer lithium-ion rechargeable
475 batteries, or any combination of such contracts, in the aggregate
476 amount of Twenty Million Dollars (\$20,000,000.00), either from the
477 United States government or the private sector. No bonds shall be
478 issued under this paragraph after June 30, 2001.

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

483 (g) Bonds issued under the authority of this section

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

487 (4) The proceeds from the sale of the bonds issued under
488 this section may be applied for the purposes of: (a) defraying
489 all or any designated portion of the costs incurred with respect
490 to acquisition, planning, design, construction, installation,
491 rehabilitation, improvement, relocation and with respect to
492 state-owned property, operation and maintenance of the project and
493 any facility related to the project located within the project
494 area, including costs of design and engineering, all costs
495 incurred to provide land, easements and rights-of-way, relocation
496 costs with respect to the project and with respect to any facility
497 related to the project located within the project area, and costs
498 associated with mitigation of environmental impacts and
499 environmental impact studies; (b) defraying the cost of providing
500 for the recruitment, screening, selection, training or retraining
501 of employees, candidates for employment or replacement employees
502 of the project and any related activity; (c) reimbursing the
503 Mississippi Development Authority for expenses it incurred in
504 regard to projects defined in Section 57-75-5(f) (iv) prior to
505 November 6, 2000. The Mississippi Development Authority shall
506 submit an itemized list of expenses it incurred in regard to such
507 projects to the Chairmen of the Finance and Appropriations
508 Committees of the Senate and the Chairmen of the Ways and Means
509 and Appropriations Committees of the House of Representatives; (d)
510 providing grants to enterprises operating projects defined in
511 Section 57-75-5(f) (iv)1; (e) paying any warranty made by the
512 authority regarding site work for a project defined in Section
513 57-75-5(f) (iv)1; (f) defraying the cost of marketing and promotion
514 of a project as defined in Section 57-75-5(f) (iv)1. The authority
515 shall submit an itemized list of costs incurred for marketing and
516 promotion of such project to the Chairmen of the Finance and
517 Appropriations Committees of the Senate and the Chairmen of the
518 Ways and Means and Appropriations Committees of the House of

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

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

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

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

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

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

585 The State Bond Commission, when issuing any bonds under the
586 authority of this section, may provide that the bonds, at the
587 option of the state, may be called in for payment and redemption
588 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

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

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

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

653 (13) Any bonds or interim notes issued under the provisions
654 of this chapter, a transaction relating to the sale or securing of
655 such bonds or interim notes, their transfer and the income
656 therefrom shall at all times be free from taxation by the state or
657 any local unit or political subdivision or other instrumentality
658 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.