

By: Senator(s) Ross, Michel, Burton,
Moffatt, Robertson, Doxey, Jackson (15th),
Morgan, Flowers, Davis, Pickering, Nunnelee,
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To: Finance

SENATE BILL NO. 2670

1 AN ACT TO AMEND SECTIONS 69-46-5 AND 69-46-7, MISSISSIPPI
2 CODE OF 1972, TO TRANSFER THE POWERS AND DUTIES OF THE MISSISSIPPI
3 LAND, WATER AND TIMBER RESOURCES BOARD TO THE MISSISSIPPI
4 DEVELOPMENT AUTHORITY; TO REPEAL SECTION 69-46-3, MISSISSIPPI CODE
5 OF 1972, WHICH CREATES THE MISSISSIPPI LAND WATER AND TIMBER
6 RESOURCES BOARD AND PROVIDES FOR ITS PURPOSE, MEMBERSHIP AND
7 MEETINGS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 69-46-5, Mississippi Code of 1972, is
10 amended as follows:

11 69-46-5. (1) The Mississippi Development Authority shall
12 administer the Mississippi Land, Water and Timber Resources Act
13 and in that regard shall have the following powers and duties:

14 (a) To develop marketing plans and opportunities for
15 independent farmers in Mississippi;

16 (b) To encourage the commercialization of new
17 agricultural technology businesses;

18 (c) To initiate the development of processing
19 facilities for Mississippi agricultural commodities;

20 (d) To initiate the development of Mississippi
21 wholesale distribution businesses for agricultural inputs and
22 products;

23 (e) To promote the development of institutional and
24 specialty markets for Mississippi agriculture products;

25 (f) To encourage additional research for new
26 agricultural product development;

27 (g) To develop a working relationship with the state
28 offices of the United States Department of Agriculture as may be

29 appropriate for the promotion and development of agriculture in
30 Mississippi;

31 (h) To promote the rural quality of life in Mississippi
32 through such programs as 4-H, Future Farmers of America and
33 agricultural education;

34 (i) To encourage, promote and initiate the development
35 of alternative energy strategies, applied research technologies
36 and commercialization enterprises that focus on Mississippi
37 natural resources, including, but not limited to, agriculture,
38 timber and poultry products and byproducts;

39 (j) To file an annual report with the Governor,
40 Secretary of the Senate and the Clerk of the House of
41 Representatives not later than December 1 of each year, with
42 recommendations for any legislation necessary to accomplish the
43 purposes of the Mississippi Land, Water and Timber Resources Act;

44 (k) To expend funds out of the Mississippi Land, Water
45 and Timber Resources Fund to carry out its powers and duties under
46 the Mississippi Land, Water and Timber Resources Act.

47 (2) The Mississippi Development Authority may promulgate and
48 enforce rules and regulations, in accordance with the Mississippi
49 Administrative Procedures Law, as may be necessary to carry out
50 the provisions of the Mississippi Land, Water and Timber Resources
51 Act.

52 (3) The Mississippi Development Authority may provide funds
53 to public entities and private entities through loans, grants,
54 contracts and any other manner the authority determines
55 appropriate for the purposes of carrying out the provisions of the
56 Mississippi Land, Water and Timber Resources Act.

57 **SECTION 2.** Section 69-46-7, Mississippi Code of 1972, is
58 amended as follows:

59 69-46-7. (1) (a) The Mississippi Development Authority may
60 accept and expend funds appropriated or otherwise made available
61 by the Legislature and funds from any other source in order to

62 carry out the provisions of the Mississippi Land, Water and Timber
63 Resources Act. Such funds shall be deposited into a special fund
64 hereby established in the State Treasury to be known as the
65 "Mississippi Land, Water and Timber Resources Fund." Unexpended
66 amounts derived from bond proceeds or private funds, or both,
67 remaining in the fund at the end of a fiscal year shall not lapse
68 into the State General Fund, and any investment earnings or
69 interest earned on such amounts in the fund shall be deposited to
70 the credit of the fund. All other unexpended amounts remaining in
71 the fund at the end of a fiscal year shall lapse into the State
72 General Fund. The Mississippi Development Authority may provide
73 to the Mississippi Department of Agriculture and Commerce not more
74 than Two Hundred Fifty Thousand Dollars (\$250,000.00), in the
75 aggregate, of monies in the fund that are derived from proceeds of
76 bonds issued under Sections 1 through 16 of Chapter 538, Laws of
77 2001, and/or Sections 1 through 16 of Chapter 542, Laws of 2002,
78 for the purpose of providing additional funds to defray costs
79 incurred by the department in assisting the authority in carrying
80 out the provisions of the Mississippi Land, Water and Timber
81 Resources Act. However, the Mississippi Department of Agriculture
82 and Commerce may not use any portion of such funds for the purpose
83 of hiring any person as an employee as defined in Section
84 25-3-91(c). The Mississippi Department of Agriculture may
85 escalate its budget and expend such funds, when provided by the
86 authority, in accordance with rules and regulations of the
87 Department of Finance and Administration in a manner consistent
88 with the escalation of federal funds. The * * * Mississippi
89 Development Authority may utilize not more than Two Hundred Fifty
90 Thousand Dollars (\$250,000.00), in the aggregate, of monies in the
91 fund that are derived from proceeds of bonds issued under Sections
92 1 through 16 of Chapter 538, Laws of 2001, and/or Sections 1
93 through 16 of Chapter 542, Laws of 2002, for the purpose of
94 providing additional funds to defray costs incurred by the

95 Mississippi Development Authority in * * * carrying out the
96 provisions of the Mississippi Land, Water and Timber Resources
97 Act. However, the Mississippi Development Authority may not use
98 any portion of such funds for the purpose of hiring any person as
99 an employee as defined in Section 25-3-91(c). The Mississippi
100 Development Authority may escalate its budget and expend such
101 funds * * * in accordance with rules and regulations of the
102 Department of Finance and Administration in a manner consistent
103 with the escalation of federal funds.

104 (b) (i) The Mississippi Development Authority may
105 provide to the Mississippi Department of Agriculture and Commerce
106 not more than One Hundred Twenty-five Thousand Dollars
107 (\$125,000.00), in the aggregate, of monies in the fund that are
108 derived from proceeds of bonds issued under Sections 1 through 16
109 of Chapter 505, Laws of 2003, and One Hundred Twenty-five Thousand
110 Dollars (\$125,000.00), in the aggregate, of monies in the fund
111 that are derived from proceeds of bonds issued under Sections 72
112 through 87 of Chapter 1, Laws of 2004 Third Extraordinary Session,
113 for the purpose of providing additional funds to defray costs
114 incurred by the department in assisting the authority in carrying
115 out the provisions of the Mississippi Land, Water and Timber
116 Resources Act. However, the Mississippi Department of Agriculture
117 and Commerce may not use any portion of such funds for the purpose
118 of hiring any person as an employee as defined in Section
119 25-3-91(c). The Mississippi Department of Agriculture and
120 Commerce may escalate its budget and expend such funds, when
121 provided by the authority, in accordance with rules and
122 regulations of the Department of Finance and Administration in a
123 manner consistent with the escalation of federal funds.

124 (ii) The * * * Mississippi Development Authority
125 may utilize not more than One Hundred Twenty-five Thousand Dollars
126 (\$125,000.00), in the aggregate, of monies in the fund that are
127 derived from proceeds of bonds issued under Sections 1 through 16

128 of Chapter 505, Laws of 2003, and One Hundred Twenty-five Thousand
129 Dollars (\$125,000.00), in the aggregate, of monies in the fund
130 that are derived from proceeds of bonds issued under Sections 72
131 through 87 of Chapter 1, Laws of 2004 Third Extraordinary Session,
132 for the purpose of providing additional funds to defray costs
133 incurred by the Mississippi Development Authority in * * *
134 carrying out the provisions of the Mississippi Land, Water and
135 Timber Resources Act. However, the Mississippi Development
136 Authority may not use any portion of such funds for the purpose of
137 hiring any person as an employee as defined in Section 25-3-91(c).
138 The Mississippi Development Authority may escalate its budget and
139 expend such funds * * * in accordance with rules and regulations
140 of the Department of Finance and Administration in a manner
141 consistent with the escalation of federal funds.

142 (iii) The Mississippi Development Authority may
143 provide to the Department of Audit not more than Fifty Thousand
144 Dollars (\$50,000.00), in the aggregate, of monies in the fund that
145 are derived from proceeds of bonds issued under Sections 1 through
146 16 of Chapter 505, Laws of 2003, and Fifty Thousand Dollars
147 (\$50,000.00), in the aggregate, of monies in the fund that are
148 derived from proceeds of bonds issued under Sections 72 through 87
149 of Chapter 1, Laws of 2004 Third Extraordinary Session, for the
150 purpose of providing additional funds to defray costs incurred by
151 the department in assisting the authority in carrying out the
152 provisions of the Mississippi Land, Water and Timber Resources
153 Act. However, the Department of Audit may not use any portion of
154 such funds for the purpose of hiring any person as an employee as
155 defined in Section 25-3-91(c). The Department of Audit may
156 escalate its budget and expend such funds, when provided by the
157 authority, in accordance with rules and regulations of the
158 Department of Finance and Administration in a manner consistent
159 with the escalation of federal funds.

160 * * *

161 (3) In anticipation of the issuance of bonds authorized for
162 the purpose of providing funds for the Mississippi Land, Water and
163 Timber Resources Fund, the State Bond Commission is authorized to
164 negotiate and enter into any purchase, loan, credit or other
165 agreement with any bank, trust company or other lending
166 institution or to issue and sell interim notes for the purpose of
167 carrying out the provisions of the Mississippi Land, Water and
168 Timber Resources Act. All borrowings made under this
169 subsection * * * shall be evidenced by notes of the State of
170 Mississippi, which shall be issued from time to time, for such
171 amounts, in such form and in such denomination and subject to such
172 terms and conditions of sale and issuance, prepayment or
173 redemption and maturity, rate or rates of interest not to exceed
174 the maximum rate authorized for bonds in Section 75-17-101, and
175 time of payment of interest as the State Bond Commission shall
176 agree to in such agreement. Such notes shall constitute general
177 obligations of the State of Mississippi, and shall be backed by
178 the full faith and credit of the state. Such notes may also be
179 issued for the purpose of refunding previously issued notes. No
180 note shall mature more than three (3) years following the date of
181 its issuance. The State Bond Commission is authorized to provide
182 for the compensation of any purchaser of the notes by payment of a
183 fixed fee or commission and for all other costs and expenses of
184 issuance and service, including paying agent costs. Such costs
185 and expenses may be paid from the proceeds of the notes.
186 Borrowings made under the provisions of this subsection * * *
187 shall not exceed the aggregate sum of Five Million Dollars
188 (\$5,000,000.00) outstanding at any one time.

189 **SECTION 3.** Section 69-46-3, Mississippi Code of 1972, which
190 creates the Mississippi Land Water and Timber Resources Board and
191 provides for its purpose, membership and meetings, is repealed.

192 **SECTION 4.** This act shall take effect and be in force from
193 and after July 1, 2005.