

Senate Amendments to House Bill No. 1247

TO THE CLERK OF THE HOUSE:

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

AMENDMENT NO. 1

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

- 24 SECTION 1. (1) There is created the Mississippi
25 Agricultural Development Advisory Council, hereinafter referred to
26 as "the council," for the purpose of providing advice to the
27 Mississippi Development Authority with regard to the development,
28 marketing and distribution of agricultural products under this
29 act.
- 30 (2) The council shall be composed of the following members:
- 31 (a) The President of the Mississippi Farm Bureau
32 Federation, or his designee;
- 33 (b) The Vice President for Agriculture, Forestry and
34 Veterinary Medicine at Mississippi State University, or his
35 designee;
- 36 (c) The Vice President for Agriculture at Alcorn State
37 University, or his designee;
- 38 (d) The Director of the Agricultural Finance Division
39 of the Mississippi Development Authority, or his designee;
- 40 (e) The Director of the Agriculture Marketing Division
41 of the Mississippi Department of Agriculture and Commerce, or his
42 designee;
- 43 (f) The Executive Director of the Mississippi Forestry
44 Commission, or his designee; and
- 45 (g) One (1) individual who is involved in agricultural
46 lending. The appointing authority for this member shall alternate
47 between the Mississippi Bankers Association and the Farm Credit
48 Association with the first appointment being made by the
49 Mississippi Bankers Association. The term of office of the member

50 appointed under this paragraph shall be concurrent with that of
51 the Governor.

52 (3) The council shall elect a chairman and vice chairman
53 from among its membership.

54 (4) The council shall meet at least once each calendar
55 quarter at the call of the chairman. A majority of the members of
56 the council shall constitute a quorum at all meetings. An
57 affirmative vote of a majority of the members present and voting
58 is required in the adoption of any actions taken by the council.
59 All members must be notified, in writing, of all regular and
60 special meetings of the council, which notices must be mailed at
61 least ten (10) days before the dates of the meetings. All
62 meetings shall take place at the State Capitol in Jackson,
63 Mississippi. The council shall provide a copy of the minutes of
64 each of its meetings to the Chairman of the Senate Agriculture
65 Committee and the Chairman of the House of Representatives
66 Agriculture Committee.

67 (5) Members of the council shall not receive compensation.
68 However, each member may be paid travel expenses, meals and
69 lodging expenses as provided in Section 25-3-41, for such expenses
70 incurred in furtherance of their duties. Travel expenses, meals
71 and lodging expenses and other necessary expenses incurred by the
72 council shall be paid out of funds appropriated to the Mississippi
73 Development Authority.

74 (6) The council shall make nonbinding recommendations to the
75 Mississippi Development Authority regarding the development,
76 marketing and distribution of agricultural products under this
77 act.

78 (7) The council may utilize the services, facilities and
79 personnel of all departments, agencies, offices and institutions
80 of the state; and all such departments, agencies, offices and
81 institutions shall cooperate with the council in carrying out its
82 duties under this act.

83 **SECTION 2.** Section 69-46-5, Mississippi Code of 1972, is
84 amended as follows:

85 69-46-5. (1) The Mississippi Development Authority shall
86 administer the Mississippi Land, Water and Timber Resources Act
87 and in that regard shall have the following powers and duties:

88 (a) To develop marketing plans and opportunities for
89 independent farmers in Mississippi;

90 (b) To encourage the commercialization of new
91 agricultural technology businesses;

92 (c) To initiate the development of processing
93 facilities for Mississippi agricultural commodities;

94 (d) To initiate the development of Mississippi
95 wholesale distribution businesses for agricultural inputs and
96 products;

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

99 (f) To encourage additional research for new
100 agricultural product development;

101 (g) To develop a working relationship with the state
102 offices of the United States Department of Agriculture as may be
103 appropriate for the promotion and development of agriculture in
104 Mississippi;

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

108 (i) To encourage, promote and initiate the development
109 of alternative energy strategies, applied research technologies
110 and commercialization enterprises that focus on Mississippi
111 natural resources, including, but not limited to, agriculture,
112 timber and poultry products and byproducts;

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

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

121 (2) (a) In addition to any other requirements or conditions
122 that may be imposed under this act, the Mississippi Development
123 Authority shall require that before any assistance from the Land,
124 Water and Timber Resources Fund may be provided to a private
125 company, the private company shall furnish to the authority the
126 following:

127 (i) A two-year business plan (which shall include
128 pro forma balance sheets, income statements and monthly cash flow
129 statements);

130 (ii) Financial statements or tax returns for the
131 three (3) years immediately prior to the year in which the
132 proposed assistance is to be granted (if the private company is a
133 new company or enterprise, personal financial statements or tax
134 returns will be required);

135 (iii) Credit reports on all persons with a twenty
136 percent (20%) or greater interest in the private company;

137 (iv) Data supporting the expertise of the private
138 company's principals;

139 (v) A cost benefit analysis of the project
140 performed by a state institution of higher learning or other
141 entity selected by the Mississippi Development Authority; and

142 (vi) Any other information required by the
143 Mississippi Development Authority.

144 (b) The Mississippi Development Authority shall require
145 that binding commitments be entered into requiring that:

146 (i) The applicable minimum requirements of this
147 act and such other requirements as the Mississippi Development
148 Authority considers proper shall be met; and

149 (ii) If such requirements are not met, all or a
150 portion of the funds provided under this act as determined by the
151 Mississippi Development Authority shall be repaid.

152 (3) The Mississippi Development Authority may promulgate and
153 enforce rules and regulations, in accordance with the Mississippi
154 Administrative Procedures Law, as may be necessary to carry out
155 the provisions of the Mississippi Land, Water and Timber Resources
156 Act.

157 (4) The Mississippi Development Authority may provide funds
158 to public entities and private entities through loans, grants,
159 contracts and any other manner the authority determines
160 appropriate for the purposes of carrying out the provisions of the
161 Mississippi Land, Water and Timber Resources Act.

162 **SECTION 3.** Section 69-46-7, Mississippi Code of 1972, is
163 amended as follows:

164 69-46-7. (1) (a) The Mississippi Development Authority may
165 accept and expend funds appropriated or otherwise made available
166 by the Legislature and funds from any other source in order to
167 carry out the provisions of the Mississippi Land, Water and Timber
168 Resources Act. Such funds shall be deposited into a special fund
169 hereby established in the State Treasury to be known as the
170 "Mississippi Land, Water and Timber Resources Fund." Unexpended
171 amounts derived from bond proceeds or private funds, or both,
172 remaining in the fund at the end of a fiscal year shall not lapse
173 into the State General Fund, and any investment earnings or
174 interest earned on such amounts in the fund shall be deposited to
175 the credit of the fund. All other unexpended amounts remaining in
176 the fund at the end of a fiscal year shall lapse into the State
177 General Fund. The Mississippi Development Authority may provide
178 to the Mississippi Department of Agriculture and Commerce not more
179 than Two Hundred Fifty Thousand Dollars (\$250,000.00), in the
180 aggregate, of monies in the fund that are derived from proceeds of
181 bonds issued under Sections 1 through 16 of Chapter 538, Laws of
182 2001, and/or Sections 1 through 16 of Chapter 542, Laws of 2002,
183 for the purpose of providing additional funds to defray costs
184 incurred by the department in assisting the authority in carrying
185 out the provisions of the Mississippi Land, Water and Timber
186 Resources Act. However, the Mississippi Department of Agriculture

187 and Commerce may not use any portion of such funds for the purpose
188 of hiring any person as an employee as defined in Section
189 25-3-91(c). The Mississippi Department of Agriculture may
190 escalate its budget and expend such funds, when provided by the
191 authority, in accordance with rules and regulations of the
192 Department of Finance and Administration in a manner consistent
193 with the escalation of federal funds. The * * * Mississippi
194 Development Authority may utilize not more than Two Hundred Fifty
195 Thousand Dollars (\$250,000.00), in the aggregate, of monies in the
196 fund that are derived from proceeds of bonds issued under Sections
197 1 through 16 of Chapter 538, Laws of 2001, and/or Sections 1
198 through 16 of Chapter 542, Laws of 2002, for the purpose of
199 providing additional funds to defray costs incurred by the
200 Mississippi Development Authority in * * * carrying out the
201 provisions of the Mississippi Land, Water and Timber Resources
202 Act. However, the Mississippi Development Authority may not use
203 any portion of such funds for the purpose of hiring any person as
204 an employee as defined in Section 25-3-91(c). The Mississippi
205 Development Authority may escalate its budget and expend such
206 funds * * * in accordance with rules and regulations of the
207 Department of Finance and Administration in a manner consistent
208 with the escalation of federal funds.

209 (b) (i) The Mississippi Development Authority may
210 provide to the Mississippi Department of Agriculture and Commerce
211 not more than One Hundred Twenty-five Thousand Dollars
212 (\$125,000.00), in the aggregate, of monies in the fund that are
213 derived from proceeds of bonds issued under Sections 1 through 16
214 of Chapter 505, Laws of 2003, and One Hundred Twenty-five Thousand
215 Dollars (\$125,000.00), in the aggregate, of monies in the fund
216 that are derived from proceeds of bonds issued under Sections 72
217 through 87 of Chapter 1, Laws of 2004 Third Extraordinary Session,
218 for the purpose of providing additional funds to defray costs
219 incurred by the department in assisting the authority in carrying
220 out the provisions of the Mississippi Land, Water and Timber
221 Resources Act. However, the Mississippi Department of Agriculture

222 and Commerce may not use any portion of such funds for the purpose
223 of hiring any person as an employee as defined in Section
224 25-3-91(c). The Mississippi Department of Agriculture and
225 Commerce may escalate its budget and expend such funds, when
226 provided by the authority, in accordance with rules and
227 regulations of the Department of Finance and Administration in a
228 manner consistent with the escalation of federal funds.

229 (ii) The * * * Mississippi Development Authority
230 may utilize not more than One Hundred Twenty-five Thousand Dollars
231 (\$125,000.00), in the aggregate, of monies in the fund that are
232 derived from proceeds of bonds issued under Sections 1 through 16
233 of Chapter 505, Laws of 2003, and One Hundred Twenty-five Thousand
234 Dollars (\$125,000.00), in the aggregate, of monies in the fund
235 that are derived from proceeds of bonds issued under Sections 72
236 through 87 of Chapter 1, Laws of 2004 Third Extraordinary Session,
237 for the purpose of providing additional funds to defray costs
238 incurred by the Mississippi Development Authority in * * *
239 carrying out the provisions of the Mississippi Land, Water and
240 Timber Resources Act. However, the Mississippi Development
241 Authority may not use any portion of such funds for the purpose of
242 hiring any person as an employee as defined in Section 25-3-91(c).
243 The Mississippi Development Authority may escalate its budget and
244 expend such funds * * * in accordance with rules and regulations
245 of the Department of Finance and Administration in a manner
246 consistent with the escalation of federal funds.

247 (iii) The Mississippi Development Authority may
248 provide to the Department of Audit not more than Fifty Thousand
249 Dollars (\$50,000.00), in the aggregate, of monies in the fund that
250 are derived from proceeds of bonds issued under Sections 1 through
251 16 of Chapter 505, Laws of 2003, and Fifty Thousand Dollars
252 (\$50,000.00), in the aggregate, of monies in the fund that are
253 derived from proceeds of bonds issued under Sections 72 through 87
254 of Chapter 1, Laws of 2004 Third Extraordinary Session, for the
255 purpose of providing additional funds to defray costs incurred by
256 the department in assisting the authority in carrying out the

257 provisions of the Mississippi Land, Water and Timber Resources
258 Act. However, the Department of Audit may not use any portion of
259 such funds for the purpose of hiring any person as an employee as
260 defined in Section 25-3-91(c). The Department of Audit may
261 escalate its budget and expend such funds, when provided by the
262 authority, in accordance with rules and regulations of the
263 Department of Finance and Administration in a manner consistent
264 with the escalation of federal funds.

265 * * *

266 (2) In anticipation of the issuance of bonds authorized for
267 the purpose of providing funds for the Mississippi Land, Water and
268 Timber Resources Fund, the State Bond Commission is authorized to
269 negotiate and enter into any purchase, loan, credit or other
270 agreement with any bank, trust company or other lending
271 institution or to issue and sell interim notes for the purpose of
272 carrying out the provisions of the Mississippi Land, Water and
273 Timber Resources Act. All borrowings made under this
274 subsection * * * shall be evidenced by notes of the State of
275 Mississippi, which shall be issued from time to time, for such
276 amounts, in such form and in such denomination and subject to such
277 terms and conditions of sale and issuance, prepayment or
278 redemption and maturity, rate or rates of interest not to exceed
279 the maximum rate authorized for bonds in Section 75-17-101, and
280 time of payment of interest as the State Bond Commission shall
281 agree to in such agreement. Such notes shall constitute general
282 obligations of the State of Mississippi, and shall be backed by
283 the full faith and credit of the state. Such notes may also be
284 issued for the purpose of refunding previously issued notes. No
285 note shall mature more than three (3) years following the date of
286 its issuance. The State Bond Commission is authorized to provide
287 for the compensation of any purchaser of the notes by payment of a
288 fixed fee or commission and for all other costs and expenses of
289 issuance and service, including paying agent costs. Such costs
290 and expenses may be paid from the proceeds of the notes.
291 Borrowings made under the provisions of this subsection * * *

292 shall not exceed the aggregate sum of Five Million Dollars
293 (\$5,000,000.00) outstanding at any one time.

294 **SECTION 4.** Section 69-46-3, Mississippi Code of 1972, which
295 creates the Mississippi Land, Water and Timber Resources Board and
296 provides for its purpose, membership and meetings, is repealed.

297 **SECTION 5.** Section 1 of this act shall be codified in
298 Chapter 46, Title 69, Mississippi Code of 1972.

299 **SECTION 6.** Section 57-1-16, Mississippi Code of 1972, is
300 amended as follows:

301 57-1-16. (1) As used in this section:

302 (a) "Extraordinary economic development opportunity"
303 means a new or expanded business or industry which maintains a
304 strong financial condition and minimal credit risk and creates
305 substantial employment, particularly in areas of high
306 unemployment.

307 (b) "Local economic development entities" means public
308 or private nonprofit local economic development entities
309 including, but not limited to, chambers of commerce, local
310 authorities, commissions or other entities created by local and
311 private legislation or districts created pursuant to Section
312 19-5-99.

313 (c) "MDA" means the Mississippi Development Authority.

314 (2) There is hereby created in the State Treasury a special
315 fund to be designated as the ACE Fund, which shall consist of
316 money from any public or private source designated for deposit
317 into such fund. Unexpended amounts remaining in the fund at the
318 end of a fiscal year shall not lapse into the State General Fund,
319 and any interest earned on amounts in the fund shall be deposited
320 to the credit of the fund. The purpose of the fund shall be to
321 assist in maximizing extraordinary economic development
322 opportunities related to any new or expanded business or industry.
323 Such funds may be used to make grants to local economic
324 development entities to assist any new or expanding business or
325 industry that meets the criteria provided in this section when

326 such assistance aids the consummation of a project within the
327 State of Mississippi.

328 (3) The MDA shall establish a grant program to make grants
329 from the ACE Fund created under this section. Local economic
330 development entities may apply to the MDA for a grant under this
331 section in the manner provided for in subsection (4) of this
332 section.

333 (4) (a) Any business or industry desiring assistance from a
334 local economic development entity under this section shall submit
335 an application to the local economic development entity which
336 shall include, at a minimum:

337 (i) Evidence that the business or industry meets
338 the definition of an extraordinary economic development
339 opportunity;

340 (ii) A description, including the cost, of the
341 requested assistance;

342 (iii) A two-year business plan (which shall
343 include proforma balance sheets, income statements and monthly
344 cash flow statements);

345 (iv) Financial statements or tax returns for the
346 three (3) years immediately prior to the application (if the
347 business or industry is a new company or enterprise, personal
348 financial statements or tax returns will be required);

349 (v) Credit reports on all persons or entities with
350 a twenty percent (20%) or greater interest in the business or
351 industry; and

352 (vi) Any other information required by the MDA.

353 (b) The MDA shall require that binding commitments be
354 entered into requiring that:

355 (i) The minimum requirements of this section and
356 such other requirements as the MDA considers proper shall be met;
357 and

358 (ii) If the agreed upon commitments are not met,
359 all or a portion of the funds provided under this section as
360 determined by the MDA shall be repaid.

361 (c) Where appropriate MDA may acquire a security
362 interest in or other lien upon any applicable collateral.

363 (d) Upon receipt of the application from a business or
364 industry, the local economic development entity may apply to the
365 MDA for assistance under this section. Such application must
366 contain evidence that the business or industry meets the
367 definition of an extraordinary economic development opportunity, a
368 demonstration that the business or industry is at an economic
369 disadvantage by locating the new or expanded project in the
370 county, a description, including the cost, of the requested
371 assistance, other information required in the business or
372 industry's application under paragraph (a) of this subsection and
373 a statement of what efforts have been made or are being made by
374 the business or industry for securing or qualifying for other
375 local, state, federal or private funds for the project.

376 (e) The MDA shall have sole discretion in the awarding
377 of ACE funds, provided that the business or industry and the local
378 economic development entity have met the statutory requirements of
379 this section.

380 (5) The MDA shall promulgate rules and regulations, in
381 accordance with the Mississippi Administrative Procedures Law, for
382 the implementation of this section. However, before the
383 implementation of any such rules and regulations, they shall be
384 submitted to a committee consisting of five (5) members of the
385 Senate Finance Committee and five (5) members of the House of
386 Representatives Ways and Means Committee, appointed by the
387 respective committee chairmen.

388 **SECTION 7.** Section 57-61-9, Mississippi Code of 1972, is
389 amended as follows:

390 57-61-9. (1) Any private company desiring assistance from a
391 municipality shall submit to the municipality a letter of intent
392 to locate, expand or build a facility entirely or partially within
393 the municipality or on land the municipality is authorized to own
394 or otherwise acquire. The letter of intent shall include:

395 (a) Except for strategic investments, a commitment that
396 the proposed project will create and maintain a minimum of ten
397 (10) net new full-time equivalent jobs, will create and maintain
398 at least a five percent (5%) increase in full-time equivalent jobs
399 in the case of expansion of an enterprise already located at the
400 site or at least a twenty-five percent (25%) increase in full-time
401 equivalent jobs pursuant to subsection (9) of Section 57-61-15 and
402 will create and maintain at least one (1) net new full-time
403 equivalent job for every Fifteen Thousand Dollars (\$15,000.00)
404 either loaned or granted for the project. The commitment required
405 by this paragraph (a) shall include any jobs created prior to the
406 effective date of this chapter resulting from contracts entered
407 into contingent upon assistance being made available under this
408 chapter. All jobs required to be maintained by this paragraph (a)
409 shall be maintained until such time as any loan made under this
410 chapter for the benefit of a private company is repaid.

411 (b) A statement that the specific improvements are
412 necessary for the efficient and cost-effective operation of the
413 private company, together with supporting financial and
414 engineering documentation.

415 (c) Any commitment to pay rental on, or to make loan
416 repayments related to, the improvements to be made with funds
417 loaned to a municipality under this chapter.

418 (d) If required by the Mississippi Development
419 Authority, a notarized statement of willingness to grant a lien on
420 the facility for which the improvement is being provided, in an
421 amount and a manner to be determined by the Mississippi
422 Development Authority, which lien may be foreclosed in the event
423 that the private company fails to operate in the facility
424 according to the terms of the agreement and/or to collateralize
425 the loan made for the benefit of the private company for which the
426 improvement is being provided in an amount and manner to be
427 determined by the Mississippi Development Authority. In the event
428 the contractual agreement is to be entered into with a department
429 or subsidiary of the United States government, the Mississippi

430 Development Authority shall determine that the governmental unit
431 will operate the proposed project for a sufficient number of years
432 to retire the loan based on increased revenue estimates by the
433 University Research Center and any agreement entered into shall
434 reflect that the interest paid on any loan for such purpose shall
435 be included in Mississippi's contributory value in the project.
436 In the event the private company requesting the assistance is a
437 subsidiary of another corporation, if required by the Mississippi
438 Development Authority, any contractual agreement entered into
439 shall also require the parent company to unconditionally warrant
440 the performance of the subsidiary in carrying out the terms of the
441 agreement or it shall require the subsidiary and/or the parent
442 company to pledge assets in an amount and a manner to be
443 determined by the Mississippi Development Authority and/or to
444 collateralize the loan in an amount and a manner to be determined
445 by the Mississippi Development Authority to ensure the performance
446 of the terms of the contract.

447 (2) Upon receipt of the letter of intent from a private
448 company, the municipality may apply to the Mississippi Development
449 Authority for a loan or grant. The application from the
450 municipality shall include, but not be limited to:

451 (a) A statement of the purpose of the proposed loan or
452 grant, including a list of eligible items and the cost of each.

453 (b) A statement showing the sources of funding for the
454 entire project, including the private company's or governmental
455 unit's investment in the project and any public and other private
456 sources of funding.

457 (c) A certified copy of the signed letter of intent
458 from a private company or governmental unit, as specified in this
459 section.

460 (d) Evidence that there will be a private match of at
461 least Three Dollars (\$3.00) for every One Dollar (\$1.00) of state
462 assistance, except:

463 (i) In the case of ports the private match will be
464 at least Two Dollars (\$2.00) for every One Dollar (\$1.00) of state
465 assistance; and

466 (ii) In the case where the Mississippi Development
467 Authority determines that a private company is a high technology
468 enterprise the private match will be at least Two Dollars (\$2.00)
469 for every One Dollar (\$1.00) of state assistance.

470 The Mississippi Development Authority shall establish
471 criteria for determining whether a private company is a high
472 technology enterprise.

473 (e) Demonstration that the private company is
474 financially sound and is likely to fulfill the commitments made in
475 its letter of intent.

476 (f) A proposed timetable for the provision of the
477 improvements.

478 (g) Evidence that the project will be expeditiously
479 carried out and completed as planned.

480 (h) A demonstration that insufficient local capital
481 improvement funds at reasonable rates and terms are available
482 within the necessary time to provide the needed improvement on
483 public property. This includes local funds available through
484 issuance of bonds or other means, state funds available through
485 existing programs, and available federal program funds such as
486 community development block grant funds, urban development action
487 grant funds, and economic development administration funds.

488 (i) A demonstration that insufficient private funds are
489 available at reasonable rates and terms within the necessary time
490 to fund improvement on property owned by the private company.

491 (3) The Mississippi Development Authority shall consider
492 grant and loan applications based on the following criteria:

493 (a) The number of net new full-time equivalent jobs
494 that will be provided and the amount of additional state and local
495 tax revenue estimated by the University Research Center to be
496 directly generated by the private company's new investment, and
497 additionally, as to loan applications by state agencies, the

498 extent to which shipping through the port will be increased by the
499 proposed port development projects, the degree to which jobs will
500 be increased in the port area and the impact on port revenues.

501 (b) The ability to repay the principal and interest, in
502 the case of a loan, based on increased revenue estimates and any
503 revenue-producing provision of a contractual agreement.

504 (c) The increase in the employment base of the state.

505 The Mississippi Development Authority and the University
506 Research Center may use the resources and capabilities of the
507 planning and development districts in carrying out the provisions
508 of this chapter.

509 (4) No loan shall be made in excess of the amounts which can
510 be repaid with the increased revenues estimated by the University
511 Research Center, provided that this subsection (4) shall not apply
512 to loans in connection with a United States Navy home port.

513 (5) (a) Notwithstanding anything contained in this chapter,
514 an agency of the State of Mississippi operating a state-owned
515 port, and hereinabove identified as a "municipality" and
516 "governmental unit" for purposes of this chapter, may make
517 application for a loan or grant under the terms and provisions of
518 this chapter. In addition, a public agency operating a port
519 bordering on the Gulf of Mexico, which shall be considered to be a
520 "municipality" or a "governmental unit" for the purposes of this
521 chapter, may make application for a loan or grant under the terms
522 and provisions of this chapter from funds other than those funds
523 authorized for a state-owned port under paragraph (e)(iii) of
524 Section 57-61-11. The application shall be initiated by
525 submission of a letter of intent to engage in a project or
526 projects for the purpose of effecting enlargement and improvement
527 in all facilities used and useful in attracting international and
528 foreign commerce through the port. Projects eligible for
529 inclusion in the letter of intent may include, but not be
530 restricted to:

531 (i) Dredging and deepening the access channel and
532 harbor basin of the port;

533 (ii) Effecting the enlargement of the land area of
534 the port by reclamation;

535 (iii) Construction and installation of piling,
536 bulkheads, docks, wharves, warehouses and appurtenances; and

537 (iv) Acquisition of facilities and equipment for
538 handling bulk and containerized cargo.

539 (b) With respect to a state-owned port bordering on the
540 Gulf of Mexico, the letter of intent shall include the following
541 information and any other information required by the Mississippi
542 Development Authority:

543 (i) Present and future annual tonnages expected as
544 a result of the improvements.

545 (ii) Reasons why present facilities are inadequate
546 to enable the port to compete, including limitations imposed by
547 insufficient depth of channel and basin.

548 (iii) Increased channel and basin depths necessary
549 to accommodate modern shipping.

550 (iv) Comparison of the percentage of the world's
551 cargo shipping that can now be accommodated with what could be
552 accommodated with project improvements.

553 (v) Economic contribution to the region and state
554 resulting from increased shipping activity.

555 (vi) Statement of degree to which port revenues
556 are expected to be increased as a result of projects.

557 (vii) Financial data of port activities, including
558 cost of project, degree of federal funding available and required
559 local participation.

560 On or before January 1, 1989, a state-owned port described in
561 this paragraph (b) shall submit to the Senate Finance Committee
562 and the House Ways and Means Committee of the Mississippi
563 Legislature a comprehensive, written report updating for each
564 committee the information listed in items (i) through (vii) of
565 this paragraph (b) with particular emphasis on the economic
566 contribution to the region and state by shipping activity at the
567 port; on financial data with respect to the degree of federal

568 funding available and local participation in funding port
569 activities; and on progress made in dredging and completing other
570 improvements necessary to accommodate modern shipping.

571 (c) The Mississippi Development Authority shall
572 consider grant and loan applications based on the following:

573 (i) The extent to which shipping through the port
574 will be increased by the proposed projects.

575 (ii) The degree to which jobs will be increased in
576 the port area.

577 (iii) Impact on port revenues.

578 (iv) The ability of the port to repay interest and
579 principal in the case of a loan.

580 (6) A municipality may apply to the Mississippi Development
581 Authority for a grant under the terms and provisions of this
582 chapter, and the Mississippi Development Authority may award
583 grants to a municipality subject to limitations contained in this
584 chapter. The application shall be initiated by submission of a
585 letter of intent to engage in a project or projects for the
586 purpose of providing improvements necessary to accommodate a
587 United States Navy home port.

588 (7) The Legislature hereby finds and determines that
589 financing facilities necessary to accommodate a Navy home port
590 serves a valid public purpose in that a Navy home port will
591 significantly contribute to the employment base of the state which
592 is in great need of assistance; provided, that in the event such
593 facilities are no longer required for use by the Navy as a home
594 port, such facilities shall revert as provided in Section 59-9-21.

595 (8) Notwithstanding any provision or requirement of this
596 chapter to the contrary, a municipality may make application for a
597 loan under this chapter, in an amount not to exceed Five Million
598 Dollars (\$5,000,000.00), for the purpose of acquiring and
599 developing land to be used as a technology/industrial park for
600 which there is a binding commitment by one or more private
601 companies to create and maintain not less than an aggregate of
602 three hundred (300) jobs meeting minimum criteria established by

603 the Mississippi Development Authority. Such a commitment by a
604 private company shall not disqualify the private company from
605 obtaining assistance under this section. The match requirements
606 of this section shall not apply to any loan made pursuant to this
607 subsection (8).

608 (9) Notwithstanding any provision or requirement of this
609 chapter to the contrary, a municipality operating a county-owned
610 port or municipally owned port may make application for a loan
611 under this chapter, in an amount not to exceed Three Million
612 Dollars (\$3,000,000.00), for the purpose of acquiring land,
613 buildings and other improvements and for repairing, renovating,
614 maintaining and improving such a port.

615 (10) (a) A municipality is authorized to negotiate a
616 contract for the acquisition, construction and erection of a
617 project or any portion of a project hereunder where a municipality
618 finds that, because of the particular nature of a project or any
619 portion thereof, it would be in the best public interest of the
620 municipality to negotiate.

621 (b) Contracts by a private company for the acquisition,
622 construction or erection of a project which receives assistance
623 under this chapter shall be effected in the manner prescribed by
624 law for public contracts, unless the Mississippi Development
625 Authority makes a written finding that, because of special
626 circumstances with respect to the projects or any portion thereof,
627 it would better serve the public interest or more effectively
628 achieve the purposes of this chapter to enter into such contracts
629 based on negotiation.

630 (11) A municipality is authorized upon such terms and
631 conditions as the municipality may deem advisable, provided such
632 terms and conditions shall not be in conflict with the provisions
633 of this chapter, to (a) acquire, whether by construction,
634 purchase, gift or lease, all of or any portion of a project
635 hereunder; (b) to lease or sell to others all of or any portion of
636 a project hereunder; and (c) to lend to the private company the
637 proceeds of the loan from the board to such municipality.

638 (12) All agreements between a municipality and a private
639 company related directly or indirectly to a project or a portion
640 of a project to be funded in whole or in part under this chapter
641 are subject to approval by the Mississippi Development Authority.

642 (13) (a) In addition to any other requirements or
643 conditions under this section or elsewhere in this chapter, the
644 Mississippi Development Authority shall require that any
645 application for assistance regarding a private company include, at
646 a minimum:

647 (i) A two-year business plan (which shall include
648 proforma balance sheets, income statements and monthly cash flow
649 statements);

650 (ii) Financial statements or tax returns for the
651 three (3) years immediately prior to the application (if the
652 private company is a new company or enterprise, personal financial
653 statements or tax returns will be required);

654 (iii) Credit reports on all persons or entities
655 with a twenty percent (20%) or greater interest in the private
656 company;

657 (iv) Data supporting the expertise of the private
658 company's principals;

659 (v) A cost benefit analysis of the project
660 performed by a state institution of higher learning or other
661 entity selected by the Mississippi Development Authority; and

662 (vi) Any other information required by the
663 Mississippi Development Authority.

664 (b) The Mississippi Development Authority shall require
665 that binding commitments be entered into requiring that:

666 (i) The applicable minimum requirements of this
667 chapter and such other requirements as the Mississippi Development
668 Authority considers proper shall be met; and

669 (ii) If the agreed upon commitments are not met,
670 all or a portion of the funds provided under this chapter as
671 determined by the Mississippi Development Authority shall be
672 repaid.

673 (c) Where appropriate the Mississippi Development
674 Authority may acquire a security interest in or other lien upon
675 any applicable collateral.

676 **SECTION 8.** Section 57-75-11, Mississippi Code of 1972, is
677 amended as follows:

678 57-75-11. The authority, in addition to any and all powers
679 now or hereafter granted to it, is empowered and shall exercise
680 discretion and the use of these powers depending on the
681 circumstances of the project or projects:

682 (a) To maintain an office at a place or places within
683 the state.

684 (b) To employ or contract with architects, engineers,
685 attorneys, accountants, construction and financial experts and
686 such other advisors, consultants and agents as may be necessary in
687 its judgment and to fix and pay their compensation.

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

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

695 (e) (i) To acquire by purchase, lease, gift, or in
696 other manner, including quick-take eminent domain, or obtain
697 options to acquire, and to own, maintain, use, operate and convey
698 any and all property of any kind, real, personal, or mixed, or any
699 interest or estate therein, within the project area, necessary for
700 the project or any facility related to the project. The
701 provisions of this paragraph that allow the acquisition of
702 property by quick-take eminent domain shall be repealed by
703 operation of law on July 1, 1994; and

704 (ii) Notwithstanding any other provision of this
705 paragraph (e), from and after November 6, 2000, to exercise the
706 right of immediate possession pursuant to the provisions of
707 Sections 11-27-81 through 11-27-89 for the purpose of acquiring

708 land, property and/or rights-of-way in the county in which a
709 project as defined in Section 57-75-5(f)(iv)1 is located, that are
710 necessary for such project or any facility related to the project.

711 (f) To acquire by purchase or lease any public lands
712 and public property, including sixteenth section lands and lieu
713 lands, within the project area, which are necessary for the
714 project. Sixteenth section lands or lieu lands acquired under
715 this act shall be deemed to be acquired for the purposes of
716 industrial development thereon and such acquisition will serve a
717 higher public interest in accordance with the purposes of this
718 act.

719 (g) If the authority identifies any land owned by the
720 state as being necessary, for the location or use of the project,
721 or any facility related to the project, to recommend to the
722 Legislature the conveyance of such land or any interest therein,
723 as the Legislature deems appropriate.

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

727 (i) From and after the date of notification to the
728 authority by the enterprise that the state has been finally
729 selected as the site of the project, to acquire by condemnation
730 and to own, maintain, use, operate and convey or otherwise dispose
731 of any and all property of any kind, real, personal or mixed, or
732 any interest or estate therein, within the project area, necessary
733 for the project or any facility related to the project, with the
734 concurrence of the affected public agency, and the exercise of the
735 powers granted by this act, according to the procedures provided
736 by Chapter 27, Title 11, Mississippi Code of 1972, except as
737 modified by this act.

738 (i) Except as otherwise provided in subparagraph
739 (iii) of this paragraph (i), in acquiring lands by condemnation,
740 the authority shall not acquire minerals or royalties in minerals
741 unless a competent registered professional engineer shall have
742 certified that the acquisition of such minerals and royalties in

743 minerals is necessary for purposes of the project; provided that
744 limestone, clay, chalk, sand and gravel shall not be considered as
745 minerals for the purposes of subparagraphs (i) and (ii) of this
746 paragraph (i);

747 (ii) Unless minerals or royalties in minerals have
748 been acquired by condemnation or otherwise, no person or persons
749 owning the drilling rights or the right to share in production of
750 minerals shall be prevented from exploring, developing, or
751 producing oil or gas with necessary rights-of-way for ingress and
752 egress, pipelines and other means of transporting interests on any
753 land or interest therein of the authority held or used for the
754 purposes of this act; but any such activities shall be under such
755 reasonable regulation by the authority as will adequately protect
756 the project contemplated by this act as provided in paragraph (r)
757 of this section; and

758 (iii) In acquiring lands by condemnation,
759 including the exercise of immediate possession, for a project, as
760 defined in Section 57-75-5(f)(iv)1, the authority may acquire
761 minerals or royalties in minerals.

762 (j) To negotiate the necessary relocation or rerouting
763 of roads and highways, railroad, telephone and telegraph lines and
764 properties, electric power lines, pipelines and related
765 facilities, or to require the anchoring or other protection of any
766 of these, provided due compensation is paid to the owners thereof
767 or agreement is had with such owners regarding the payment of the
768 cost of such relocation, and to acquire by condemnation or
769 otherwise easements or rights-of-way for such relocation or
770 rerouting and to convey the same to the owners of the facilities
771 being relocated or rerouted in connection with the purposes of
772 this act.

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

775 (l) To perform or have performed any and all acts and
776 make all payments necessary to comply with all applicable federal
777 laws, rules or regulations including, but not limited to, the

778 Uniform Relocation Assistance and Real Property Acquisition
779 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
780 to 4655) and relocation rules and regulations promulgated by any
781 agency or department of the federal government.

782 (m) To construct, extend, improve, maintain, and
783 reconstruct, to cause to be constructed, extended, improved,
784 maintained, and reconstructed, and to use and operate any and all
785 components of the project or any facility related to the project,
786 with the concurrence of the affected public agency, within the
787 project area, necessary to the project and to the exercise of such
788 powers, rights, and privileges granted the authority.

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

792 (o) (i) To lease, sell or convey any or all property
793 acquired by the authority under the provisions of this act to the
794 enterprise, its successors or assigns, and in connection therewith
795 to pay the costs of title search, perfection of title, title
796 insurance and recording fees as may be required. The authority
797 may provide in the instrument conveying such property a provision
798 that such property shall revert to the authority if, as and when
799 the property is declared by the enterprise to be no longer needed.

800 (ii) To lease, sell, transfer or convey on any
801 terms agreed upon by the authority any or all real and personal
802 property, improvements, leases, funds and contractual obligations
803 of a project as defined in Section 57-75-5(f)(vi) and conveyed to
804 the State of Mississippi by a Quitclaim Deed from the United
805 States of America dated February 23, 1996, filed of record at
806 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,
807 Tishomingo County, Mississippi, to any governmental authority
808 located within the geographic boundaries of the county wherein
809 such project exists upon agreement of such governmental authority
810 to undertake and assume from the State of Mississippi all
811 obligations and responsibilities in connection with ownership and
812 operation of the project. Property leased, sold, transferred or

813 otherwise conveyed by the authority under this paragraph (o) shall
814 be used only for economic development purposes.

815 (p) To enter into contracts with any person or public
816 agency, including, but not limited to, contracts authorized by
817 Section 57-75-17, in furtherance of any of the purposes authorized
818 by this act upon such consideration as the authority and such
819 person or public agency may agree. Any such contract may extend
820 over any period of time, notwithstanding any rule of law to the
821 contrary, may be upon such terms as the parties thereto shall
822 agree, and may provide that it shall continue in effect until
823 bonds specified therein, refunding bonds issued in lieu of such
824 bonds, and all other obligations specified therein are paid or
825 terminated. Any such contract shall be binding upon the parties
826 thereto according to its terms. Such contracts may include an
827 agreement to reimburse the enterprise, its successors and assigns
828 for any assistance provided by the enterprise in the acquisition
829 of real property for the project or any facility related to the
830 project.

831 (q) To establish and maintain reasonable rates and
832 charges for the use of any facility within the project area owned
833 or operated by the authority, and from time to time, to adjust
834 such rates and to impose penalties for failure to pay such rates
835 and charges when due.

836 (r) To adopt and enforce with the concurrence of the
837 affected public agency all necessary and reasonable rules and
838 regulations to carry out and effectuate the implementation of the
839 project and any land use plan or zoning classification adopted for
840 the project area, including, but not limited to, rules,
841 regulations, and restrictions concerning mining, construction,
842 excavation or any other activity the occurrence of which may
843 endanger the structure or operation of the project. Such rules
844 may be enforced within the project area and without the project
845 area as necessary to protect the structure and operation of the
846 project. The authority is authorized to plan or replan, zone or
847 rezone, and make exceptions to any regulations, whether local or

848 state, with the concurrence of the affected public agency which
849 are inconsistent with the design, planning, construction or
850 operation of the project and facilities related to the project.

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

854 (t) To develop plans for technology transfer activities
855 to ensure private sector conduits for exchange of information,
856 technology and expertise related to the project to generate
857 opportunities for commercial development within the state.

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

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

865 (w) To consult with the Office of Minority Business
866 Enterprise Development and other public agencies for the purpose
867 of developing plans for technical assistance and loan programs to
868 maximize the economic impact related to the project for minority
869 business enterprises within the State of Mississippi.

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

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

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

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

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

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

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

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

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

896 (ii) To lease such surface water transmission
897 lines to a public agency or public utility to provide water to
898 such project and to certificated water providers.

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

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

907 (gg) To establish such guidelines, rules and
908 regulations as the authority may deem necessary and appropriate
909 from time to time in its sole discretion, to promote the purposes
910 of this act.

911 (hh) In connection with projects defined in Section
912 57-75-5(f)(ii):

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

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

919 (iii) To requisition money in the Mississippi
920 Major Economic Impact Authority Revolving Loan Fund in connection
921 with such loans.

922 (ii) In connection with projects defined under Section
923 57-75-5(f)(xiv):

924 (i) To provide grant funds or loans to an
925 enterprise owning, leasing or operating a project defined in
926 Section 57-75-5(f)(xiv); however, the amount of any such loan
927 under this paragraph (ii) shall not exceed Eight Million Dollars
928 (\$8,000,000.00) and the amount of any such grant under this
929 paragraph (ii) shall not exceed Two Million Dollars
930 (\$2,000,000.00);

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

933 (iii) Notwithstanding any provision of this act to
934 the contrary, such loans shall be for a term not to exceed twenty
935 (20) years as may be determined by the authority, shall bear
936 interest at such rates as may be determined by the authority,
937 shall, in the sole discretion of the authority, be secured in an
938 amount and a manner as may be determined by the authority.

939 (jj) (i) In addition to any other requirements or
940 conditions under this chapter, the authority shall require that
941 any application for assistance regarding a project under this
942 chapter include, at a minimum:

943 1. A two-year business plan (which shall
944 include proforma balance sheets, income statements and monthly
945 cash flow statements);

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

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

952 4. Data supporting the expertise of the
953 project's principals;

954 5. A cost benefit analysis of the project
955 performed by a state institution of higher learning or other
956 entity selected by the authority; and

957 6. Any other information required by the
958 authority.

959 (ii) The authority shall require that binding
960 commitments be entered into requiring that:

961 1. The applicable minimum requirements of
962 this chapter and such other requirements as the authority
963 considers proper shall be met; and

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

967 (iii) Where appropriate, the authority may acquire
968 a security interest in or other lien upon any applicable
969 collateral.

970 **SECTION 9.** Section 57-85-5, Mississippi Code of 1972, is
971 amended as follows:

972 57-85-5. (1) For the purposes of this section, the
973 following words and phrases shall have the meanings ascribed in
974 this section unless the context clearly indicates otherwise:

975 (a) "MDA" means the Mississippi Development Authority.

976 (b) "Project" means construction, rehabilitation or
977 repair of buildings; sewer systems and transportation directly
978 affecting the site of the proposed rural business; sewer
979 facilities, acquisition of real property, development of real
980 property, improvements to real property, and any other project
981 approved by the Mississippi Development Authority.

982 (c) "Rural business" means a new or existing business
983 located or to be located in a rural community or a business or
984 industry located or to be located within five (5) miles of a rural
985 community. "Rural business" does not include gaming businesses or
986 utility businesses.

987 (d) "Rural community" means a county in the State of
988 Mississippi that meets the population criteria for the term
989 "limited population county" as provided in Section 57-1-18.
990 "Rural community" also means a municipality in the State of
991 Mississippi that meets the population criteria for the term "small
992 municipality" as provided in Section 57-1-18.

993 (2) (a) There is created in the State Treasury a special
994 fund to be designated as the "Mississippi Rural Impact Fund,"
995 which shall consist of funds appropriated or otherwise made
996 available by the Legislature in any manner and funds from any
997 other source designated for deposit into such fund. Unexpended
998 amounts remaining in the fund at the end of a fiscal year shall
999 not lapse into the State General Fund, and any investment earnings
1000 or interest earned on amounts in the fund shall be deposited to
1001 the credit of the fund. Monies in the fund shall be used to make
1002 grants and loans to rural communities and loan guaranties on
1003 behalf of rural businesses to assist in completing projects under
1004 this section.

1005 (b) Monies in the fund which are derived from proceeds
1006 of bonds issued after the effective date of this act, may be used
1007 to reimburse reasonable actual and necessary costs incurred by the
1008 MDA in providing assistance related to a project for which funding
1009 is provided under this section from the use of proceeds of such
1010 bonds. An accounting of actual costs incurred for which
1011 reimbursement is sought shall be maintained for each project by
1012 the MDA. Reimbursement of reasonable actual and necessary costs
1013 for a project shall not exceed three percent (3%) of the proceeds
1014 of bonds issued for such project. Monies authorized for a
1015 particular project may not be used to reimburse administrative
1016 costs for unrelated projects. Reimbursements under this paragraph
1017 (b) shall satisfy any applicable federal tax law requirements.

1018 (c) The MDA may use monies in the fund to pay for the
1019 services of architects, engineers, attorneys and such other
1020 advisors, consultants and agents that the MDA determines are

1021 necessary to review loan and grant applications and to implement
1022 and administer the program established under this section.

1023 (3) The MDA shall establish a program to make grants and
1024 loans to rural communities and loan guaranties on behalf of rural
1025 businesses from the Mississippi Rural Impact Fund. A rural
1026 community may apply to the MDA for a grant or loan under this
1027 section in the manner provided for in this section. A rural
1028 business may apply to the MDA for a loan guaranty under this
1029 section in the manner provided in this section.

1030 (4) (a) A rural community desiring assistance under this
1031 section must submit an application to the MDA. The application
1032 must include, at a minimum:

1033 (i) A description of the project for which
1034 assistance is requested;

1035 (ii) The cost of the project for which assistance
1036 is requested;

1037 (iii) A two-year business plan for the project
1038 (which shall include proforma balance sheets, income statements
1039 and monthly cash flow statements);

1040 (iv) Financial statements or tax returns for the
1041 three (3) years immediately prior to the application (if the
1042 project is a new company or enterprise, personal financial
1043 statements or tax returns will be required);

1044 (v) Credit reports on all persons or entities with
1045 a twenty percent (20%) or greater interest in the project; and

1046 (vi) Any other information required by the MDA.

1047 A rural business desiring assistance under this section must
1048 submit an application to the MDA. The application must include,
1049 at a minimum:

1050 (i) A description of the purpose for which
1051 assistance is requested;

1052 (ii) A two-year business plan for the project
1053 (which shall include at least proforma balance sheets, income
1054 statements and monthly cash flow statements);

1055 (iii) Financial statements or tax returns for the
1056 three (3) years immediately prior to the application (if the
1057 project is a new company or enterprise, personal financial
1058 statements or tax returns will be required);

1059 (iv) Credit reports on all persons or entities
1060 with a twenty percent (20%) or greater interest in the project;
1061 and

1062 (v) Any other information required by the MDA.
1063 The MDA may waive any requirements of the program established
1064 under this section in order to expedite funding for unique
1065 projects.

1066 (b) The MDA shall require that binding commitments be
1067 entered into requiring that:

1068 (i) The minimum requirements of this section and
1069 such other requirements as the MDA considers proper shall be met;
1070 and

1071 (ii) If the agreed upon commitments are not met,
1072 all or a portion of the funds provided under this section as
1073 determined by the MDA shall be repaid.

1074 (c) Where appropriate, MDA may acquire a security
1075 interest in or other lien upon any applicable collateral.

1076 (5) The MDA shall have all powers necessary to implement and
1077 administer the program established under this section, and the MDA
1078 shall promulgate rules and regulations, in accordance with the
1079 Mississippi Administrative Procedures Law, necessary for the
1080 implementation of this section.

1081 **SECTION 10.** Section 65-4-7, Mississippi Code of 1972, is
1082 amended as follows:

1083 65-4-7. Any political subdivision desiring the assistance of
1084 the state in order to construct or improve any highways or highway
1085 segments, the primary purpose of such construction or improvement
1086 being to encourage a private company to engage in a high economic
1087 benefit project within the geographic boundaries of the political
1088 subdivision, may apply to the board for such approval and

1089 assistance. The application from the political subdivision shall
1090 include, but not be limited to:

1091 (a) A description of the highways or highway segments
1092 requested to be constructed or improved;

1093 (b) A certified resolution from the governing
1094 authorities of the political subdivision detailing the source and
1095 amount of funds which the political subdivision has committed or
1096 is willing to commit for construction or improvement of such
1097 highways or highway segments;

1098 (c) A certified copy of a signed letter of intent from
1099 the private company to the political subdivision describing in
1100 detail the high economic benefit project in which it is committed
1101 to engage upon construction or improvement of the highways or
1102 highway segments within the political subdivision and the proposed
1103 timetable for completion of such project;

1104 (d) Demonstration that the private company is
1105 financially sound and is likely to fulfill the commitments made in
1106 its letter of intent; * * *

1107 (e) An estimate by the private company of the number,
1108 size and weight of motor vehicles and the frequency of travel of
1109 such vehicles upon the highways or highway segments requested to
1110 be constructed or improved after completion of the project by the
1111 private company;

1112 (f) A two-year business plan for the private company
1113 (which shall include proforma balance sheets, income statements
1114 and monthly cash flow statements);

1115 (g) Financial statements or tax returns for the three
1116 (3) years immediately prior to the application (if the private
1117 company is a new company or enterprise, personal financial
1118 statements or tax returns will be required); and

1119 (h) Credit reports on all persons or entities with a
1120 twenty percent (20%) or greater interest in the private company.

1121 **SECTION 11.** Section 65-4-9, Mississippi Code of 1972, is
1122 amended as follows:

1123 65-4-9. (1) Upon receipt of an application by a political
1124 subdivision as provided under Section 65-4-7, Mississippi Code of
1125 1972, the board shall review the application and may approve the
1126 application if it determines:

1127 (a) The highways or highway segments for which the
1128 political subdivision is requesting assistance in constructing or
1129 improving are necessary and essential to ensure adequate and
1130 appropriate access to the proposed project for the purpose of
1131 encouraging its location within the geographical boundaries of the
1132 political subdivision;

1133 (b) The project proposed by the private company meets
1134 the definition of a "high economic benefit project" as such term
1135 is defined in Section 65-4-5, Mississippi Code of 1972;

1136 (c) The private company has demonstrated financial
1137 soundness and appears to have such assets and credit worthiness as
1138 to permit it to secure necessary funds to complete the project
1139 according to its commitments; * * *

1140 (d) The costs for the construction or improvement of
1141 such highways or highway segments to be funded hereunder will not
1142 exceed the funds available in the Economic Development Highway
1143 Fund created by Section 65-4-15, Mississippi Code of 1972; and

1144 (e) The private company and/or political subdivision
1145 enters in binding commitments with the board requiring that:

1146 (i) The applicable minimum requirements of this
1147 chapter and such other requirements as the board considers proper
1148 shall be met; and

1149 (ii) If the agreed upon commitments are not met,
1150 all or a portion of the funds provided under this chapter as
1151 determined by the board shall be repaid.

1152 (2) Where appropriate, the board may acquire a security
1153 interest in or other lien upon any applicable collateral.

1154 **SECTION 12.** Section 69-2-13, Mississippi Code of 1972, is
1155 amended as follows:

1156 69-2-13. (1) There is hereby established in the State
1157 Treasury a fund to be known as the "Emerging Crops Fund," which

1158 shall be used to pay the interest on loans made to farmers for
1159 nonland capital costs of establishing production of emerging crops
1160 on land in Mississippi, and to make loans and grants which are
1161 authorized under this section to be made from the fund. The fund
1162 shall be administered by the Mississippi Development Authority. A
1163 board comprised of the directors of the authority, the Mississippi
1164 Cooperative Extension Service, the Mississippi Small Farm
1165 Development Center and the Mississippi Agricultural and Forestry
1166 Experiment Station, or their designees, shall develop definitions,
1167 guidelines and procedures for the implementation of this chapter.
1168 Funds for the Emerging Crops Fund shall be provided from the
1169 issuance of bonds or notes under Sections 69-2-19 through 69-2-37
1170 and from repayment of interest loans made from the fund.

1171 (2) (a) The Mississippi Development Authority shall develop
1172 a program which gives fair consideration to making loans for the
1173 processing and manufacturing of goods and services by
1174 agribusiness, greenhouse production horticulture, and small
1175 business concerns. It is the policy of the State of Mississippi
1176 that the Mississippi Development Authority shall give due
1177 recognition to and shall aid, counsel, assist and protect, insofar
1178 as is possible, the interests of agribusiness, greenhouse
1179 production horticulture, and small business concerns. To ensure
1180 that the purposes of this subsection are carried out, the
1181 Mississippi Development Authority shall loan not more than One
1182 Million Dollars (\$1,000,000.00) to finance any single
1183 agribusiness, greenhouse production horticulture, or small
1184 business concern. Loans made pursuant to this subsection shall be
1185 made in accordance with the criteria established in Section
1186 57-71-11.

1187 (b) The Mississippi Development Authority may, out of
1188 the total amount of bonds authorized to be issued under this
1189 chapter, make available funds to any planning and development
1190 district in accordance with the criteria established in Section
1191 57-71-11. Planning and development districts which receive monies

1192 pursuant to this provision shall use such monies to make loans to
1193 private companies for purposes consistent with this subsection.

1194 (c) The Mississippi Development Authority is hereby
1195 authorized to engage legal services, financial advisors,
1196 appraisers and consultants if needed to review and close loans
1197 made hereunder and to establish and assess reasonable fees,
1198 including, but not limited to, liquidation expenses.

1199 (3) (a) The Mississippi Development Authority shall, in
1200 addition to the other programs described in this section, provide
1201 for a program of loans to be made to agribusiness or greenhouse
1202 production horticulture enterprises for the purpose of encouraging
1203 thereby the extension of conventional financing and the issuance
1204 of letters of credit to such agribusiness or greenhouse production
1205 horticulture enterprises by private institutions. Monies to make
1206 such loans by the Mississippi Development Authority shall be drawn
1207 from the Emerging Crops Fund. The amount of a loan to any single
1208 agribusiness or greenhouse production horticulture enterprise
1209 under this paragraph (a) shall not exceed twenty percent (20%) of
1210 the total cost of the project for which financing is sought or Two
1211 Hundred Thousand Dollars (\$200,000.00), whichever is less. No
1212 interest shall be charged on such loans, and only the amount
1213 actually loaned shall be required to be repaid. Repayments shall
1214 be deposited into the Emerging Crops Fund.

1215 (b) The Mississippi Development Authority shall, in
1216 addition to the other programs described in this section, provide
1217 for a program of loans or loan guaranties, or both, to be made to
1218 or on behalf of any agribusiness enterprise engaged in beef
1219 processing for the purpose of encouraging thereby the extension of
1220 conventional financing and the issuance of letters of credit to
1221 such agribusiness enterprises by private institutions. Monies to
1222 make such loans or loan guaranties, or both, by the Mississippi
1223 Development Authority shall be drawn from the Emerging Crops Fund
1224 and shall not exceed Thirty-five Million Dollars (\$35,000,000.00)
1225 in the aggregate. The amount of a loan to any single agribusiness
1226 enterprise or loan guaranty on behalf of such agribusiness

1227 enterprise, or both, under this paragraph (b) shall not exceed the
1228 total cost of the project for which financing is sought or
1229 Thirty-five Million Dollars (\$35,000,000.00), whichever is less.
1230 The interest charged on a loan made under this paragraph (b) shall
1231 be at a rate determined by the Mississippi Development Authority.
1232 All repayments of any loan made under this paragraph (b) shall be
1233 deposited into the Emerging Crops Fund. Assistance received by an
1234 agribusiness enterprise under this paragraph (b) shall not
1235 disqualify the agribusiness enterprise from obtaining any other
1236 assistance under this chapter.

1237 (4) (a) Through June 30, 2006, the Mississippi Development
1238 Authority may loan or grant to qualified planning and development
1239 districts, and to small business investment corporations,
1240 bank-based community development corporations, the Recruitment and
1241 Training Program, Inc., the City of Jackson Business Development
1242 Loan Fund, the Lorman Southwest Mississippi Development
1243 Corporation, the West Jackson Community Development Corporation,
1244 the East Mississippi Development Corporation, and other entities
1245 meeting the criteria established by the Mississippi Development
1246 Authority (all referred to hereinafter as "qualified entities"),
1247 funds for the purpose of establishing loan revolving funds to
1248 assist in providing financing for minority economic development.
1249 The monies loaned or granted by the Mississippi Development
1250 Authority shall be drawn from the Emerging Crops Fund and shall
1251 not exceed Twenty-six Million Dollars (\$26,000,000.00) in the
1252 aggregate. Planning and development districts or qualified
1253 entities which receive monies pursuant to this provision shall use
1254 such monies to make loans to minority business enterprises
1255 consistent with criteria established by the Mississippi
1256 Development Authority. Such criteria shall include, at a minimum,
1257 the following:

1258 (i) The business enterprise must be a private,
1259 for-profit enterprise.

1260 (ii) If the business enterprise is a
1261 proprietorship, the borrower must be a resident citizen of the

1262 State of Mississippi; if the business enterprise is a corporation
1263 or partnership, at least fifty percent (50%) of the owners must be
1264 resident citizens of the State of Mississippi.

1265 (iii) The borrower must have at least five percent
1266 (5%) equity interest in the business enterprise.

1267 (iv) The borrower must demonstrate ability to
1268 repay the loan.

1269 (v) The borrower must not be in default of any
1270 previous loan from the state or federal government.

1271 (vi) The business enterprise and/or borrower must
1272 provide a two-year business plan (which shall include proforma
1273 balance sheets, income statements and monthly cash flow
1274 statements).

1275 (vii) The business enterprise and/or borrower must
1276 provide financial statements or tax returns for the three (3)
1277 years immediately prior to the proposed loan (in the case of a new
1278 company or enterprise, personal financial statements or tax
1279 returns will be required).

1280 (viii) Credit reports on all persons or entities
1281 with a twenty percent (20%) or greater interest in the business
1282 enterprise and/or borrower.

1283 (ix) Loan proceeds may be used for financing all
1284 project costs associated with development or expansion of a new
1285 small business, including fixed assets, working capital, start-up
1286 costs, rental payments, interest expense during construction and
1287 professional fees related to the project.

1288 (x) Loan proceeds shall not be used to pay off
1289 existing debt for loan consolidation purposes; to finance the
1290 acquisition, construction, improvement or operation of real
1291 property which is to be held primarily for sale or investment; to
1292 provide for, or free funds, for speculation in any kind of
1293 property; or as a loan to owners, partners or stockholders of the
1294 applicant which do not change ownership interest by the applicant.
1295 However, this does not apply to ordinary compensation for services
1296 rendered in the course of business.

1297 (xi) The maximum amount that may be loaned to any
1298 one (1) borrower shall be Two Hundred Fifty Thousand Dollars
1299 (\$250,000.00).

1300 (xii) Where appropriate, the Mississippi
1301 Development Authority may acquire a security interest in or other
1302 lien upon any applicable collateral.

1303 (xiii) The Mississippi Development Authority shall
1304 review each loan before it is made, and no loan shall be made to
1305 any borrower until the loan has been reviewed and approved by the
1306 Mississippi Development Authority.

1307 (b) For the purpose of this subsection, the term
1308 "minority business enterprise" means a socially and economically
1309 disadvantaged small business concern, organized for profit,
1310 performing a commercially useful function which is owned and
1311 controlled by one or more minorities or minority business
1312 enterprises certified by the Mississippi Development Authority, at
1313 least fifty percent (50%) of whom are resident citizens of the
1314 State of Mississippi. For purposes of this subsection, the term
1315 "socially and economically disadvantaged small business concern"
1316 shall have the meaning ascribed to such term under the Small
1317 Business Act (15 USCS, Section 637(a)), or women, and the term
1318 "owned and controlled" means a business in which one or more
1319 minorities or minority business enterprises certified by the
1320 Mississippi Development Authority own sixty percent (60%) or, in
1321 the case of a corporation, sixty percent (60%) of the voting
1322 stock, and control sixty percent (60%) of the management and daily
1323 business operations of the business.

1324 From and after July 1, 2006, monies not loaned or granted by
1325 the Mississippi Development Authority to planning and development
1326 districts or qualified entities under this subsection, and monies
1327 not loaned by planning and development districts or qualified
1328 entities, shall be deposited to the credit of the sinking fund
1329 created and maintained in the State Treasury for the retirement of
1330 bonds issued under Section 69-2-19.

1331 (c) Notwithstanding any other provision of this
1332 subsection to the contrary, if federal funds are not available for
1333 commitments made by a planning and development district to provide
1334 assistance under any federal loan program administered by the
1335 planning and development district in coordination with the
1336 Appalachian Regional Commission or Economic Development
1337 Administration, or both, a planning and development district may
1338 use funds in its loan revolving fund, which have not been
1339 committed otherwise to provide assistance, for the purpose of
1340 providing temporary funding for such commitments. If a planning
1341 and development district uses uncommitted funds in its loan
1342 revolving fund to provide such temporary funding, the district
1343 shall use funds repaid to the district under the temporarily
1344 funded federal loan program to replenish the funds used to provide
1345 the temporary funding. Funds used by a planning and development
1346 district to provide temporary funding under this paragraph (c)
1347 must be repaid to the district's loan revolving fund no later than
1348 twelve (12) months after the date the district provides the
1349 temporary funding. A planning and development district may not
1350 use uncommitted funds in its loan revolving fund to provide
1351 temporary funding under this paragraph (c) on more than two (2)
1352 occasions during a calendar year. A planning and development
1353 district may provide temporary funding for multiple commitments on
1354 each such occasion. The maximum aggregate amount of uncommitted
1355 funds in a loan revolving fund that may be used for such purposes
1356 during a calendar year shall not exceed seventy percent (70%) of
1357 the uncommitted funds in the loan revolving fund on the date the
1358 district first provides temporary funding during the calendar
1359 year.

1360 (d) If the Mississippi Development Authority determines
1361 that a planning and development district or qualified entity has
1362 provided loans to minority businesses in a manner inconsistent
1363 with the provisions of this subsection, then the amount of such
1364 loans so provided shall be withheld by the Mississippi Development
1365 Authority from any additional grant funds to which the planning

1366 and development district or qualified entity becomes entitled
1367 under this subsection. If the Mississippi Development Authority
1368 determines, after notifying such planning and development district
1369 or qualified entity twice in writing and providing such planning
1370 and development district or qualified entity a reasonable
1371 opportunity to comply, that a planning and development district or
1372 qualified entity has consistently failed to comply with this
1373 subsection, the Mississippi Development Authority may declare such
1374 planning and development district or qualified entity in default
1375 under this subsection and, upon receipt of notice thereof from the
1376 Mississippi Development Authority, such planning and development
1377 district or qualified entity shall immediately cease providing
1378 loans under this subsection, shall refund to the Mississippi
1379 Development Authority for distribution to other planning and
1380 development districts or qualified entities all funds held in its
1381 revolving loan fund and, if required by the Mississippi
1382 Development Authority, shall convey to the Mississippi Development
1383 Authority, all administrative and management control of loans
1384 provided by it under this subsection.

1385 (e) If the Mississippi Development Authority
1386 determines, after notifying a planning and development district or
1387 qualified entity twice in writing and providing copies of such
1388 notification to each member of the Legislature in whose district
1389 or in a part of whose district such planning and development
1390 district or qualified entity is located and providing such
1391 planning and development district or qualified entity a reasonable
1392 opportunity to take corrective action, that a planning and
1393 development district or qualified entity administering a revolving
1394 loan fund under the provisions of this subsection is not actively
1395 engaged in lending as defined by the rules and regulations of the
1396 Mississippi Development Authority, the Mississippi Development
1397 Authority may declare such planning and development district or
1398 qualified entity in default under this subsection and, upon
1399 receipt of notice thereof from the Mississippi Development
1400 Authority, such planning and development district or qualified

1401 entity shall immediately cease providing loans under this
1402 subsection, shall refund to the Mississippi Development Authority
1403 for distribution to other planning and development districts or
1404 qualified entities all funds held in its revolving loan fund and,
1405 if required by the Mississippi Development Authority, shall convey
1406 to the Mississippi Development Authority all administrative and
1407 management control of loans provided by it under this subsection.

1408 (5) The Mississippi Development Authority shall develop a
1409 program which will assist minority business enterprises by
1410 guaranteeing bid, performance and payment bonds which such
1411 minority businesses are required to obtain in order to contract
1412 with federal agencies, state agencies or political subdivisions of
1413 the state. Monies for such program shall be drawn from the monies
1414 allocated under subsection (4) of this section to assist the
1415 financing of minority economic development and shall not exceed
1416 Three Million Dollars (\$3,000,000.00) in the aggregate. The
1417 Mississippi Development Authority may promulgate rules and
1418 regulations for the operation of the program established pursuant
1419 to this subsection. For the purpose of this subsection (5) the
1420 term "minority business enterprise" has the meaning assigned such
1421 term in subsection (4) of this section.

1422 (6) The Mississippi Development Authority may loan or grant
1423 to public entities and to nonprofit corporations funds to defray
1424 the expense of financing (or to match any funds available from
1425 other public or private sources for the expense of financing)
1426 projects in this state which are devoted to the study, teaching
1427 and/or promotion of regional crafts and which are deemed by the
1428 authority to be significant tourist attractions. The monies
1429 loaned or granted shall be drawn from the Emerging Crops Fund and
1430 shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00)
1431 in the aggregate.

1432 (7) Through June 30, 2006, the Mississippi Development
1433 Authority shall make available to the Mississippi Department of
1434 Agriculture and Commerce funds for the purpose of establishing
1435 loan revolving funds and other methods of financing for

1436 agribusiness programs administered under the Mississippi
1437 Agribusiness Council Act of 1993. The monies made available by
1438 the Mississippi Development Authority shall be drawn from the
1439 Emerging Crops Fund and shall not exceed One Million Two Hundred
1440 Thousand Dollars (\$1,200,000.00) in the aggregate. The
1441 Mississippi Department of Agriculture and Commerce shall establish
1442 control and auditing procedures for use of these funds. These
1443 funds will be used primarily for quick payment to farmers for
1444 vegetable and fruit crops processed and sold through vegetable
1445 processing plants associated with the Department of Agriculture
1446 and Commerce and the Mississippi State Extension Service.

1447 (8) From and after July 1, 1996, the Mississippi Development
1448 Authority shall make available to the Mississippi Small Farm
1449 Development Center One Million Dollars (\$1,000,000.00) to be used
1450 by the center to assist small entrepreneurs as provided in Section
1451 37-101-25, Mississippi Code of 1972. The monies made available by
1452 the Mississippi Development Authority shall be drawn from the
1453 Emerging Crops Fund.

1454 (9) The Mississippi Development Authority shall make
1455 available to the Agribusiness and Natural Resource Development
1456 Center through Alcorn State University an amount not to exceed Two
1457 Hundred Fifty Thousand Dollars (\$250,000.00) in fiscal year 2001
1458 and Two Hundred Fifty Thousand Dollars (\$250,000.00) in fiscal
1459 year 2002 from the cash balance of the Emerging Crops Fund to
1460 support the development of a cooperative program for agribusiness
1461 development, marketing and natural resources development. This
1462 subsection (9) shall stand repealed on June 30, 2006.

1463 (10) The Mississippi Development Authority shall make
1464 available to the Small Farm Development Center at Alcorn State
1465 University funds in an aggregate amount not to exceed Three
1466 Hundred Thousand Dollars (\$300,000.00), to be drawn from the cash
1467 balance of the Emerging Crops Fund. The Small Farm Development
1468 Center at Alcorn State University shall use such funds to make
1469 loans to producers of sweet potatoes and cooperatives anywhere in
1470 the State of Mississippi owned by sweet potato producers to assist

1471 in the planting of sweet potatoes and the purchase of sweet potato
1472 production and harvesting equipment. A report of the loans made
1473 under this subsection shall be furnished by January 15 of each
1474 year to the Chairman of the Senate Agriculture Committee and the
1475 Chairman of the House Agriculture Committee.

1476 (11) The Mississippi Development Authority shall make
1477 available to the Mississippi Department of Agriculture and
1478 Commerce "Make Mine Mississippi" program an amount not to exceed
1479 One Hundred Fifty Thousand Dollars (\$150,000.00) to be drawn from
1480 the cash balance of the Emerging Crops Fund.

1481 (12) The Mississippi Development Authority shall make
1482 available to the Mississippi Department of Agriculture and
1483 Commerce an amount not to exceed One Hundred Fifty Thousand
1484 Dollars (\$150,000.00) to be drawn from the cash balance of the
1485 Emerging Crops Fund to be used for the rehabilitation and
1486 maintenance of the Mississippi Farmers Central Market in Jackson,
1487 Mississippi.

1488 (13) The Mississippi Development Authority shall make
1489 available to the Mississippi Department of Agriculture and
1490 Commerce an amount not to exceed Twenty-five Thousand Dollars
1491 (\$25,000.00) to be drawn from the cash balance of the Emerging
1492 Crops Fund to be used for advertising purposes related to the
1493 Mississippi Farmers Central Market in Jackson, Mississippi.

1494 (14) (a) The Mississippi Development Authority shall, in
1495 addition to the other programs described in this section, provide
1496 for a program of loan guaranties to be made on behalf of any
1497 nonprofit entity qualified under Section 501(c)(3) of the Internal
1498 Revenue Code and certified by the United States Department of the
1499 Treasury as a community development financial institution for the
1500 purpose of encouraging the extension of financing to such an
1501 entity which financing the entity will use to make funds available
1502 to other entities for the purpose of making loans available in
1503 low-income communities in Mississippi. Monies to make such loan
1504 guaranties by the Mississippi Development Authority shall be drawn
1505 from the Emerging Crops Fund and shall not exceed Two Million

1506 Dollars (\$2,000,000.00) in the aggregate. The amount of a loan
1507 guaranty on behalf of such an entity under this subsection (14)
1508 shall not exceed Two Million Dollars (\$2,000,000.00). Assistance
1509 received by an entity under this subsection (14) shall not
1510 disqualify the entity from obtaining any other assistance under
1511 this chapter.

1512 (b) An entity desiring assistance under this subsection
1513 (14) must submit an application to the Mississippi Development
1514 Authority. The application must include any information required
1515 by the Mississippi Development Authority.

1516 (c) The Mississippi Development Authority shall have
1517 all powers necessary to implement and administer the program
1518 established under this subsection (14), and the Mississippi
1519 Development Authority shall promulgate rules and regulations, in
1520 accordance with the Mississippi Administrative Procedures Law,
1521 necessary for the implementation of this subsection (14).

1522 **SECTION 13.** Section 57-30-5, Mississippi Code of 1972, is
1523 amended as follows:

1524 57-30-5. (1) The MDA shall develop, implement and
1525 administer the incentive program authorized in this chapter and
1526 shall promulgate rules and regulations necessary for the
1527 development, implementation and administration of such program.

1528 (2) A person, corporation or other entity desiring to
1529 participate in the incentive payment program authorized in this
1530 chapter must submit an application to the MDA. Such application
1531 must contain (a) plans for the proposed project; (b) a detailed
1532 description of the proposed project; (c) the method of financing
1533 the proposed project and the terms of such financing; (d) a
1534 two-year business plan for the project (which shall include at a
1535 minimum proforma balance sheets, income statements and monthly
1536 cash flow statements); (e) financial statements or tax returns for
1537 the three (3) years immediately prior to the application (if the
1538 project is a new company or enterprise, personal financial
1539 statements or tax returns will be required); (f) credit reports on
1540 all persons or entities with a twenty percent (20%) or greater

1541 interest in the project; and (g) any other information required by
1542 the MDA. In addition, the MDA shall require that binding
1543 commitments be entered into requiring that: (a) the applicable
1544 minimum requirements of this chapter and such other requirements
1545 as the MDA considers proper shall be met; and (b) if the agreed
1546 upon commitments are not met, all or a portion of the funds
1547 provided under this chapter as determined by the MDA shall be
1548 repaid. Where appropriate, the MDA may acquire a security
1549 interest in or other lien upon any applicable collateral. The
1550 Executive Director of the MDA shall review the application and
1551 determine whether it qualifies as a project. If the executive
1552 director determines the proposed project qualifies as a project,
1553 he shall issue a certificate to the person, corporation or other
1554 entity designating such person, corporation or other entity as an
1555 approved participant and authorizing the approved participant to
1556 participate in the incentive payment program provided for in this
1557 chapter; however, no certificates shall be issued after July 1,
1558 2004, for projects that pertain to facilities whose primary
1559 purpose is the retail sale of tangible personal property.

1560 (3) This section shall stand repealed from and after July 1,
1561 2006.

1562 **SECTION 14.** This act shall take effect and be in force from
1563 and after July 1, 2005.

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

1 AN ACT TO CREATE THE MISSISSIPPI AGRICULTURAL DEVELOPMENT
2 ADVISORY COUNCIL AND PRESCRIBE ITS MEMBERSHIP, POWERS AND DUTIES;
3 TO AMEND SECTIONS 69-46-5 AND 69-46-7, MISSISSIPPI CODE OF 1972,
4 TO TRANSFER THE POWERS AND DUTIES OF THE MISSISSIPPI LAND, WATER
5 AND TIMBER RESOURCES BOARD TO THE MISSISSIPPI DEVELOPMENT
6 AUTHORITY; TO REQUIRE PRIVATE COMPANIES SEEKING ASSISTANCE FROM
7 THE MISSISSIPPI LAND, WATER AND TIMBER RESOURCES BOARD TO PROVIDE
8 THE AUTHORITY WITH CERTAIN INFORMATION AND ENTER INTO CERTAIN
9 AGREEMENTS; TO REPEAL SECTION 69-46-3, MISSISSIPPI CODE OF 1972,
10 WHICH CREATES THE MISSISSIPPI LAND, WATER AND TIMBER RESOURCES
11 BOARD AND PROVIDES FOR ITS PURPOSE, MEMBERSHIP AND MEETINGS; TO
12 AMEND SECTIONS 57-1-16, 57-61-9, 57-75-11, 57-85-5, 65-4-7,
13 65-4-9, 69-2-13 AND 57-30-5, MISSISSIPPI CODE OF 1972, TO PROVIDE
14 THAT COMPANIES SEEKING ASSISTANCE FROM THE ACE FUND UNDER THE
15 MISSISSIPPI BUSINESS INVESTMENT ACT, UNDER THE MISSISSIPPI MAJOR
16 ECONOMIC IMPACT ACT, UNDER THE MISSISSIPPI RURAL IMPACT ACT, UNDER
17 THE ECONOMIC DEVELOPMENT HIGHWAY ACT, FROM THE EMERGING CROPS FUND
18 FOR THE PURPOSE OF FINANCING MINORITY ECONOMIC DEVELOPMENT, AND

19 FROM THE SALES TAX INCENTIVE FUND, SHALL BE REQUIRED TO SUBMIT
20 CERTAIN INFORMATION AND ENTER INTO CERTAIN AGREEMENTS THAT REQUIRE
21 THE REPAYMENT OF ALL OR A PORTION OF THE ASSISTANCE IF THE
22 AGREEMENTS ARE NOT FULFILLED; AND FOR RELATED PURPOSES.

SS26\HB1247A.J

John O. Gilbert
Secretary of the Senate