

By: Representatives Mayo, Hamilton (6th),  
Jennings, Mayhall, Woods

To: Ways and Means

HOUSE BILL NO. 1636

1 AN ACT TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI  
3 MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-15, MISSISSIPPI  
4 CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF BONDS FOR CERTAIN  
5 PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 57-75-5, Mississippi Code of 1972, is  
9 amended as follows:

10 57-75-5. Words and phrases used in this chapter shall have  
11 meanings as follows, unless the context clearly indicates a  
12 different meaning:

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14 Act as originally enacted or as hereafter amended.

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

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

20 (d) "Facility related to the project" means and  
21 includes any of the following, as the same may pertain to the  
22 project within the project area: (i) facilities to provide  
23 potable and industrial water supply systems, sewage and waste  
24 disposal systems and water, natural gas and electric transmission  
25 systems to the site of the project; (ii) airports, airfields and  
26 air terminals; (iii) rail lines; (iv) port facilities; (v)  
27 highways, streets and other roadways; (vi) public school  
28 buildings, classrooms and instructional facilities, training  
29 facilities and equipment, including any functionally related

30 facilities; (vii) parks, outdoor recreation facilities and  
31 athletic facilities; (viii) auditoriums, pavilions, campgrounds,  
32 art centers, cultural centers, folklore centers and other public  
33 facilities; (ix) health care facilities, public or private; and  
34 (x) fire protection facilities, equipment and elevated water  
35 tanks.

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

41 (f) "Project" means:

42 (i) Any industrial, commercial, research and  
43 development, warehousing, distribution, transportation,  
44 processing, mining, United States government or tourism enterprise  
45 together with all real property required for construction,  
46 maintenance and operation of the enterprise with an initial  
47 capital investment of not less than Three Hundred Million Dollars  
48 (\$300,000,000.00) from private or United States government sources  
49 together with all buildings, and other supporting land and  
50 facilities, structures or improvements of whatever kind required  
51 or useful for construction, maintenance and operation of the  
52 enterprise; or with an initial capital investment of not less than  
53 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
54 or United States government sources together with all buildings  
55 and other supporting land and facilities, structures or  
56 improvements of whatever kind required or useful for construction,  
57 maintenance and operation of the enterprise and which creates at  
58 least one thousand (1,000) net new full-time jobs; or which  
59 creates at least one thousand (1,000) net new full-time jobs which  
60 provides an average salary, excluding benefits which are not  
61 subject to Mississippi income taxation, of at least one hundred  
62 twenty-five percent (125%) of the most recently published average

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

86 (ii) 1. Any major capital project designed to  
87 improve, expand or otherwise enhance any active duty or reserve  
88 United States armed services bases and facilities or any major  
89 Mississippi National Guard training installations, their support  
90 areas or their military operations, upon designation by the  
91 authority that any such base was or is at risk to be recommended  
92 for closure or realignment pursuant to the Defense Base Closure  
93 and Realignment Act of 1990, as amended, or other applicable  
94 federal law; or any major development project determined by the  
95 authority to be necessary to acquire or improve base properties

96 and to provide employment opportunities through construction of  
97 projects as defined in Section 57-3-5, which shall be located on  
98 or provide direct support service or access to such military  
99 installation property in the event of closure or reduction of  
100 military operations at the installation.

101                   2. Any major study or investigation related  
102 to such a facility, installation or base, upon a determination by  
103 the authority that the study or investigation is critical to the  
104 expansion, retention or reuse of the facility, installation or  
105 base.

106                   3. Any project as defined in Section 57-3-5,  
107 any business or enterprise determined to be in the furtherance of  
108 the public purposes of this act as determined by the authority or  
109 any facility related to such project each of which shall be,  
110 directly or indirectly, related to any military base or other  
111 military-related facility no longer operated by the United States  
112 armed services or the Mississippi National Guard.

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

116                   (iv) 1. Any major capital project with an initial  
117 capital investment from private sources of not less than Seven  
118 Hundred Fifty Million Dollars (\$750,000,000.00) which will create  
119 at least three thousand (3,000) jobs meeting criteria established  
120 by the Mississippi Development Authority.

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

128                   (v) Any manufacturing, processing or industrial  
129 project determined by the authority, in its sole discretion, to  
130 contribute uniquely and significantly to the economic growth and  
131 development of the state, and which meets the following criteria:

132                   1. The project shall create at least two  
133 thousand (2,000) net new full-time jobs meeting criteria  
134 established by the authority, which criteria shall include, but  
135 not be limited to, the requirement that such jobs must be held by  
136 persons eligible for employment in the United States under  
137 applicable state and federal law.

138                   2. The project and any facility related to  
139 the project shall include a total investment from private sources  
140 of not less than Sixty Million Dollars (\$60,000,000.00), or from  
141 any combination of sources of not less than Eighty Million Dollars  
142 (\$80,000,000.00).

143                   (vi) Any real property owned or controlled by the  
144 National Aeronautics and Space Administration, the United States  
145 government, or any agency thereof, which is legally conveyed to  
146 the State of Mississippi or to the State of Mississippi for the  
147 benefit of the Mississippi Major Economic Impact Authority, its  
148 successors and assigns pursuant to Section 212 of Public Law  
149 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

150                   (vii) Any major capital project related to the  
151 establishment, improvement, expansion and/or other enhancement of  
152 any active duty military installation and having a minimum capital  
153 investment from any source or combination of sources other than  
154 the State of Mississippi of at least Forty Million Dollars  
155 (\$40,000,000.00), and which will create at least four hundred  
156 (400) military installation related full-time jobs, which jobs may  
157 be military jobs, civilian jobs or a combination of military and  
158 civilian jobs. The authority shall require that binding  
159 commitments be entered into requiring that the minimum

160 requirements for the project provided for in this subparagraph  
161 shall be met not later than July 1, 2008.

162 (viii) Any major capital project with an initial  
163 capital investment from any source or combination of sources of  
164 not less than Ten Million Dollars (\$10,000,000.00) which will  
165 create at least eighty (80) full-time jobs which provide an  
166 average annual salary, excluding benefits which are not subject to  
167 Mississippi income taxes, of at least one hundred thirty-five  
168 percent (135%) of the most recently published average annual wage  
169 of the state or the most recently published average annual wage of  
170 the county in which the project is located as determined by the  
171 Mississippi Department of Employment Security, whichever is the  
172 lesser. The authority shall require that binding commitments be  
173 entered into requiring that:

174 1. The minimum requirements for the project  
175 provided for in this subparagraph shall be met, and

176 2. That if such commitments are not met, all  
177 or a portion of the funds provided by the state for the project as  
178 determined by the authority shall be repaid.

179 (ix) Any regional retail shopping mall with an  
180 initial capital investment from private sources in excess of One  
181 Hundred Fifty Million Dollars (\$150,000,000.00), with a square  
182 footage in excess of eight hundred thousand (800,000) square feet,  
183 which will create at least seven hundred (700) full-time jobs with  
184 an average hourly wage of Eleven Dollars (\$11.00) per hour. The  
185 authority shall require that binding commitments be entered into  
186 requiring that:

187 1. The minimum requirements for the project  
188 provided for in this subparagraph shall be met, and

189 2. That if such commitments are not met, all  
190 or a portion of the funds provided by the state for the project as  
191 determined by the authority shall be repaid.

192                   (x) Any major capital project with an initial  
193 capital investment from any source or combination of sources of  
194 not less than Seventy-five Million Dollars (\$75,000,000.00) which  
195 will create at least one hundred twenty-five (125) full-time jobs  
196 which provide an average annual salary, excluding benefits which  
197 are not subject to Mississippi income taxes, of at least one  
198 hundred thirty-five percent (135%) of the most recently published  
199 average annual wage of the state or the most recently published  
200 average annual wage of the county in which the project is located  
201 as determined by the Mississippi Department of Employment  
202 Security, whichever is the greater. The authority shall require  
203 that binding commitments be entered into requiring that:

204                   1. The minimum requirements for the project  
205 provided for in this subparagraph shall be met; and

206                   2. That if such commitments are not met, all  
207 or a portion of the funds provided by the state for the project as  
208 determined by the authority shall be repaid.

209                   (xi) Any potential major capital project that the  
210 authority has determined is feasible to recruit.

211                   (xii) Any project built according to the  
212 specifications and federal provisions set forth by the National  
213 Aeronautics and Space Administration Center Operations Directorate  
214 at Stennis Space Center for the purpose of consolidating common  
215 services from National Aeronautics and Space Administration  
216 centers in human resources, procurement, financial management and  
217 information technology located on land owned or controlled by the  
218 National Aeronautics and Space Administration, which will create  
219 at least four hundred seventy (470) full-time jobs.

220                   (xiii) Any major capital project with an initial  
221 capital investment from any source or combination of sources of  
222 not less than Ten Million Dollars (\$10,000,000.00) which will  
223 create at least two hundred fifty (250) full-time jobs. The

224 authority shall require that binding commitments be entered into  
225 requiring that:

226                   1. The minimum requirements for the project  
227 provided for in this subparagraph shall be met; and

228                   2. That if such commitments are not met, all  
229 or a portion of the funds provided by the state for the project as  
230 determined by the authority shall be repaid.

231                   (xiv) Any major pharmaceutical facility with a  
232 capital investment of not less than Fifty Million Dollars  
233 (\$50,000,000.00) made after July 1, 2002, through four (4) years  
234 after the initial date of any loan or grant made by the authority  
235 for such project, which will maintain at least seven hundred fifty  
236 (750) full-time employees. The authority shall require that  
237 binding commitments be entered into requiring that:

238                   1. The minimum requirements for the project  
239 provided for in this subparagraph shall be met; and

240                   2. That if such commitments are not met, all  
241 or a portion of the funds provided by the state for the project as  
242 determined by the authority shall be repaid.

243                   (xv) Any pharmaceutical manufacturing, packaging  
244 and distribution facility with an initial capital investment from  
245 any local or federal sources of not less than Five Hundred  
246 Thousand Dollars (\$500,000.00) which will create at least ninety  
247 (90) full-time jobs. The authority shall require that binding  
248 commitments be entered into requiring that:

249                   1. The minimum requirements for the project  
250 provided for in this subparagraph shall be met; and

251                   2. That if such commitments are not met, all  
252 or a portion of the funds provided by the state for the project as  
253 determined by the authority shall be repaid.

254                   (xvi) Any major industrial wood processing  
255 facility with an initial capital investment of not less than One  
256 Hundred Million Dollars (\$100,000,000.00) which will create at



257 least one hundred twenty-five (125) full-time jobs which provide  
258 an average annual salary, excluding benefits which are not subject  
259 to Mississippi income taxes, of at least Thirty Thousand Dollars  
260 (\$30,000.00). The authority shall require that binding  
261 commitments be entered into requiring that:

262 1. The minimum requirements for the project  
263 provided for in this subparagraph shall be met; and

264 2. That if such commitments are not met, all  
265 or a portion of the funds provided by the state for the project as  
266 determined by the authority shall be repaid.

267 (xvii) Any technical, engineering,  
268 manufacturing-logistic service provider with an initial capital  
269 investment of not less than One Million Dollars (\$1,000,000.00)  
270 which will create at least ninety (90) full-time jobs. The  
271 authority shall require that binding commitments be entered into  
272 requiring that:

273 1. The minimum requirements for the project  
274 provided for in this subparagraph shall be met; and

275 2. That if such commitments are not met, all  
276 or a portion of the funds provided by the state for the project as  
277 determined by the authority shall be repaid.

278 (xviii) Any major capital project with an initial  
279 capital investment from any source or combination of sources other  
280 than the State of Mississippi of not less than Six Hundred Million  
281 Dollars (\$600,000,000.00) which will create at least four hundred  
282 fifty (450) full-time jobs with an average annual salary,  
283 excluding benefits which are not subject to Mississippi income  
284 taxes, of at least Seventy Thousand Dollars (\$70,000.00). The  
285 authority shall require that binding commitments be entered into  
286 requiring that:

287 1. The minimum requirements for the project  
288 provided for in this subparagraph shall be met, and

289                   2. That if such commitments are not met, all  
290 or a portion of the funds provided by the state for the project as  
291 determined by the authority shall be repaid.

292                   (xix) Any master planned community consisting of  
293 not less than four thousand five hundred (4,500) acres that  
294 includes residential, commercial, tourism, healthcare, open space  
295 and recreational components with a capital investment from private  
296 sources of not less than One Billion Dollars (\$1,000,000,000.00)  
297 over a ten-year period, which will create at least two thousand  
298 five hundred (2,500) jobs. The authority shall require that  
299 binding commitments be entered into requiring that:

300                   1. The minimum requirements for the project  
301 provided for in this subparagraph shall be met; and

302                   2. That if such commitments are not met, all  
303 or a portion of the funds provided by the state for the project as  
304 determined by the authority shall be repaid.

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

316                   (h) "Public agency" means:

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

319                   (ii) Any city, town, county, political  
320 subdivision, school district or other district created or existing  
321 under the laws of the state or any public agency of any such city,

322 town, county, political subdivision or district or any other  
323 public entity created or existing under local and private  
324 legislation;

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

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

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

331 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
332 the project in lieu of any franchise taxes imposed on the project  
333 by Chapter 13, Title 27, Mississippi Code of 1972. The  
334 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
335 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
336 enterprise operating an existing project defined in Section  
337 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
338 for other existing enterprises that fall within the definition of  
339 the term "project."

340 **SECTION 2.** Section 57-75-15, Mississippi Code of 1972, is  
341 amended as follows:

342 57-75-15. (1) Upon notification to the authority by the  
343 enterprise that the state has been finally selected as the site  
344 for the project, the State Bond Commission shall have the power  
345 and is hereby authorized and directed, upon receipt of a  
346 declaration from the authority as hereinafter provided, to borrow  
347 money and issue general obligation bonds of the state in one or  
348 more series for the purposes herein set out. Upon such  
349 notification, the authority may thereafter from time to time  
350 declare the necessity for the issuance of general obligation bonds  
351 as authorized by this section and forward such declaration to the  
352 State Bond Commission, provided that before such notification, the  
353 authority may enter into agreements with the United States  
354 government, private companies and others that will commit the

355 authority to direct the State Bond Commission to issue bonds for  
356 eligible undertakings set out in subsection (4) of this section,  
357 conditioned on the siting of the project in the state.

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

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

367 (b) Bonds issued under the authority of this section  
368 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
369 Sixty-one Million Dollars (\$61,000,000.00). The authority, with  
370 the express direction of the State Bond Commission, is authorized  
371 to expend any remaining proceeds of bonds issued under the  
372 authority of this act prior to January 1, 1998, for the purpose of  
373 financing projects as then defined in Section 57-75-5(f)(ii) or  
374 for any other projects as defined in Section 57-75-5(f)(ii), as it  
375 may be amended from time to time. If there are any monetary  
376 proceeds derived from the disposition of any improvements located  
377 on real property in Kemper County purchased pursuant to this act  
378 for projects related to the NAAS and if there are any monetary  
379 proceeds derived from the disposition of any timber located on  
380 real property in Kemper County purchased pursuant to this act for  
381 projects related to the NAAS, all of such proceeds (both from the  
382 disposition of improvements and the disposition of timber)  
383 commencing July 1, 1996, through June 30, 2010, shall be paid to  
384 the Board of Education of Kemper County, Mississippi, for  
385 expenditure by such board of education to benefit the public  
386 schools of Kemper County. No bonds shall be issued under this  
387 paragraph (b) until the State Bond Commission by resolution adopts

388 a finding that the issuance of such bonds will improve, expand or  
389 otherwise enhance the military installation, its support areas or  
390 military operations, or will provide employment opportunities to  
391 replace those lost by closure or reductions in operations at the  
392 military installation or will support critical studies or  
393 investigations authorized by Section 57-75-5(f)(ii).

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

398 (d) Bonds issued under the authority of this section  
399 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
400 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
401 additional amount of bonds in an amount not to exceed Twelve  
402 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
403 issued under the authority of this section for the purpose of  
404 defraying costs associated with the construction of surface water  
405 transmission lines for a project defined in Section 57-75-5(f)(iv)  
406 or for any facility related to the project. No bonds shall be  
407 issued under this paragraph after June 30, 2005.

408 (e) Bonds issued under the authority of this section  
409 for projects defined in Section 57-75-5(f)(v) and for facilities  
410 related to such projects shall not exceed Thirty-eight Million  
411 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be  
412 issued under this paragraph after April 1, 2005.

413 (f) Bonds issued under the authority of this section  
414 for projects defined in Section 57-75-5(f)(vii) shall not exceed  
415 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
416 under this paragraph after June 30, 2006.

417 (g) Bonds issued under the authority of this section  
418 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
419 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No  
420 bonds shall be issued under this paragraph after June 30, 2007.

421 (h) Bonds issued under the authority of this section  
422 for projects defined in Section 57-75-5(f)(ix) shall not exceed  
423 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
424 under this paragraph after June 30, 2007.

425 (i) Bonds issued under the authority of this section  
426 for projects defined in Section 57-75-5(f)(x) shall not exceed  
427 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
428 under this paragraph after April 1, 2005.

429 (j) Bonds issued under the authority of this section  
430 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
431 Twenty-three Million Seven Hundred Thousand Dollars  
432 (\$23,700,000.00). No bonds shall be issued under this paragraph  
433 until local governments in or near the county in which the project  
434 is located have irrevocably committed funds to the project in an  
435 amount of not less than Two Million Five Hundred Thousand Dollars  
436 (\$2,500,000.00) in the aggregate. No bonds shall be issued under  
437 this paragraph after June 30, 2008.

438 (k) Bonds issued under the authority of this section  
439 for projects defined in Section 57-75-5(f)(xiii) shall not exceed  
440 Three Million Dollars (\$3,000,000.00). No bonds shall be issued  
441 under this paragraph after June 30, 2009.

442 (l) Bonds issued under the authority of this section  
443 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
444 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
445 issued under this paragraph until local governments in the county  
446 in which the project is located have irrevocably committed funds  
447 to the project in an amount of not less than Two Million Dollars  
448 (\$2,000,000.00). No bonds shall be issued under this paragraph  
449 after June 30, 2009.

450 (m) Bonds issued under the authority of this section  
451 for projects defined in Section 57-75-5(f)(xv) shall not exceed  
452 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
453 issued under this paragraph after June 30, 2009.

454           (n) Bonds issued under the authority of this section  
455 for projects defined in Section 57-75-5(f)(xvi) shall not exceed  
456 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
457 under this paragraph after June 30, 2009.

458           (o) Bonds issued under the authority of this section  
459 for projects defined in Section 57-75-5(f)(xvii) shall not exceed  
460 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No  
461 bonds shall be issued under this paragraph after June 30, 2009.

462           (p) Bonds issued under the authority of this section  
463 for projects defined in Section 57-75-5(f)(xviii) shall not exceed  
464 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be  
465 issued under this paragraph after June 30, 2016.

466           (q) Bonds issued under the authority of this section  
467 for projects defined in Section 57-75-5(f)(xix) shall not exceed  
468 Fifty-seven Million Dollars (\$57,000,000.00). No bonds shall be  
469 issued under this paragraph after June 30, 2020.

470           (4) (a) The proceeds from the sale of the bonds issued  
471 under this section may be applied for the following purposes:

472                   (i) Defraying all or any designated portion of the  
473 costs incurred with respect to acquisition, planning, design,  
474 construction, installation, rehabilitation, improvement,  
475 relocation and with respect to state-owned property, operation and  
476 maintenance of the project and any facility related to the project  
477 located within the project area, including costs of design and  
478 engineering, all costs incurred to provide land, easements and  
479 rights-of-way, relocation costs with respect to the project and  
480 with respect to any facility related to the project located within  
481 the project area, and costs associated with mitigation of  
482 environmental impacts and environmental impact studies;

483                   (ii) Defraying the cost of providing for the  
484 recruitment, screening, selection, training or retraining of  
485 employees, candidates for employment or replacement employees of  
486 the project and any related activity;

487 (iii) Reimbursing the Mississippi Development  
488 Authority for expenses it incurred in regard to projects defined  
489 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
490 Mississippi Development Authority shall submit an itemized list of  
491 expenses it incurred in regard to such projects to the Chairmen of  
492 the Finance and Appropriations Committees of the Senate and the  
493 Chairmen of the Ways and Means and Appropriations Committees of  
494 the House of Representatives;

495 (iv) Providing grants to enterprises operating  
496 projects defined in Section 57-75-5(f)(iv)1;

497 (v) Paying any warranty made by the authority  
498 regarding site work for a project defined in Section  
499 57-75-5(f)(iv)1;

500 (vi) Defraying the cost of marketing and promotion  
501 of a project as defined in Section 57-75-5(f)(iv)1. The authority  
502 shall submit an itemized list of costs incurred for marketing and  
503 promotion of such project to the Chairmen of the Finance and  
504 Appropriations Committees of the Senate and the Chairmen of the  
505 Ways and Means and Appropriations Committees of the House of  
506 Representatives;

507 (vii) Providing for the payment of interest on the  
508 bonds;

509 (viii) Providing debt service reserves;

510 (ix) Paying underwriters' discount, original issue  
511 discount, accountants' fees, engineers' fees, attorneys' fees,  
512 rating agency fees and other fees and expenses in connection with  
513 the issuance of the bonds;

514 (x) For purposes authorized in paragraphs (b),  
515 (c), (d), (e) and (f) of this subsection (4);

516 (xi) Providing grants to enterprises operating  
517 projects defined in Section 57-75-5(f)(v), or, in connection with  
518 a facility related to such a project, for any purposes deemed by



519 the authority in its sole discretion to be necessary and  
520 appropriate;

521 (xii) Providing grant funds or loans to a public  
522 agency or an enterprise owning, leasing or operating a project  
523 defined in Section 57-75-5(f)(ii);

524 (xiii) Providing grant funds or loans to an  
525 enterprise owning, leasing or operating a project defined in  
526 Section 57-75-5(f)(xiv);

527 (xiv) Providing grants, loans and payments to or  
528 for the benefit of an enterprise owning or operating a project  
529 defined in Section 57-75-5(f)(xviii); and

530 (xv) Purchasing equipment for a project defined in  
531 Section 57-75-5(f)(viii) subject to such terms and conditions as  
532 the authority considers necessary and appropriate.

533 Such bonds shall be issued from time to time and in such  
534 principal amounts as shall be designated by the authority, not to  
535 exceed in aggregate principal amounts the amount authorized in  
536 subsection (3) of this section. Proceeds from the sale of the  
537 bonds issued under this section may be invested, subject to  
538 federal limitations, pending their use, in such securities as may  
539 be specified in the resolution authorizing the issuance of the  
540 bonds or the trust indenture securing them, and the earning on  
541 such investment applied as provided in such resolution or trust  
542 indenture.

543 (b) (i) The proceeds of bonds issued after June 21,  
544 2002, under this section for projects described in Section  
545 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
546 necessary costs incurred by the Mississippi Development Authority  
547 in providing assistance related to a project for which funding is  
548 provided from the use of proceeds of such bonds. The Mississippi  
549 Development Authority shall maintain an accounting of actual costs  
550 incurred for each project for which reimbursements are sought.  
551 Reimbursements under this paragraph (b)(i) shall not exceed Three

552 Hundred Thousand Dollars (\$300,000.00) in the aggregate.

553 Reimbursements under this paragraph (b)(i) shall satisfy any  
554 applicable federal tax law requirements.

555 (ii) The proceeds of bonds issued after June 21,  
556 2002, under this section for projects described in Section  
557 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
558 necessary costs incurred by the Department of Audit in providing  
559 services related to a project for which funding is provided from  
560 the use of proceeds of such bonds. The Department of Audit shall  
561 maintain an accounting of actual costs incurred for each project  
562 for which reimbursements are sought. The Department of Audit may  
563 escalate its budget and expend such funds in accordance with rules  
564 and regulations of the Department of Finance and Administration in  
565 a manner consistent with the escalation of federal funds.

566 Reimbursements under this paragraph (b)(ii) shall not exceed One  
567 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

568 Reimbursements under this paragraph (b)(ii) shall satisfy any  
569 applicable federal tax law requirements.

570 (c) (i) The proceeds of bonds issued under this  
571 section for projects described in Section 57-75-5(f)(ix) may be  
572 used to reimburse reasonable actual and necessary costs incurred  
573 by the Mississippi Development Authority in providing assistance  
574 related to a project for which funding is provided for the use of  
575 proceeds of such bonds. The Mississippi Development Authority  
576 shall maintain an accounting of actual costs incurred for each  
577 project for which reimbursements are sought. Reimbursements under  
578 this paragraph shall not exceed Twenty-five Thousand Dollars  
579 (\$25,000.00) in the aggregate.

580 (ii) The proceeds of bonds issued under this  
581 section for projects described in Section 57-75-5(f)(ix) may be  
582 used to reimburse reasonable actual and necessary costs incurred  
583 by the Department of Audit in providing services related to a  
584 project for which funding is provided from the use of proceeds of

585 such bonds. The Department of Audit shall maintain an accounting  
586 of actual costs incurred for each project for which reimbursements  
587 are sought. The Department of Audit may escalate its budget and  
588 expend such funds in accordance with rules and regulations of the  
589 Department of Finance and Administration in a manner consistent  
590 with the escalation of federal funds. Reimbursements under this  
591 paragraph shall not exceed Twenty-five Thousand Dollars  
592 (\$25,000.00) in the aggregate. Reimbursements under this  
593 paragraph shall satisfy any applicable federal tax law  
594 requirements.

595 (d) (i) The proceeds of bonds issued under this  
596 section for projects described in Section 57-75-5(f)(x) may be  
597 used to reimburse reasonable actual and necessary costs incurred  
598 by the Mississippi Development Authority in providing assistance  
599 related to a project for which funding is provided for the use of  
600 proceeds of such bonds. The Mississippi Development Authority  
601 shall maintain an accounting of actual costs incurred for each  
602 project for which reimbursements are sought. Reimbursements under  
603 this paragraph shall not exceed Twenty-five Thousand Dollars  
604 (\$25,000.00) in the aggregate.

605 (ii) The proceeds of bonds issued under this  
606 section for projects described in Section 57-75-5(f)(x) may be  
607 used to reimburse reasonable actual and necessary costs incurred  
608 by the Department of Audit in providing services related to a  
609 project for which funding is provided from the use of proceeds of  
610 such bonds. The Department of Audit shall maintain an accounting  
611 of actual costs incurred for each project for which reimbursements  
612 are sought. The Department of Audit may escalate its budget and  
613 expend such funds in accordance with rules and regulations of the  
614 Department of Finance and Administration in a manner consistent  
615 with the escalation of federal funds. Reimbursements under this  
616 paragraph shall not exceed Twenty-five Thousand Dollars  
617 (\$25,000.00) in the aggregate. Reimbursements under this

618 paragraph shall satisfy any applicable federal tax law  
619 requirements.

620 (e) (i) The proceeds of bonds issued under this  
621 section for projects described in Section 57-75-5(f)(xii) may be  
622 used to reimburse reasonable actual and necessary costs incurred  
623 by the Mississippi Development Authority in providing assistance  
624 related to a project for which funding is provided from the use of  
625 proceeds of such bonds. The Mississippi Development Authority  
626 shall maintain an accounting of actual costs incurred for each  
627 project for which reimbursements are sought. Reimbursements under  
628 this paragraph (e)(i) shall not exceed Twenty-five Thousand  
629 Dollars (\$25,000.00) in the aggregate.

630 (ii) The proceeds of bonds issued under this  
631 section for projects described in Section 57-75-5(f)(xii) may be  
632 used to reimburse reasonable actual and necessary costs incurred  
633 by the Department of Audit in providing services related to a  
634 project for which funding is provided from the use of proceeds of  
635 such bonds. The Department of Audit shall maintain an accounting  
636 of actual costs incurred for each project for which reimbursements  
637 are sought. The Department of Audit may escalate its budget and  
638 expend such funds in accordance with rules and regulations of the  
639 Department of Finance and Administration in a manner consistent  
640 with the escalation of federal funds. Reimbursements under this  
641 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars  
642 (\$25,000.00) in the aggregate. Reimbursements under this  
643 paragraph (e)(ii) shall satisfy any applicable federal tax law  
644 requirements.

645 (f) (i) The proceeds of bonds issued under this  
646 section for projects described in Section 57-75-5(f)(xiii),  
647 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used  
648 to reimburse reasonable actual and necessary costs incurred by the  
649 Mississippi Development Authority in providing assistance related  
650 to a project for which funding is provided from the use of

651 proceeds of such bonds. The Mississippi Development Authority  
652 shall maintain an accounting of actual costs incurred for each  
653 project for which reimbursements are sought. Reimbursements under  
654 this paragraph (f)(i) shall not exceed Twenty-five Thousand  
655 Dollars (\$25,000.00) for each project.

656 (ii) The proceeds of bonds issued under this  
657 section for projects described in Section 57-75-5(f)(xiii),  
658 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii) and (f)(xviii) may be used  
659 to reimburse reasonable actual and necessary costs incurred by the  
660 Department of Audit in providing services related to a project for  
661 which funding is provided from the use of proceeds of such bonds.  
662 The Department of Audit shall maintain an accounting of actual  
663 costs incurred for each project for which reimbursements are  
664 sought. The Department of Audit may escalate its budget and  
665 expend such funds in accordance with rules and regulations of the  
666 Department of Finance and Administration in a manner consistent  
667 with the escalation of federal funds. Reimbursements under this  
668 paragraph (f)(ii) shall not exceed Twenty-five Thousand Dollars  
669 (\$25,000.00) for each project. Reimbursements under this  
670 paragraph (f)(ii) shall satisfy any applicable federal tax law  
671 requirements.

672 (5) The principal of and the interest on the bonds shall be  
673 payable in the manner hereinafter set forth. The bonds shall bear  
674 date or dates; be in such denomination or denominations; bear  
675 interest at such rate or rates; be payable at such place or places  
676 within or without the state; mature absolutely at such time or  
677 times; be redeemable before maturity at such time or times and  
678 upon such terms, with or without premium; bear such registration  
679 privileges; and be substantially in such form; all as shall be  
680 determined by resolution of the State Bond Commission except that  
681 such bonds shall mature or otherwise be retired in annual  
682 installments beginning not more than five (5) years from the date  
683 thereof and extending not more than twenty-five (25) years from

684 the date thereof. The bonds shall be signed by the Chairman of  
685 the State Bond Commission, or by his facsimile signature, and the  
686 official seal of the State Bond Commission shall be imprinted on  
687 or affixed thereto, attested by the manual or facsimile signature  
688 of the Secretary of the State Bond Commission. Whenever any such  
689 bonds have been signed by the officials herein designated to sign  
690 the bonds, who were in office at the time of such signing but who  
691 may have ceased to be such officers before the sale and delivery  
692 of such bonds, or who may not have been in office on the date such  
693 bonds may bear, the signatures of such officers upon such bonds  
694 shall nevertheless be valid and sufficient for all purposes and  
695 have the same effect as if the person so officially signing such  
696 bonds had remained in office until the delivery of the same to the  
697 purchaser, or had been in office on the date such bonds may bear.

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

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

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

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

728 (8) State bonds issued under the provisions of this section  
729 shall be the general obligations of the state and backed by the  
730 full faith and credit of the state. The Legislature shall  
731 appropriate annually an amount sufficient to pay the principal of  
732 and the interest on such bonds as they become due. All bonds  
733 shall contain recitals on their faces substantially covering the  
734 foregoing provisions of this section.

735 (9) The State Treasurer is authorized to certify to the  
736 Department of Finance and Administration the necessity for  
737 warrants, and the Department of Finance and Administration is  
738 authorized and directed to issue such warrants payable out of any  
739 funds appropriated by the Legislature under this section for such  
740 purpose, in such amounts as may be necessary to pay when due the  
741 principal of and interest on all bonds issued under the provisions  
742 of this section. The State Treasurer shall forward the necessary  
743 amount to the designated place or places of payment of such bonds  
744 in ample time to discharge such bonds, or the interest thereon, on  
745 the due dates thereof.

746 (10) The bonds may be issued without any other proceedings  
747 or the happening of any other conditions or things other than  
748 those proceedings, conditions and things which are specified or

749 required by this chapter. Any resolution providing for the  
750 issuance of general obligation bonds under the provisions of this  
751 section shall become effective immediately upon its adoption by  
752 the State Bond Commission, and any such resolution may be adopted  
753 at any regular or special meeting of the State Bond Commission by  
754 a majority of its members.

755 (11) In anticipation of the issuance of bonds hereunder, the  
756 State Bond Commission is authorized to negotiate and enter into  
757 any purchase, loan, credit or other agreement with any bank, trust  
758 company or other lending institution or to issue and sell interim  
759 notes for the purpose of making any payments authorized under this  
760 section. All borrowings made under this provision shall be  
761 evidenced by notes of the state which shall be issued from time to  
762 time, for such amounts not exceeding the amount of bonds  
763 authorized herein, in such form and in such denomination and  
764 subject to such terms and conditions of sale and issuance,  
765 prepayment or redemption and maturity, rate or rates of interest  
766 not to exceed the maximum rate authorized herein for bonds, and  
767 time of payment of interest as the State Bond Commission shall  
768 agree to in such agreement. Such notes shall constitute general  
769 obligations of the state and shall be backed by the full faith and  
770 credit of the state. Such notes may also be issued for the  
771 purpose of refunding previously issued notes. No note shall  
772 mature more than three (3) years following the date of its  
773 issuance. The State Bond Commission is authorized to provide for  
774 the compensation of any purchaser of the notes by payment of a  
775 fixed fee or commission and for all other costs and expenses of  
776 issuance and service, including paying agent costs. Such costs  
777 and expenses may be paid from the proceeds of the notes.

778 (12) The bonds and interim notes authorized under the  
779 authority of this section may be validated in the First Judicial  
780 District of the Chancery Court of Hinds County, Mississippi, in  
781 the manner and with the force and effect provided now or hereafter



782 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
783 validation of county, municipal, school district and other bonds.  
784 The necessary papers for such validation proceedings shall be  
785 transmitted to the State Bond Attorney, and the required notice  
786 shall be published in a newspaper published in the City of  
787 Jackson, Mississippi.

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

794 (14) All bonds issued under this chapter shall be legal  
795 investments for trustees, other fiduciaries, savings banks, trust  
796 companies and insurance companies organized under the laws of the  
797 State of Mississippi; and such bonds shall be legal securities  
798 which may be deposited with and shall be received by all public  
799 officers and bodies of the state and all municipalities and other  
800 political subdivisions thereof for the purpose of securing the  
801 deposit of public funds.

802 (15) The Attorney General of the State of Mississippi shall  
803 represent the State Bond Commission in issuing, selling and  
804 validating bonds herein provided for, and the Bond Commission is  
805 hereby authorized and empowered to expend from the proceeds  
806 derived from the sale of the bonds authorized hereunder all  
807 necessary administrative, legal and other expenses incidental and  
808 related to the issuance of bonds authorized under this chapter.

809 (16) There is hereby created a special fund in the State  
810 Treasury to be known as the Mississippi Major Economic Impact  
811 Authority Fund wherein shall be deposited the proceeds of the  
812 bonds issued under this chapter and all monies received by the  
813 authority to carry out the purposes of this chapter. Expenditures  
814 authorized herein shall be paid by the State Treasurer upon

815 warrants drawn from the fund, and the Department of Finance and  
816 Administration shall issue warrants upon requisitions signed by  
817 the director of the authority.

818         (17) (a) There is hereby created the Mississippi Economic  
819 Impact Authority Sinking Fund from which the principal of and  
820 interest on such bonds shall be paid by appropriation. All monies  
821 paid into the sinking fund not appropriated to pay accruing bonds  
822 and interest shall be invested by the State Treasurer in such  
823 securities as are provided by law for the investment of the  
824 sinking funds of the state.

825         (b) In the event that all or any part of the bonds and  
826 notes are purchased, they shall be cancelled and returned to the  
827 loan and transfer agent as cancelled and paid bonds and notes and  
828 thereafter all payments of interest thereon shall cease and the  
829 cancelled bonds, notes and coupons, together with any other  
830 cancelled bonds, notes and coupons, shall be destroyed as promptly  
831 as possible after cancellation but not later than two (2) years  
832 after cancellation. A certificate evidencing the destruction of  
833 the cancelled bonds, notes and coupons shall be provided by the  
834 loan and transfer agent to the seller.

835         (c) The State Treasurer shall determine and report to  
836 the Department of Finance and Administration and Legislative  
837 Budget Office by September 1 of each year the amount of money  
838 necessary for the payment of the principal of and interest on  
839 outstanding obligations for the following fiscal year and the  
840 times and amounts of the payments. It shall be the duty of the  
841 Governor to include in every executive budget submitted to the  
842 Legislature full information relating to the issuance of bonds and  
843 notes under the provisions of this chapter and the status of the  
844 sinking fund for the payment of the principal of and interest on  
845 the bonds and notes.

846         (d) Any monies repaid to the state from loans  
847 authorized in Section 57-75-11(hh) shall be deposited into the

848 Mississippi Major Economic Impact Authority Sinking Fund unless  
849 the State Bond Commission, at the request of the authority, shall  
850 determine that such loan repayments are needed to provide  
851 additional loans as authorized under Section 57-75-11(hh). For  
852 purposes of providing additional loans, there is hereby created  
853 the Mississippi Major Economic Impact Authority Revolving Loan  
854 Fund and loan repayments shall be deposited into the fund. The  
855 fund shall be maintained for such period as determined by the  
856 State Bond Commission for the sole purpose of making additional  
857 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
858 remaining in the fund at the end of a fiscal year shall not lapse  
859 into the State General Fund and any interest earned on amounts in  
860 such fund shall be deposited to the credit of the fund.

861 (e) Any monies repaid to the state from loans  
862 authorized in Section 57-75-11(ii) shall be deposited into the  
863 Mississippi Major Economic Impact Authority Sinking Fund.

864 (f) Any monies repaid to the state from loans  
865 authorized in Section 57-75-11(jj) shall be deposited into the  
866 Mississippi Major Economic Impact Authority Sinking Fund.

867 (18) (a) Upon receipt of a declaration by the authority  
868 that it has determined that the state is a potential site for a  
869 project, the State Bond Commission is authorized and directed to  
870 authorize the State Treasurer to borrow money from any special  
871 fund in the State Treasury not otherwise appropriated to be  
872 utilized by the authority for the purposes provided for in this  
873 subsection.

874 (b) The proceeds of the money borrowed under this  
875 subsection may be utilized by the authority for the purpose of  
876 defraying all or a portion of the costs incurred by the authority  
877 with respect to acquisition options and planning, design and  
878 environmental impact studies with respect to a project defined in  
879 Section 57-75-5(f)(xi). The authority may escalate its budget and  
880 expend the proceeds of the money borrowed under this subsection in

881 accordance with rules and regulations of the Department of Finance  
882 and Administration in a manner consistent with the escalation of  
883 federal funds.

884           (c) The authority shall request an appropriation or  
885 additional authority to issue general obligation bonds to repay  
886 the borrowed funds and establish a date for the repayment of the  
887 funds so borrowed.

888           (d) Borrowings made under the provisions of this  
889 subsection shall not exceed Five Hundred Thousand Dollars  
890 (\$500,000.00) at any one time.

891           **SECTION 3.** This act shall take effect and be in force from  
892 and after July 1, 2006.