

By: Fleming

To: Ways and Means

## HOUSE BILL NO. 2

1 AN ACT TO CREATE THE ADVANTAGE MISSISSIPPI INITIATIVE; TO  
2 AMEND SECTIONS 57-1-2 AND 57-1-54, MISSISSIPPI CODE OF 1972, TO  
3 CHANGE THE NAME OF THE MISSISSIPPI DEPARTMENT OF ECONOMIC AND  
4 COMMUNITY DEVELOPMENT TO THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO  
5 CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE  
6 "ACE" FUND WHICH SHALL CONSIST OF MONEY FROM ANY PUBLIC OR PRIVATE  
7 SOURCE DESIGNATED FOR DEPOSIT INTO SUCH FUND; TO PROVIDE THAT  
8 MONEY FROM SUCH FUND SHALL BE UTILIZED TO ASSIST IN THE MAXIMIZING  
9 OF EXTRAORDINARY ECONOMIC DEVELOPMENT OPPORTUNITIES; TO PROVIDE  
10 THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL HAVE SOLE  
11 DISCRETION IN THE AWARDING OF ACE FUNDS; TO CREATE THE "REGIONAL  
12 ECONOMIC DEVELOPMENT ACT" TO PROMOTE THE ISSUING OF BONDS FOR  
13 CERTAIN PROJECTS BY LOCAL GOVERNMENT UNITS ACTING JOINTLY OR  
14 SEVERALLY WITH OTHER GOVERNMENT UNITS INCLUDING GOVERNMENT UNITS  
15 IN AN ADJOINING STATE, THROUGH THE CREATION OF REGIONAL ECONOMIC  
16 DEVELOPMENT ALLIANCES; TO PROVIDE THAT A LOCAL GOVERNMENT UNIT  
17 MUST APPLY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR A  
18 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE FORMATION  
19 OF SUCH A REGIONAL ECONOMIC DEVELOPMENT ALLIANCE; TO AUTHORIZE THE  
20 MISSISSIPPI DEVELOPMENT AUTHORITY TO REFUSE TO ISSUE SUCH  
21 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; TO GIVE THE  
22 MISSISSIPPI DEVELOPMENT AUTHORITY THE POWER TO PLACE CERTAIN  
23 REQUIREMENTS ON THE EXERCISE OF CERTAIN DUTIES BY SUCH REGIONAL  
24 ECONOMIC DEVELOPMENT AUTHORITIES INCLUDING THE SPECIFYING OF THE  
25 EXTENT AND AMOUNT TO WHICH THE LOCAL GOVERNMENT UNIT MAY ISSUE  
26 BONDS; TO SPECIFY THE AUTHORITY OF LOCAL GOVERNMENT UNITS TO ISSUE  
27 BONDS UNDER THIS ACT; TO PROVIDE FOR THE JOINT EXERCISE OF  
28 AUTHORITY BY LOCAL GOVERNMENT UNITS OF THIS STATE AND GOVERNMENTAL  
29 UNITS IN AN ADJOINING STATE; TO PROVIDE THAT JOINT UNDERTAKINGS  
30 UNDER THE ACT SHALL BE EVIDENCED BY WRITTEN CONTRACTUAL AGREEMENTS  
31 FOR JOINT OR COOPERATIVE ACTION TO PROVIDE SERVICES AND  
32 FACILITIES; TO PROVIDE THAT REGIONAL ECONOMIC DEVELOPMENT  
33 AUTHORITIES MAY TAKE ANY ACTION THAT ANY LOCAL GOVERNMENT UNIT  
34 MEMBER MAY TAKE; TO GRANT REGIONAL ECONOMIC DEVELOPMENT  
35 AUTHORITIES CERTAIN POWERS WITH REGARD TO THE ISSUANCE OF BONDS;  
36 TO REQUIRE THE AGREEMENTS MADE UNDER THE ACT TO INCLUDE CERTAIN  
37 PROVISIONS; TO REQUIRE SUCH AGREEMENTS TO BE APPROVED BY CERTAIN  
38 OFFICERS; TO REQUIRE THE FILING OF SUCH AGREEMENTS; TO CREATE THE  
39 "MISSISSIPPI QUALITY JOBS PROGRAM ACT"; TO AUTHORIZE THE STATE TAX  
40 COMMISSION TO MAKE INCENTIVE PAYMENTS FOR ESTABLISHMENTS ENGAGING  
41 IN CERTAIN BASIC INDUSTRIES; TO CREATE THE INCENTIVE APPROVAL  
42 COMMITTEE WHOSE DUTY SHALL BE TO DETERMINE WHETHER AN  
43 ESTABLISHMENT IS A BASIC INDUSTRY AS DEFINED IN THIS ACT; TO  
44 PROVIDE THAT QUALIFIED ESTABLISHMENTS MAY RECEIVE QUARTERLY  
45 INCENTIVE PAYMENTS FOR A TEN-YEAR PERIOD IN AN AMOUNT EQUAL TO THE  
46 TAX BENEFITS THAT ACCRUE TO THE STATE AS A RESULT OF NEW DIRECT  
47 JOBS MINUS THE ESTIMATED DIRECT STATE COSTS COMPUTED AS A  
48 PERCENTAGE OF GROSS PAYROLL OF THE ESTABLISHMENT, MULTIPLIED BY  
49 THE ACTUAL GROSS PAYROLL OF NEW DIRECT JOBS FOR A CALENDAR QUARTER  
50 AS VERIFIED BY THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION; TO

51 PROVIDE THAT APPLICATION FOR INCENTIVE PAYMENTS SHALL BE MADE TO  
52 THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT; TO PROVIDE  
53 THE CRITERIA FOR ELIGIBILITY FOR INCENTIVE PAYMENTS; TO CREATE THE  
54 MISSISSIPPI QUALITY JOBS PROGRAM INCENTIVE PAYMENT FUND FROM WHICH  
55 INCENTIVE PAYMENTS SHALL BE MADE PURSUANT TO THIS ACT; TO PROVIDE  
56 THAT SUCH FUND SHALL BE FUNDED BY LEGISLATIVE APPROPRIATION; TO  
57 PROVIDE THAT THE LIABILITY OF THE STATE TO MAKE INCENTIVE PAYMENTS  
58 UNDER THIS ACT SHALL BE LIMITED TO THE BALANCE CONTAINED IN SUCH  
59 FUND; TO PROVIDE FOR CRIMINAL PENALTIES FOR WILLFULLY MAKING A  
60 FALSE OR FRAUDULENT APPLICATION, CLAIM, REPORT, RETURN, STATEMENT,  
61 INVOICE OR OTHER INSTRUMENT OR FOR WILLFULLY MAKING A FALSE OR  
62 FRAUDULENT STATEMENT IN CONNECTION WITH THIS ACT; TO CREATE THE  
63 "GROWTH AND PROSPERITY ACT" TO ASSIST CERTAIN COUNTIES IN  
64 ENCOURAGING ECONOMIC DEVELOPMENT; TO AUTHORIZE THE MISSISSIPPI  
65 LEGISLATURE TO DESIGNATE CERTAIN COUNTIES AS GROWTH AND PROSPERITY  
66 COUNTIES; TO PROVIDE THAT CERTAIN COUNTIES MAY APPLY TO THE  
67 MISSISSIPPI LEGISLATURE FOR DESIGNATION AS GROWTH AND PROSPERITY  
68 COUNTIES; TO PROVIDE INCENTIVES IN THE FORM OF TEMPORARY  
69 EXEMPTIONS FROM LOCAL AD VALOREM TAXES AND STATE FRANCHISE, INCOME  
70 AND SALES TAXES FOR APPROVED BUSINESS ENTERPRISES THAT LOCATE OR  
71 EXPAND IN GROWTH AND PROSPERITY COUNTIES; TO CREATE THE "LOCAL  
72 ADVANTAGE FINANCING ACT" TO PROVIDE LOCAL GOVERNMENT UNITS WITH  
73 ADDITIONAL METHODS OF FINANCING CERTAIN ECONOMIC DEVELOPMENT  
74 PROJECTS; TO PROVIDE THE TYPES OF PROJECTS FOR WHICH LOCAL  
75 GOVERNMENT UNITS MAY ISSUE BONDS UNDER THE LOCAL ADVANTAGE  
76 FINANCING ACT; TO PROVIDE THAT LOCAL GOVERNMENT UNITS MAY ISSUE  
77 GENERAL OBLIGATION BONDS, TAX INCREMENT FINANCING BONDS, SPECIAL  
78 ASSESSMENT BONDS AND REVENUE BONDS TO PROVIDE FINANCING FOR  
79 PROJECTS UNDER THE LOCAL ADVANTAGE FINANCING ACT; TO PROVIDE THAT  
80 LOCAL GOVERNMENT UNITS MAY IMPOSE A SALES TAX, TAX INCREMENT TAX,  
81 AD VALOREM TAX AND SPECIAL ASSESSMENT TAX TO SECURE SUCH FINANCING  
82 OR OTHER OBLIGATION A LOCAL GOVERNMENT UNIT MAY INCUR FOR AN  
83 APPROVED PROJECT; TO REQUIRE A REFERENDUM BEFORE THE ISSUANCE OF  
84 GENERAL OBLIGATION BONDS AND THE IMPOSITION OF AN AD VALOREM TAX  
85 OR SPECIAL SALES TAX UNDER THE LOCAL ADVANTAGE FINANCING ACT; TO  
86 PROVIDE FOR A REVERSE REFERENDUM BEFORE THE ISSUANCE OF TAX  
87 INCREMENT FINANCING OR SPECIAL ASSESSMENT BONDS AND THE IMPOSITION  
88 OF ANY TAX INCREMENT TAX OR SPECIAL ASSESSMENT TAX UNDER THE LOCAL  
89 ADVANTAGE FINANCING ACT; TO PROVIDE THAT BONDS ISSUED BY A LOCAL  
90 GOVERNMENT UNIT UNDER THE LOCAL ADVANTAGE FINANCING ACT WILL NOT  
91 BE CONSIDERED WHEN COMPUTING ANY LIMITATION OF INDEBTEDNESS OF THE  
92 LOCAL GOVERNMENT UNIT; TO AMEND SECTIONS 19-9-1, 19-9-5, 19-9-11,  
93 21-33-301, 21-33-303, 21-33-307, 21-41-3, 21-41-5, 21-41-43,  
94 21-45-3, 21-45-9 AND 21-45-13, MISSISSIPPI CODE OF 1972, IN  
95 CONFORMITY THERETO; TO AMEND SECTION 57-73-25, MISSISSIPPI CODE OF  
96 1972, TO INCREASE FROM 25% TO 50% THE AMOUNT OF THE INCOME TAX  
97 CREDIT GRANTED TO EMPLOYERS SPONSORING BASIC SKILLS TRAINING; TO  
98 AUTHORIZE THE CREDIT TO APPLY TO CERTAIN TRAINING APPROVED BY THE  
99 COMMUNITY/JUNIOR COLLEGE DISTRICT WITHIN WHICH THE EMPLOYER IS  
100 LOCATED; TO BRING FORWARD SECTIONS 57-1-5 AND 57-1-55, MISSISSIPPI  
101 CODE OF 1972, WHICH PROVIDE CERTAIN POWERS AND DUTIES OF THE  
102 MISSISSIPPI DEVELOPMENT AUTHORITY AND ITS EXECUTIVE DIRECTOR; TO  
103 BRING FORWARD SECTIONS 37-4-11 AND 37-153-13, MISSISSIPPI CODE OF  
104 1972, WHICH PROVIDE FOR CERTAIN POWERS AND DUTIES OF THE STATE  
105 BOARD FOR COMMUNITY AND JUNIOR COLLEGES; TO REVISE THE DEFINITION  
106 OF EMPLOYERS WHO ARE ELIGIBLE FOR SUCH CREDIT; TO AMEND SECTION  
107 57-73-21, MISSISSIPPI CODE OF 1972, TO RENAME THE CATEGORIES OF  
108 COUNTIES UNDER THE LAW ESTABLISHING THE JOBS TAX CREDIT; TO  
109 INCLUDE DATA OR INFORMATION PROCESSING ENTERPRISES OR COMPUTER  
110 SOFTWARE DEVELOPMENT ENTERPRISES OR ANY TECHNOLOGY INTENSIVE  
111 FACILITY OR ENTERPRISE AS ENTERPRISES WHICH QUALIFY FOR THE JOBS  
112 TAX CREDIT; TO INCREASE THE CREDIT FOR JOBS RESULTING FROM THE  
113 ESTABLISHMENT OR TRANSFER OF A COMPANY'S NATIONAL OR REGIONAL  
114 HEADQUARTERS IN THE STATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND  
115 SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE

116 DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR  
117 ECONOMIC IMPACT ACT; TO AMEND SECTIONS 57-75-9 AND 57-75-11,  
118 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI MAJOR  
119 ECONOMIC IMPACT AUTHORITY TO NEGOTIATE WITH THE OWNER OF A PROJECT  
120 A FEE-IN-LIEU OF FRANCHISE TAXES THAT SHALL BE NOT LESS THAN  
121 \$25,000.00 ANNUALLY; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE  
122 OF 1972, TO REVISE THE USES FOR WHICH BOND PROCEEDS MAY BE  
123 UTILIZED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND  
124 SECTIONS 27-13-5, 27-13-7 AND 27-65-101, MISSISSIPPI CODE OF 1972,  
125 IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
126 PURPOSES.

127

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

129 SECTION 1. This act may be cited as the "Advantage  
130 Mississippi Initiative."

131 SECTION 2. Section 57-1-2, Mississippi Code of 1972, is  
132 amended as follows:[WAN1]

133 57-1-2. For the purposes of this chapter, the following  
134 words shall have the meanings ascribed herein, unless the context  
135 otherwise requires:

136 (a) "Department" shall mean the Mississippi Development  
137 Authority \* \* \*.

138 (b) "Office" shall mean an administrative subdivision  
139 of the department.

140 (c) "Executive director" shall mean the executive  
141 officer of the department.

142 (d) "Agricultural and Industrial Board," "Department of  
143 Economic Development," \* \* \* "Board of Economic Development,"  
144 "Department of Economic and Community Development" and  
145 "Mississippi Department of Economic and Community Development"  
146 wherever they appear in the laws of the State of Mississippi,  
147 shall mean the "Mississippi Development Authority," operating  
148 through its executive director.

149 SECTION 3. Section 57-1-54, Mississippi Code of 1972, is  
150 amended as follows:[CR2]

151 57-1-54. The Mississippi Development Authority shall be the  
152 Department of Economic and Community Development and shall retain  
153 all powers and duties granted by law to the Mississippi Department

154 of Economic and Community Development and wherever the term  
155 "Mississippi Department of Economic and Community Development,"  
156 "Department of Economic and Community Development," "Mississippi  
157 Department of Economic Development" or "Department of Economic  
158 Development" appears in any law the same shall mean the  
159 Mississippi Development Authority. The Executive Director of the  
160 Mississippi Development Authority may assign to the appropriate  
161 divisions such powers and duties as he deems appropriate to carry  
162 out its lawful duties.

163         Nothing in the Mississippi Executive Reorganization Act of  
164 1989 [Laws, 1989, Chapter 544] shall be construed to eliminate or  
165 change in any manner the duties, functions or operations of the  
166 planning and development districts heretofore created by executive  
167 order of the Governor.

168         SECTION 4. (1) As used in this section:

169             (a) "Extraordinary economic development opportunity"  
170 means a new or expanded business or industry which maintains a  
171 strong financial condition and minimal credit risk and creates  
172 substantial employment, particularly in areas of high  
173 unemployment.

174             (b) "Local economic development entities" means public  
175 or private nonprofit local economic development entities,  
176 including, but not limited to, chambers of commerce, local  
177 authorities, commissions or other entities created by local and  
178 private legislation or districts created pursuant to Section  
179 19-5-99.

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

181  
182         (2) There is hereby created in the State Treasury a special  
183 fund to be designated as the ACE Fund, which shall consist of  
184 money from any public or private source designated for deposit  
185 into such fund. Unexpended amounts remaining in the fund at the  
186 end of a fiscal year shall not lapse into the State General Fund,

187 and any interest earned on amounts in the fund shall be deposited  
188 to the credit of the fund. The purpose of the fund shall be to  
189 assist in maximizing extraordinary economic development  
190 opportunities related to any new or expanded business or industry.  
191 Such funds may be used to make grants to local economic  
192 development entities to assist any new or expanding business or  
193 industry that meets the criteria provided in this section when  
194 such assistance helps in closing a project deal.

195 (3) The MDA shall establish a grant program to make grants  
196 from the ACE Fund created under this section. Local economic  
197 development entities may apply to the MDA for a grant under this  
198 section in the manner provided for in subsection (4) of this  
199 section.

200 (4) (a) Any business or industry desiring assistance from a  
201 local economic development entity under this section shall submit  
202 an application to the local economic development entity which  
203 shall include, at a minimum, evidence that the business or  
204 industry meets the definition of an extraordinary economic  
205 development opportunity, a demonstration that the business or  
206 industry is at an economic disadvantage by locating the new or  
207 expanded project in the county and a description, including the  
208 cost, of the requested assistance.

209 (b) Upon receipt of the application from a business or  
210 industry, the local economic development entity may apply to the  
211 MDA for assistance under this section. Such application must  
212 contain evidence that the business or industry meets the  
213 definition of an extraordinary economic development opportunity, a  
214 demonstration that the business or industry is at an economic  
215 disadvantage by locating the new or expanded project in the  
216 county, a description, including the cost, of the requested  
217 assistance, and a demonstration that all other local, state,  
218 federal and private funds or programs have been explored and  
219 exhausted.

220 (c) The MDA shall have sole discretion in the awarding  
221 of ACE funds except that if an award is made the business or  
222 industry and the local economic development entity must meet the  
223 statutory requirements of this section.

224 (5) The MDA shall promulgate rules and regulations for the  
225 implementation of this section.

226 SECTION 5. Sections 5 through 18 of this act may be cited as  
227 the "Regional Economic Development Act."

228 SECTION 6. It is hereby declared that the state's public  
229 welfare demands, and the state's public policy requires:

230 (a) That for the benefit of the people of the State of  
231 Mississippi, it is essential to foster and promote the issuing of  
232 bonds by any city, county, port authority, or other political  
233 subdivision, acting jointly or severally, including any joint bond  
234 issuance with a county, parish or other foreign political  
235 subdivision in a state adjoining the State of Mississippi.

236 (b) That the bonds to be issued pursuant to Sections 5  
237 through 18 of this act shall be of any type permissible to be  
238 issued by any city, county, port authority or other political  
239 subdivision including, without limitation, general obligation  
240 bonds, revenue bonds, tax increment financing bonds, refunding  
241 bonds and special assessment bonds.

242 (c) That the purposes of the bonds issued under  
243 Sections 5 through 18 of this act are for acquiring land and/or  
244 acquiring or constructing buildings, fixtures, machinery,  
245 equipment, infrastructure, utilities, port or airport facilities,  
246 roads, railroad spurs and other related projects that have or will  
247 provide a multi-jurisdictional benefit.

248 (d) That the projects contemplated under Sections 5  
249 through 18 of this act are to provide economic development  
250 benefits, including but not limited to, industry, distribution,  
251 commerce, tourism, healthcare and other areas.

252 (e) That costs and revenues connected with a project

253 should both be shared by the members of the alliance created  
254 pursuant to Sections 5 through 18 of this act.

255 (f) That the authority granted under Sections 5 through  
256 18 of this act and the purposes to be accomplished hereby are  
257 proper governmental and public purposes and that the resulting  
258 economic benefits to the state are of paramount importance,  
259 mandating that the provisions of Sections 5 through 18 of this act  
260 be liberally construed and applied in order to advance the public  
261 purposes.

262 SECTION 7. It is the purpose of Sections 5 through 18 of  
263 this act to permit political subdivisions of the state to make the  
264 most efficient use of their powers by enabling them to cooperate  
265 and to contract with other political subdivisions, including  
266 political subdivisions from adjoining states, on a basis of mutual  
267 advantage, to share the costs of and revenues derived from a  
268 project, and to pledge revenue from a project to secure payment of  
269 the bonds issued for the project, and thereby provide services and  
270 facilities in a manner pursuant to forms of governmental  
271 organization that will accord best with geographic, economic,  
272 population and other factors influencing the needs and economic  
273 development of the political subdivision.

274 SECTION 8. For the purposes of Sections 5 through 18 of this  
275 act, the following words shall be defined as herein provided  
276 unless the context requires otherwise:

277 (a) "Alliance" means a regional economic development  
278 alliance created under Sections 5 through 18 of this act.

279 (b) "Bond" or "bonds" means bonds, notes or other  
280 evidence of indebtedness of the local government unit issued  
281 pursuant to Sections 5 through 18 of this act.

282 (c) "Cost of project" means all costs of site  
283 preparation and other start-up costs; all costs of construction;  
284 all costs of fixtures and of real and personal property required  
285 for the purposes of the project and facilities related thereto,

286 including land and any rights or undivided interest therein,  
287 easements, franchises, fees, permits, approvals, licenses, and  
288 certificates and the securing of such permits, approvals,  
289 licenses, and certificates and all machinery and equipment,  
290 including motor vehicles which are used for project functions; and  
291 including any cost associated with the closure, post-closure  
292 maintenance or corrective action, financing charges and interest  
293 prior to and during construction and during such additional period  
294 as the alliance may reasonably determine to be necessary for the  
295 placing of the project in operation; costs of engineering,  
296 surveying, environmental geotechnical, architectural and legal  
297 services; costs of plans and specifications and all expenses  
298 necessary or incident to determining the feasibility or  
299 practicability of the project; administrative expenses; and such  
300 other expenses as may be necessary or incidental to the financing  
301 authorized in Sections 5 through 18 of this act. The costs of any  
302 project may also include funds for the creation of a debt service  
303 reserve, a renewal and replacement reserve, and such other  
304 reserves as may be reasonably required by the alliance for the  
305 operation of its projects and as may be authorized by any bond  
306 resolution or trust agreement or indenture pursuant to the  
307 provisions of which the issuance of any such bonds may be  
308 authorized. Any obligation or expense incurred for any of the  
309 foregoing purposes shall be regarded as a part of the costs of the  
310 project and may be paid or reimbursed as such out of the proceeds  
311 of user fees, of revenue bonds or notes issued under Sections 5  
312 through 18 of this act for such project, or from other revenues  
313 obtained by the alliance.

314 (d) "County" means any county of this state.

315 (e) "Foreign governmental unit" means any county,  
316 parish, city, town, village, utility district, school district,  
317 any community college, any institution of higher learning, any  
318 municipal airport authority, regional airport authority, port



319 authority or any other political subdivision of an adjoining  
320 state.

321 (f) "Governing body" means the board of supervisors of  
322 any county, board of trustees of any school district or community  
323 college whether elective or appointive, the governing board of any  
324 city, town or village, the board of commissioners of a utility  
325 district, the Board of Trustees of State Institutions of Higher  
326 Learning, the commissioners of a municipal airport authority or  
327 regional airport authority, the commissioners of a port authority,  
328 or the governing board of any other political subdivision in the  
329 state. As to the state, the term governing body means the State  
330 Bond Commission.

331 (g) "Holder of bonds" or "bondholder" or any similar  
332 term means any person who shall be the bearer of any bond or bonds  
333 registered to bearer or not registered, or the registered owner of  
334 any such bond or bonds which shall at the time be registered other  
335 than to bearer.

336 (h) "Law" means any act or statute, general, special or  
337 local, of this state.

338 (i) "Local government unit" means any county, any  
339 incorporated city, town or village, any school district, any  
340 utility district, any community college, any institution of higher  
341 learning, any municipal airport authority, regional airport  
342 authority, port authority or any other political subdivision in  
343 the state.

344 (j) "MDA" means the Mississippi Development Authority.

345 (k) "Municipality" means any incorporated municipality  
346 in the state.

347 (l) "Person" means a natural person, partnership,  
348 association, corporation, business trust or other business entity.

349 (m) "Project" means and includes any of the following  
350 which promotes economic development or which assists in the  
351 creation of jobs:

352 (i) Acquisition, construction, repair,  
353 renovation, demolition or removal of:  
354 1. Buildings and site improvements  
355 (including fixtures);  
356 2. Potable and nonpotable water supply  
357 systems;  
358 3. Sewage and waste disposal systems;  
359 4. Storm water drainage and other  
360 drainage systems;  
361 5. Airport facilities;  
362 6. Rail lines and rail spurs;  
363 7. Port facilities;  
364 8. Highways, streets and other roadways;  
365 9. Fire suppression and prevention  
366 systems;  
367 10. Utility distribution systems, including,  
368 but not limited to, water, electricity, natural gas, telephone and  
369 other information and telecommunications facilities, whether by  
370 wire, fiber or wireless means;  
371 11. Business, industrial and technology parks  
372 and the acquisition of land and acquisition or construction of  
373 improvements to land connected with any of the preceding purposes;  
374 (ii) County purposes authorized by or defined  
375 in Sections 17-5-3 and 19-9-1, (except Section 19-9-1(f));  
376 (iii) Municipal purposes authorized by or  
377 defined in Sections 17-5-3, 17-17-301 et seq., 21-27-23,  
378 21-33-301; and  
379 (iv) Refunding of bonds as authorized in  
380 Section 21-27-1 et seq.  
381 (n) "Resolution" means a resolution, ordinance, act,  
382 record of minutes or other appropriate enactment of a governing  
383 body.  
384 (o) "Revenue Code" means the Internal Revenue Code of

385 1986, as amended.

386 (p) "Revenues" mean any and all taxes, fees, rates,  
387 rentals, profits and receipts collected by, payable to, or  
388 otherwise derived by, the local government units and foreign  
389 governmental units, and all other monies and income of whatsoever  
390 kind or character collected by, payable to, or otherwise derived  
391 by, the local government unit and foreign governmental units in  
392 connection with the economic development projects provided through  
393 Sections 5 through 18 of this act.

394 (q) "Security" means a bond, note or other  
395 evidence of indebtedness issued by a local government unit  
396 pursuant to the provisions of Sections 5 through 18 of this  
397 act.

398 (r) "State" means the State of Mississippi.

399 SECTION 9. (1) Prior to issuing bonds to finance any  
400 proposed project under Sections 5 through 18 of this act, the  
401 local government unit shall submit an application to the MDA for a  
402 certificate of public convenience and necessity. The application  
403 shall be in such form and content as the MDA shall from time to  
404 time prescribe.

405 (2) The MDA shall investigate, find and determine, upon  
406 application of any local government unit therefor, as to whether a  
407 certificate of public convenience and necessity shall be issued to  
408 such local government unit to authorize creation of an alliance.  
409 The MDA is authorized and empowered, having due regard to the  
410 promotion of the public policy and the general welfare herein  
411 declared, to issue or refuse to issue a certificate of public  
412 convenience and necessity for the alliance to the local government  
413 unit. If and when such certificate is issued, it shall authorize  
414 the particular local government unit to create, and operate the  
415 alliance but the certificate shall expire twelve (12) months from  
416 its date unless within that time such alliance shall have been  
417 created.

418 (3) If and when a certificate is issued, the MDA therein  
419 shall fix and determine:

420 (a) The extent and amount to which the local government  
421 unit may issue bonds or make expenditures for such alliance;

422 (b) The extent and amount that the revenues derived  
423 from the project shall be shared by the local government unit with  
424 other members of the alliance;

425 (c) The extent and amount that the revenues derived  
426 from the project may be pledged to secure payment of the bonds  
427 issued to finance the project;

428 (d) What property may be acquired therefor;

429 (e) The terms upon which such acquisition may be  
430 had;

431 (f) What expenditures may be made; and

432 (g) The construction of buildings and of equipment with  
433 its installation.

434 If the governing board of the local government unit fails or  
435 refuses to follow the requirements made by the MDA in the  
436 certificate, then the members of the governing board of the local  
437 government unit voting for such failure or refusal shall be  
438 individually and personally liable, and liable upon their official  
439 bonds for any loss that the local government unit may sustain by  
440 reason of such failure or refusal to follow the requirements, and  
441 in addition may be compelled by injunction to comply with such  
442 requirements.

443 SECTION 10. (1) After receiving a certificate of public  
444 convenience and necessity from the MDA, the local government unit  
445 is empowered and authorized, from time to time, to issue bonds up  
446 to the maximum principal amount authorized in the certificate.

447 (2) After receiving a certificate of public convenience and  
448 necessity from the MDA, the governing body of any local government  
449 unit entering into an agreement pursuant to Sections 5 through 18  
450 of this act may incur bonded and floating indebtedness by issuing

451 general obligation bonds as authorized by Sections 19-9-1 through  
452 19-9-31 and Sections 21-33-301 through 21-33-329, or by issuing  
453 bonds pursuant to the Tax Increment Financing Act as authorized by  
454 Sections 21-45-3 through 21-45-21, by issuing revenue bonds as  
455 authorized by any statute authorizing the issuance of revenue  
456 bonds, or by issuing special assessment bonds as authorized by  
457 Sections 21-41-1 through 21-41-47 and may appropriate funds for  
458 the purposes and in the manner prescribed by law without regard to  
459 whether the activities and improvements authorized by Sections 5  
460 through 18 of this act to be financed by such debt or  
461 appropriation are within or without the boundaries of the local  
462 government unit. Revenues derived from any project financed with  
463 bonds issued pursuant to Sections 5 through 18 of this act may be  
464 pledged in whole or in part to secure payment of the bonded  
465 indebtedness incurred to finance the project. Such governing body  
466 may sell, lease, grant or otherwise supply goods and services to  
467 any other local government unit which is a party to the agreement  
468 or the administrative body or legal entity created to operate the  
469 joint or cooperative undertaking.

470       SECTION 11. (1) Any power, authority or responsibility  
471 exercised or capable of being exercised by a local government unit  
472 of this state may be exercised and carried out jointly with any  
473 other local government unit of this state or with a foreign  
474 governmental unit of an adjoining state, any state board, agency  
475 or commission and any public agency of the United States, to the  
476 extent that the laws of the United States permit such joint  
477 exercise or enjoyment.

478       (2) No such power, authority and responsibility may be  
479 exercised under the provisions of Sections 5 through 18 of this  
480 act which will have the effect of abolishing any office which is  
481 held by a person elected by the citizenry, without an election  
482 first being called to decide the question of the abolition of any  
483 such elected office.

484 (3) No agreement made under Sections 5 through 18 of this  
485 act shall be entered into by any local government unit without the  
486 approval by resolution on the minutes of the governing body of  
487 that local government unit.

488 (4) Any joint undertaking entered into under Sections 5  
489 through 18 of this act shall be evidenced by written contractual  
490 agreements for joint or cooperative action to provide services and  
491 facilities pursuant to the provisions of Sections 5 through 18 of  
492 this act. Appropriate action by ordinance, resolution or  
493 otherwise pursuant to the law controlling the participating local  
494 government units or agencies shall be necessary before any such  
495 agreement shall be in force.

496 (5) An alliance created pursuant to Sections 5 through 18 of  
497 this act may take any action that any local government unit member  
498 may take. If one (1) member of the alliance shall have authority  
499 to undertake a particular project or pursue a particular action,  
500 then the alliance shall have identical authority so to do. No  
501 local government unit shall be precluded from joining an alliance,  
502 and it shall not be the basis for denying an application for a  
503 certificate of convenience and necessity by the MDA, solely  
504 because the alliance may have power to take actions that the local  
505 government unit acting alone could not take.

506 SECTION 12. The alliance shall have power in the issuance of  
507 its bonds to:

508 (a) Covenant as to the use of any or all of its  
509 property, real or personal.

510 (b) Redeem the bonds, to covenant for their redemption  
511 and to provide the terms and conditions thereof.

512 (c) Covenant to charge rates, fees and charges  
513 sufficient to meet operating and maintenance expenses, renewals  
514 and replacements, principal and debt service on bonds, creation  
515 and maintenance of any reserves required by a bond resolution,  
516 trust indenture or other security instrument and to provide for

517 any margins or coverages over and above debt service on the bonds  
518 deemed desirable for the marketability of the bonds.

519 (d) Covenant and prescribe as to events of default and  
520 terms and conditions upon which any or all of its bonds shall  
521 become or may be declared due before maturity, as to the terms and  
522 conditions upon which such declaration and its consequences may be  
523 waived and as to the consequences of default and the remedies of  
524 bondholders.

525 (e) Covenant as to the mortgage or pledge of or the  
526 grant of a security interest in any real or personal property and  
527 all or any part of the revenues from any facilities or any  
528 revenue-producing contract or contracts made by the compact with  
529 any person to secure the payment of bonds, subject to such  
530 agreements with the holders of bonds as may then exist.

531 (f) Covenant as to the custody, collection, securing,  
532 investment and payment of any revenue assets, monies, funds or  
533 property with respect to which the compact may have any rights or  
534 interest.

535 (g) Covenant as to the purpose to which the proceeds  
536 from the sale of any bonds then or thereafter to be issued may be  
537 applied, and the pledge of such proceeds to secure the payment of  
538 the bonds.

539 (h) Covenant as to the limitations on the issuance of  
540 any additional bonds, the terms upon which additional bonds may be  
541 issued and secured, and the refunding of outstanding bonds.

542 (i) Covenant as to the rank or priority of any bonds  
543 with respect to any lien or security.

544 (j) Covenant as to the procedure by which the terms of  
545 any contract with or for the benefit of the holders of bonds may  
546 be amended or abrogated, the amount of bonds the holders of which  
547 must consent thereto, and the manner in which such consent may be  
548 given.

549 (k) Covenant as to the custody of any of its properties

550 or investments, the safekeeping thereof, the insurance to be  
551 carried thereon, and the use and disposition of insurance  
552 proceeds.

553 (l) Covenant as to the vesting in a trustee or  
554 trustees, within or outside the state, of such properties, rights,  
555 powers and duties in trust as the alliance may determine.

556 (m) Covenant as to the appointing and providing for the  
557 duties and obligations of a paying agent or paying agents or other  
558 fiduciaries within or outside the state.

559 (n) Make all other covenants and to do any and all such  
560 acts and things as may be necessary or convenient or desirable in  
561 order to secure its bonds without a pledge of ad valorem taxes, or  
562 in the absolute discretion of the alliance tend to make the bonds  
563 more marketable, notwithstanding that such covenants, acts or  
564 things may not be enumerated herein; it being the intention hereof  
565 to give the alliance power to do all things in the issuance of  
566 bonds and in the provisions for security thereof which are not  
567 inconsistent with the Mississippi Constitution 1890.

568 (o) Execute all instruments necessary or convenient in  
569 the exercise of the powers herein granted or in the performance of  
570 covenants or duties, which may contain such covenants and  
571 provisions, as any purchaser of the bonds of the alliance may  
572 reasonably require.

573 SECTION 13. The MDA is hereby authorized and empowered to  
574 promulgate and put into effect all reasonable rules and  
575 regulations that it may deem necessary to carry out the provisions  
576 of the Regional Economic Development Act.

577 SECTION 14. The alliance is authorized to cooperate and  
578 coordinate with economic development commissions, authorities,  
579 districts, travel, and other similar commissions and boards, or  
580 other similar agencies of other states, the federal government,  
581 and with county, municipal, and regional economic development,  
582 travel, and other similar commissions or boards, or other agencies



583 thereof, for the purposes of securing economic development within  
584 the State of Mississippi and its adjoining states, and to  
585 accomplish this purpose.

586 SECTION 15. To the extent of any conflict between Sections 5  
587 through 18 of this act and another statute, the provisions of  
588 Sections 5 through 18 of this act shall prevail.

589 SECTION 16. Any agreement made under Sections 5 through 18  
590 of this act shall specify the following:

591 (a) Its duration.

592 (b) Its purpose or purposes.

593 (c) The precise organization, composition, nature and  
594 powers of any separate legal or administrative entity created  
595 thereby and the specific citation of statutory authority vested in  
596 each of the local government units which is to be a party to the  
597 agreement.

598 (d) The manner of financing, staffing and supplying the  
599 joint or cooperative undertaking and of establishing and  
600 maintaining a budget therefor; provided that the treasurer and/or  
601 disbursing officer of one (1) of the local government units shall  
602 be designated in the agreement to receive, disburse and account  
603 for all funds of the joint undertaking as a part of the duties of  
604 the officer or officers.

605 (e) The permissible method or methods to be employed in  
606 accomplishing the partial or complete termination or amendment of  
607 the agreement and for disposing of property upon such partial or  
608 complete termination or amendment.

609 (f) The provision for administration of issuance of any  
610 bonds under Sections 5 through 18 of this act by a local  
611 government unit exercising the power authorized by Sections 5  
612 through 18 of this act.

613 (g) The manner of acquiring, holding and disposing of  
614 real and personal property used in the joint or cooperative  
615 undertaking in the event that the agreement does not or may not

616 establish a separate legal entity to conduct the joint or  
617 cooperative undertaking.

618 (h) The provision that the contractual relationship  
619 between local government units, foreign governmental units or any  
620 combination thereof created pursuant to Sections 5 through 18 of  
621 this act, shall terminate upon satisfying indebtedness of bonds  
622 issued pursuant to Sections 5 through 18 of this act.

623 (i) The manner in which the costs of the project shall  
624 be shared between the local government units.

625 (j) The manner in which the revenues from the project  
626 shall be shared by the local government units.

627 (k) Any other necessary and proper matters.

628 SECTION 17. (1) In the event that an agreement made  
629 pursuant to Sections 5 through 18 of this act shall deal in whole  
630 or in part with the provision of services or facilities with  
631 regard to which an officer, unit or agency of the state government  
632 has constitutional or statutory powers of control, the agreement  
633 shall, as a condition precedent to its being in force, be  
634 submitted to the state officer, unit or agency having such power  
635 of control and shall be approved or disapproved by him or it as to  
636 all matters within his or its jurisdiction in the same manner and  
637 subject to the same requirements governing action of the Attorney  
638 General pursuant to subsection (2) of this section.

639 (2) Every agreement made by a local government unit under  
640 Sections 5 through 18 of this act shall, prior to and as a  
641 condition precedent to its entry into force, be submitted to the  
642 Attorney General of this state who shall determine whether the  
643 agreement is in proper form and compatible with the laws of this  
644 state. The Attorney General shall approve any such agreement  
645 submitted to him hereunder unless he shall find that it does not  
646 meet the conditions set forth herein and elsewhere in the laws of  
647 this state and shall detail in writing addressed to the governing  
648 bodies of the units concerned the specific respects in which the

649 proposed agreement fails to meet the requirements of law.

650 Failure to disapprove an agreement submitted hereunder within  
651 sixty (60) days of its submission shall constitute approval  
652 thereof.

653 (3) Prior to its being in force, an agreement made pursuant  
654 to Sections 5 through 18 of this act shall be filed with the  
655 chancery clerk of each of the counties wherein a participating  
656 local government unit is located and with the Secretary of State.

657 The chancery clerk and the Secretary of State shall preserve such  
658 agreements as public records and index and docket the same  
659 separate and apart from all other records in his office.

660 (4) A copy of any agreement made pursuant to Sections 5  
661 through 18 of this act shall be filed with the State Auditor for  
662 audit purposes no later than sixty (60) days after the agreement  
663 shall be in force.

664 SECTION 18. All laws in regard to purchases, auditing,  
665 depositories and expenditures in general which limit the authority  
666 of the agreeing local governing units shall also apply to any  
667 joint body created by the agreement pursuant to the provisions of  
668 Sections 5 through 18 of this act.

669 SECTION 19. Sections 19 through 28 of this act shall be  
670 known and may be cited as the "Mississippi Quality Jobs Program  
671 Act."

672 SECTION 20. It is the intent of the Legislature that:

673 (a) The State of Mississippi provide appropriate  
674 incentives to support establishments of basic industries that hold  
675 the promise of significant development of the economy of the State  
676 of Mississippi;

677 (b) The amount of incentives provided under this act in  
678 connection with a particular establishment:

679 (i) Be directly related to the jobs created as a  
680 result of the establishment locating in the State of Mississippi;  
681 and

682                   (ii) Not exceed the estimated net direct state  
683 benefits that will accrue to the state as a result of the  
684 establishment locating in the State of Mississippi;

685                   (c) The Mississippi Development Authority and the State  
686 Tax Commission shall implement the provisions of this act and  
687 exercise all powers as authorized in this act. The exercise of  
688 powers conferred by this act shall be deemed and held to be the  
689 performance of essential public purposes; and

690                   (d) Nothing in this act shall be construed to  
691 constitute a guarantee or assumption by the State of Mississippi  
692 of any debt of any individual, company, corporation or association  
693 nor to authorize the credit of the State of Mississippi to be  
694 given, pledged or loaned to any individual, company, corporation  
695 or association.

696           SECTION 21. (1) As used in this act, the following words  
697 and phrases shall have the meanings ascribed in this section  
698 unless the context clearly indicates otherwise:

699                   (a) "Basic industry" means:

700                           (i) Manufacturing, as defined or classified under  
701 Division D of the Standard Industrial Classification Manual,  
702 latest version;

703                           (ii) Administrative and auxiliary services that  
704 are assigned a one-digit auxiliary code in the Standard Industrial  
705 Classification Manual, and are described therein as Central  
706 Administrative Offices, which means central centers that influence  
707 the environment in which data processing, customer service, credit  
708 accounting, telemarketing, claims processing and other  
709 administrative functions are accomplished;

710                           (iii) Research, Development and Testing  
711 Laboratories;

712                           (iv) An activity described by Industry Group  
713 Number 873 of Major Group 87, Division I of the Standard  
714 Industrial Classification Manual, latest revision, Industry

715 Numbers 8731, 8732, 8733 and 8734;

716 (v) An activity related to research and  
717 development as described by Auxiliary Code Number 2 of the  
718 Standard Industrial Classification Manual, latest revision;

719 (vi) Warehouses that serve as distribution centers  
720 for retail or wholesale businesses, if seventy-five percent (75%)  
721 of the inventory processed through such warehouse is shipped  
722 out-of-state;

723 (vii) Adjustment and collection services, as  
724 defined or classified under Industry Number 7322 of Major Group 73  
725 of the Standard Industrial Classification Manual, latest version,  
726 if seventy-five percent (75%) of the loans to be serviced were  
727 made by out-of-state debtors;

728 (viii) 1. Transportation by air, as defined or  
729 classified under Major Group 45 of the Standard Industrial  
730 Classification Manual, latest version, if the following facilities  
731 are located in this state:

732 a. The corporate headquarters of an  
733 establishment classified therein; and

734 b. A facility or facilities at which  
735 reservations for transportation provided by such an establishment  
736 are processed, whether such services are performed by employees of  
737 the establishment, by employees of a subsidiary of or other entity  
738 affiliated with the establishment or by employees of an entity  
739 with whom the establishment has contracted for the performance of  
740 such services. This provision shall not disqualify an  
741 establishment that uses an out-of-state entity or employees for  
742 some reservations services; or

743 2. Transportation by air, as defined or  
744 classified under Major Group 45 of the Standard Industrial  
745 Classification Manual, latest version, if an establishment  
746 classified therein has or will have within one (1) year sales of  
747 at least seventy-five percent (75%) of its total sales, as

748 determined by the Incentive Approval Committee, to out-of-state  
749 customers or buyers, to in-state customers or buyers if the  
750 product or service is resold by the purchaser to an out-of-state  
751 customer or buyer for ultimate use, or to the federal government;  
752 or

753 (ix) The following, if an establishment classified  
754 therein has or will have within one (1) year sales of at least  
755 seventy-five percent (75%) of its total sales, as determined by  
756 the Incentive Approval Committee, to out-of-state customers or  
757 buyers, to in-state customers or buyers if the product or service  
758 is resold by the purchaser to an out-of-state customer or buyer  
759 for ultimate use, or to the federal government:

760 1. Motor freight transportation and  
761 warehousing, as defined or classified under Major Group 42 of the  
762 Standard Industrial Classification Manual, latest version;

763 2. Arrangement of passenger transportation,  
764 as defined or classified under Industry Group 472 of the Standard  
765 Industrial Classification Manual, latest version;

766 3. Arrangement of transportation of freight  
767 or cargo, as defined or classified under Industry Group 473 of the  
768 Standard Industrial Classification Manual, latest version;

769 4. Insurance carriers, as defined or  
770 classified under Major Group 63 of the Standard Industrial  
771 Classification Manual, latest version;

772 5. Mailing, reproduction, commercial art and  
773 photography and stenographic services, as defined or classified  
774 under Industry Group 733 of the Standard Industrial Classification  
775 Manual, latest version;

776 6. Services to dwellings and other buildings,  
777 as defined or classified under Industry Group 734 of the Standard  
778 Industrial Classification Manual, latest version;

779 7. Miscellaneous equipment rental and  
780 leasing, as defined or classified under Industry Group 735 of the

781 Standard Industrial Classification Manual, latest version;  
782                   8. Personnel supply services, as defined or  
783 classified under Industry Group 736 of the Standard Industrial  
784 Classification Manual, latest version;

785                   9. Computer programming, data processing,  
786 information processing and other computer-related services, as  
787 defined or classified under Industry Group 737 of the Standard  
788 Industrial Classification Manual, latest version;

789                   10. Miscellaneous business services, as  
790 defined or classified under Industry Group 738 of the Standard  
791 Industrial Classification Manual, latest version;

792                   11. Medical and dental laboratories, as  
793 defined or classified under Industry Group 807 of the Standard  
794 Industrial Classification Manual, latest version;

795                   12. Engineering and management services, as  
796 defined or classified under Major Group 87 of the Standard  
797 Industrial Classification Manual, latest version;

798                   13. Communication services, as defined or  
799 classified under Industrial Number 4899 of Major Group 48 of the  
800 Standard Industrial Classification Manual, latest version;

801                   14. General wholesale distribution of  
802 groceries, as described in Industry Number 5141 of the Standard  
803 Industrial Classification Manual, latest version; and

804                   15. Processing of insurance claims, as  
805 described in Industry Number 6411 of the Standard Industrial  
806 Classification Manual, latest version; provided, activities  
807 described in Industry Number 6411 of the Standard Industrial  
808 Classification Manual, latest version, other than processing of  
809 insurance claims shall not be included for purposes of this  
810 subdivision.

811           An establishment shall not be considered to be engaged in a  
812 basic industry unless it offers, or will offer within one hundred  
813 eighty (180) days of the date it receives the first incentive

814 payment pursuant to the provisions of this act, a basic health  
815 benefits plan to the individuals it employs in new direct jobs in  
816 this state which is determined by the Mississippi Development  
817 Authority to consist of the following elements or elements  
818 substantially equivalent thereto:

819           (i) Not less than fifty percent (50%) of the  
820 premium shall be paid by the employer;

821           (ii) Coverage for basic hospital care;

822           (iii) Coverage for physician care;

823           (iv) Coverage for mental health care;

824           (v) Coverage for substance abuse treatment;

825           (vi) Coverage for prescription drugs; and

826           (vii) Coverage for prenatal care;

827           (b) "New direct job" means full-time-equivalent  
828 employment in this state in an establishment that has qualified to  
829 receive an incentive payment pursuant to this act, which  
830 employment did not exist in this state before the date of approval  
831 by the Mississippi Development Authority of the application of the  
832 establishment pursuant to the provisions of this act. "New direct  
833 job" shall include full-time-equivalent employment in this state  
834 of employees who are employed by an entity other than the  
835 establishment that has qualified to receive an incentive payment  
836 and who are leased or otherwise provided to the qualified  
837 establishment, if such employment did not exist in this state  
838 before the date of approval by the Mississippi Development  
839 Authority of the application of the establishment. A job shall be  
840 deemed to exist in this state before approval of an application if  
841 the activities and functions for which the particular job exists  
842 have been ongoing at any time within six (6) months before such  
843 approval;

844           (c) "Estimated direct state benefits" means the tax  
845 revenues projected by the Mississippi Development Authority to  
846 accrue to the state as a result of new direct jobs;



847 (d) "Estimated direct state costs" means the costs  
848 projected by the Mississippi Development Authority to accrue to  
849 the state as a result of new direct jobs. Such costs shall  
850 include, but not be limited to:

851 (i) The costs of education of new state resident  
852 children;

853 (ii) The costs of public health, public safety and  
854 transportation services to be provided to new state residents;

855 (iii) The costs of other state services to be  
856 provided to new state residents; and

857 (iv) The costs of other state services;

858 (e) "Estimated net direct state benefits" means the  
859 estimated direct state benefits less the estimated direct state  
860 costs;

861 (f) "Net benefit rate" means the estimated net direct  
862 state benefits computed as a percentage of gross payroll. In no  
863 event shall incentive payments, cumulatively, exceed the estimated  
864 net direct state benefits;

865 (g) "Gross payroll" means wages for new direct jobs;  
866 and

867 (h) "Establishment" means any business or governmental  
868 entity, no matter what legal form, including, but not limited to,  
869 a sole proprietorship; partnership; corporation or combination of  
870 corporations which have a central parent corporation which makes  
871 corporate management decisions such as those involving  
872 consolidation, acquisition, merger or expansion; federal agency;  
873 political subdivision of the State of Mississippi; or trust  
874 authority; provided, distinct, identifiable subunits of such  
875 entities may be determined to be an establishment, for all  
876 purposes of this act, by the Mississippi Development Authority  
877 subject to the following conditions:

878 (i) The entity shall have certain minimum payroll  
879 levels depending upon their location within the state in order to

880 qualify for Mississippi Quality Jobs Program. Such minimum  
881 payroll levels shall be based on one (1) classification of the  
882 county in which the entity is located as established in Section  
883 57-73-21. In underdeveloped census tracts of counties designated  
884 as developed Tier One areas entities shall have or will create a  
885 minimum new payroll of Two Million Five Hundred Thousand Dollars  
886 (\$2,500,000.00). In counties that are designated as moderately  
887 developed Tier Two areas entities shall have or will create a  
888 minimum payroll of One Million Five Hundred Thousand Dollars  
889 (\$1,500,000.00). In counties designated as less developed Tier  
890 Three areas entities shall have or will create a minimum new  
891 payroll of One Million Dollars (\$1,000,000.00) or have an average  
892 salary that is one hundred twenty-five percent (125%) of the  
893 state's average income. Payroll requirements shall be based on  
894 the designation of the county at the time of the application. The  
895 threshold established upon application will remain constant for  
896 the duration of the project;

897 (ii) The subunit is engaged in an activity or  
898 service or produces a product which is demonstratively independent  
899 and separate from the entity's other activities, services or  
900 products and could be conducted or produced in the absence of any  
901 other activity, service or production of the entity;

902 (iii) The entity has an accounting system capable  
903 of tracking or facilitating an audit of the subunit's payroll,  
904 expenses, revenue and production. Limited interunit overlap of  
905 administrative and purchasing functions shall not disqualify a  
906 subunit from consideration as an establishment by the Mississippi  
907 Development Authority;

908 (iv) It is determined by the Mississippi  
909 Development Authority that the entity will have a probable net  
910 gain in total employment within the incentive period.

911 The Mississippi Development Authority may promulgate rules to  
912 further limit the circumstances under which a subunit may be

913 considered an establishment. The Mississippi Development  
914 Authority shall promulgate rules to determine whether a subunit of  
915 an entity achieves a net gain in total employment. The  
916 Mississippi Development Authority shall establish criteria for  
917 determining the period of time within which such gain must be  
918 demonstrated and a method for determining net gain in total  
919 employment.

920 SECTION 22. There is created the Incentive Approval  
921 Committee which shall consist of the Executive Director of the  
922 Mississippi Development Authority, the Executive Director of the  
923 Department of Finance and Administration and the Chairman of the  
924 State Tax Commission. The committee shall determine, upon initial  
925 application on a form approved by the committee, if an  
926 establishment is engaged in a basic industry as defined in Section  
927 21 of this act.

928 SECTION 23. (1) Except as otherwise provided in subsection  
929 (8) of this section, an establishment that meets the  
930 qualifications specified in the Mississippi Quality Jobs Program  
931 Act may receive quarterly incentive payments for a ten-year period  
932 from the State Tax Commission pursuant to the provisions of the  
933 Mississippi Quality Jobs Program Act in an amount which shall be  
934 equal to the net benefit rate multiplied by the actual gross  
935 payroll of new direct jobs for a calendar quarter as verified by  
936 the Mississippi Employment Security Commission.

937 (2) In order to receive incentive payments, an establishment  
938 shall apply to the Mississippi Development Authority. The  
939 application shall be on a form prescribed by the department and  
940 shall contain such information as may be required by the  
941 department to determine if the applicant is qualified.

942 (3) Except as otherwise provided by subsection (4) or (5) of  
943 this section, in order to qualify to receive such payments, the  
944 establishment applying shall be required to:

945 (a) Be engaged in a basic industry;

946           (b) Have certain minimum payroll levels depending upon  
947 their location within the state in order to qualify for  
948 Mississippi Quality Jobs Program. Those minimum payroll levels  
949 shall be based on the classification of the county in which the  
950 entity is located as established in Section 57-73-21. In  
951 underdeveloped census tracts of counties designated as developed  
952 Tier One areas entities shall have or will create a minimum new  
953 payroll of Two Million Five Hundred Thousand Dollars  
954 (\$2,500,000.00). In counties that are designated as moderately  
955 developed Tier Two areas entities shall have or will create a  
956 minimum payroll of One Million Five Hundred Thousand Dollars  
957 (\$1,500,000.00) or have an average salary that is one hundred  
958 twenty-five percent (125%) of the state's average income. In  
959 counties designated as less developed Tier Three areas entities  
960 shall have or will create a minimum new payroll of One Million  
961 Dollars (\$1,000,000.00) or have an average salary that is one  
962 hundred twenty-five percent (125%) of the state's average income.

963       The criteria for this requirement shall be based on the  
964 designation of the county at the time of the application. The  
965 threshold established upon application will remain constant for  
966 the duration of the project; and

967           (c) Have a number of full-time-equivalent employees  
968 working an average of twenty-five (25) or more hours per week in  
969 new direct jobs equal to or in excess of eighty percent (80%) of  
970 the total number of new direct jobs.

971       (4) In order to qualify to receive incentive payments as  
972 authorized by the Mississippi Quality Jobs Program Act, an  
973 establishment engaged in an activity described under:

974           (a) Any industry group number and division of the  
975 Standard Industrial Classification Manual set forth in Section 21  
976 of this act and meeting the requirement as set forth shall be  
977 required to:

978           (i) Have an annual gross payroll for new direct

979 jobs projected by the Mississippi Development Authority to equal  
980 or exceed Two Million Five Hundred Thousand Dollars  
981 (\$2,500,000.00) if located in an underdeveloped census tract of a  
982 county designated as a developed Tier One area under Section  
983 57-73-21, or a payroll equal or exceeding One Million Five Hundred  
984 Thousand Dollars (\$1,500,000.00) if located in a county designated  
985 as a moderately developed Tier Two area under Section 57-73-21, or  
986 a payroll equal or exceeding One Million Dollars (\$1,000,000.00)  
987 or having an average salary of one hundred twenty-five percent  
988 (125%) of the state's average income if located in a county  
989 designated as a less developed Tier Three area under Section  
990 57-71-21, within three (3) years of the anticipated date on which  
991 the establishment will receive its first incentive payment.

992 (ii) Have a number of full-time-equivalent  
993 employees working an average of twenty-five (25) or more hours per  
994 week in new direct jobs equal to or in excess of eighty percent  
995 (80%) of the total number of new direct jobs;

996 (b) Any Industry Group Number and Division of the  
997 Standard Industrial Classification Manual, including those  
998 identified in paragraph (a) of this subsection which are  
999 identified as the "Targeted Industry Groups" of the Mississippi  
1000 Development Authority for the State of Mississippi shall receive  
1001 an automatic additional one percent (1%) priority to be added to  
1002 the base payroll incentive, provided, however, that the net  
1003 benefit rate shall not exceed five percent (5%) of total benefit  
1004 and shall be required to meet the requirements of paragraphs  
1005 (a)(i) and (ii) of this subsection.

1006 (5) An establishment that locates its principal business  
1007 activity on a site consisting of at least ten (10) acres which has  
1008 been determined to be contaminated by any substance regulated by a  
1009 federal or state statute governing environmental conditions for  
1010 real property and which:

1011 (a) Is a federal Superfund removal site;

1012           (b) Is listed on the National Priorities List  
1013 established under Section 9605 of Title 42 of the United States  
1014 Code;

1015           (c) Has been formally deferred to the state in lieu of  
1016 listing on the National Priorities List; or

1017           (d) Has been remediated pursuant to an order of the  
1018 Department of Environmental Quality,  
1019 shall qualify for incentive payments irrespective of its actual  
1020 gross payroll or the number of full-time-equivalent employees  
1021 engaged in new direct jobs.

1022           In order to qualify for the incentive payments pursuant to  
1023 this subsection (5), the establishment shall conduct the activity  
1024 resulting in at least eighty percent (80%) of its total annual  
1025 gross revenue, whether from the sale of products or services or  
1026 both products and services, at the physical location which has  
1027 been determined not to comply with the federal or state statutes  
1028 described in this subsection (5) with respect to environmental  
1029 conditions for real property. The establishment shall be subject  
1030 to all other requirements of the Mississippi Quality Jobs Program  
1031 Act other than the exemptions provided by this subsection (5).

1032           (6) The Mississippi Development Authority shall determine if  
1033 the applicant is qualified to receive incentive payments. If the  
1034 applicant is determined to be qualified by the authority, the  
1035 authority shall conduct a cost/benefit analysis to determine the  
1036 estimated net direct state benefits and the net benefit rate  
1037 applicable for a ten-year period and to estimate the amount of  
1038 gross payroll for a ten-year period. In conducting such  
1039 cost/benefit analysis, the authority shall consider quantitative  
1040 factors, such as the anticipated level of new tax revenues to the  
1041 state along with the added cost to the state of providing  
1042 services, and such other criteria as deemed appropriate by the  
1043 authority. In no event shall incentive payments, cumulatively,  
1044 exceed the estimated net direct state benefits.

1045           (7) Upon approval of such an application, the Mississippi  
1046 Development Authority shall notify the State Tax Commission and  
1047 shall provide it with a copy of the application and the results of  
1048 the cost/benefit analysis. The State Tax Commission may require  
1049 the qualified establishment to submit such additional information  
1050 as may be necessary to administer the provisions of this act. The  
1051 approved establishment shall report to the State Tax Commission  
1052 periodically to show its continued eligibility for incentive  
1053 payments. The establishment may be audited by the State Tax  
1054 Commission to verify such eligibility. Once the establishment is  
1055 approved, an agreement shall be deemed to exist between the  
1056 establishment and the State of Mississippi, requiring the  
1057 continued incentive payment to be made as long as the  
1058 establishment retains its eligibility.

1059           (8) An establishment in a county designated as a less  
1060 developed area under Section 57-71-21, in which is eligible to  
1061 receive quarterly incentive payments pursuant to the provision of  
1062 this section shall receive the maximum total benefit; provided,  
1063 however, the net benefit rate shall not exceed five percent (5%)  
1064 of the total benefit.

1065           SECTION 24. (1) There is created in the State Treasury a  
1066 special fund to be known as the Mississippi Quality Jobs Program  
1067 Incentive Payment Fund, into which shall be deposited such money  
1068 as the Legislature may provide by appropriation. The money in the  
1069 fund shall be used for the purpose of making the incentive  
1070 payments authorized under this act.

1071           (2) The Mississippi Quality Jobs Program Incentive Payment  
1072 Fund shall be administered by the State Tax Commission, and monies  
1073 in the fund shall be expended upon appropriation by the  
1074 Legislature. Unexpended amounts remaining in the fund at the end  
1075 of the fiscal year shall not lapse into the General Fund, and any  
1076 interest earned on amounts in the fund shall be deposited to the  
1077 credit of the fund.

1078           (3) The liability of the State of Mississippi to make the  
1079 incentive payments authorized under this act shall be limited to  
1080 the balance contained in the fund.

1081           SECTION 25. (1) As soon as practicable after the end of a  
1082 calendar quarter for which an establishment has qualified to  
1083 receive an incentive payment, the establishment shall file a claim  
1084 for the payment with the State Tax Commission and shall specify  
1085 the actual number and gross payroll of new direct jobs for the  
1086 establishment for the calendar quarter. The State Tax Commission  
1087 shall verify the actual gross payroll for new direct jobs for the  
1088 establishment for such calendar quarter. If the State Tax  
1089 Commission is not able to provide such verification utilizing all  
1090 available resources, the State Tax Commission may request such  
1091 additional information from the establishment as may be necessary  
1092 or may request the establishment to revise its claim.

1093           (2) If the actual verified gross payroll for four (4)  
1094 consecutive calendar quarters does not equal or exceed the  
1095 applicable total required by Section 5 of this act within three  
1096 (3) years of the date of the first incentive payment, or does not  
1097 equal or exceed the applicable total required by Section 5 of this  
1098 act at any other time during the ten-year period after the date  
1099 the first payment was made, the incentive payments shall not be  
1100 made and shall not be resumed until such time as the actual  
1101 verified gross payroll equals or exceeds the amounts specified in  
1102 Section 5 of this act.

1103           (3) If the average annualized wage required for an  
1104 establishment locating its principal business activity in a county  
1105 developed area under Section 57-73-21 and subject to the  
1106 provisions of Section 5(6) of this act does not equal or exceed  
1107 Twenty Thousand Dollars (\$20,000.00) within three (3) years of the  
1108 date of the first incentive payment, the incentive payments shall  
1109 not be made and shall not be resumed until such time as such  
1110 requirements are met.



1111 (4) In no event shall incentive payments, cumulatively,  
1112 exceed the estimated net direct state benefits.

1113 (5) An establishment that has qualified pursuant to Section  
1114 23 of this act may receive payments only in accordance with the  
1115 provisions under which it initially applied and was approved. If  
1116 an establishment that is receiving incentive payments expands, it  
1117 may apply for additional incentive payments based on the gross  
1118 payroll anticipated from the expansion only, pursuant to Section  
1119 23 of this act.

1120 (6) An establishment that is receiving incentive payments  
1121 may not apply for additional incentive payments for any new  
1122 projects until twelve (12) quarters after receipt of the first  
1123 incentive payment, or until the establishment's actual verified  
1124 gross payroll for new direct jobs equals or exceeds Two Million  
1125 Five Hundred Thousand Dollars (\$2,500,000.00) during any four (4)  
1126 consecutive calendar quarter period, whichever comes first. After  
1127 meeting the requirements of this subsection, an establishment may  
1128 apply for additional incentive payments based upon the gross  
1129 payroll anticipated from an expansion only.

1130 (7) As soon as practicable after verification of the actual  
1131 gross payroll as required by this section and except as otherwise  
1132 provided by Section 23(8) of this act, the State Tax Commission  
1133 shall issue a warrant to the establishment in the amount of the  
1134 net benefit rate multiplied by the actual gross payroll as  
1135 determined pursuant to subsection (1) of this section for the  
1136 calendar quarter.

1137 SECTION 26. The Mississippi Development Authority and the  
1138 State Tax Commission shall promulgate rules necessary to implement  
1139 their respective duties and responsibilities under the provisions  
1140 of this act.

1141 SECTION 27. Any person making an application, claim for  
1142 payment or any report, return, statement or other instrument or  
1143 providing any other information pursuant to the provisions of this

1144 act who willfully makes a false or fraudulent application, claim,  
1145 report, return, statement, invoice or other instrument or who  
1146 willfully provides any false or fraudulent information, or any  
1147 person who willfully aids or abets another in making such false or  
1148 fraudulent application, claim, report, return, statement, invoice  
1149 or other instrument or who willfully aids or abets another in  
1150 providing any false or fraudulent information, upon conviction,  
1151 shall be guilty of a felony punishable by the imposition of a fine  
1152 of not less than One Thousand Dollars (\$1,000.00) and not more  
1153 than Fifty Thousand Dollars (\$50,000.00), or imprisonment in the  
1154 State Penitentiary for not less than two (2) years and not more  
1155 than five (5) years, or by both such fine and imprisonment. Any  
1156 person convicted of a violation of this section shall be liable  
1157 for the repayment of all incentive payments which were paid to the  
1158 establishment. Interest shall be due on such payments at the rate  
1159 of ten percent (10%) per annum.

1160       SECTION 28. The Department of Economic and Community  
1161 Development shall prepare triennially a report which shall  
1162 include, but not be limited to, documentation of the new direct  
1163 jobs created under this act and a fiscal analysis of the costs and  
1164 benefits of the program to the state. The report shall be  
1165 submitted to the Speaker of the House of Representatives, the  
1166 President Pro Tempore of the Senate and the Governor of this state  
1167 no later than March 1, 2003, and every three (3) years thereafter.  
1168 The report may be used for the purpose of determining whether to  
1169 continue the program.

1170       SECTION 29. The following provision shall be codified as  
1171 Section 27-7-312, Mississippi Code of 1972:

1172       27-7-312. Of the revenue collected under the provisions of  
1173 this article from an employer who is eligible to receive incentive  
1174 payments under the Mississippi Quality Jobs Program Act, an amount  
1175 equal to the estimated amount of the quarterly incentive payment  
1176 for which such employer is eligible shall be deposited into the

1177 Mississippi Quality Jobs Program Incentive Payment Fund created  
1178 pursuant to Sections 19 through 28 of House Bill No. \_\_\_\_\_, 2000  
1179 Second Extraordinary Session, on or before the twentieth day of  
1180 the month following the close of each calendar quarter.

1181       SECTION 30. Sections 30 through 35 of this act shall be  
1182 known and may be cited as the "Growth and Prosperity Act."

1183       SECTION 31. The Legislature finds and determines that there  
1184 exists in this state a continuing need for programs to assist  
1185 certain counties in encouraging economic development, the  
1186 consequent job creation and retention, additional private  
1187 investment and increased local and state revenue which together  
1188 insures the further development of a balanced economy. To achieve  
1189 these purposes, it is necessary to assist and encourage the  
1190 creation of growth and prosperity by providing temporary relief  
1191 from certain taxes within certain counties to certain business  
1192 enterprises.

1193       Further, the Legislature finds and determines that the  
1194 authority granted under Sections 30 through 35 of this act and the  
1195 purposes to be accomplished hereby are proper governmental and  
1196 public purposes and that the resulting economic benefits to the  
1197 state are of paramount importance, mandating that the provisions  
1198 of Sections 30 through 35 of this act be liberally construed and  
1199 applied in order to advance the public purposes.

1200       SECTION 32. As used in Sections 30 through 35 of this act,  
1201 the following words and phrases shall have the meanings ascribed  
1202 herein unless the context clearly indicates otherwise:

1203           (a) "Approved business enterprise" means any business  
1204 enterprise seeking to locate or expand in a growth and prosperity  
1205 county, which business enterprise is approved by the MDA.

1206           (b) "Business enterprise" means any (i) industry for  
1207 the manufacturing, processing, assembling, storing, warehousing,  
1208 servicing, distributing or selling of any products or goods,  
1209 including products of agriculture; (ii) enterprises for research

1210 and development, including, but not limited to, scientific  
1211 laboratories; or (iii) such other businesses or industry as will  
1212 be in furtherance of the public purposes of Sections 30 through 35  
1213 of this act as determined by the Legislature for local and private  
1214 legislation designating a county as a growth and prosperity county  
1215 and which creates a minimum of ten (10) jobs. "Business  
1216 enterprise" does not include retail or gaming businesses or  
1217 electrical generation facilities.

1218 (c) "Growth and prosperity counties" means those  
1219 counties which meet the requirements of Sections 30 through 35 of  
1220 this act and which have by resolution or order given its consent  
1221 to participate in the Growth and Prosperity Program.

1222 (d) "Local tax" means any county or municipal ad  
1223 valorem tax imposed on the approved business enterprise pursuant  
1224 to law, except the school portion of the tax.

1225 (e) "Local taxing authority" means any county or  
1226 municipality which by resolution or order has given its consent to  
1227 participate in the Growth and Prosperity Program acting through  
1228 its respective board of supervisors or the municipal governing  
1229 board, council, commission or other legal authority.

1230 (f) "MDA" means the Mississippi Development Authority.

1231 (g) "State tax" means any sales and use tax imposed on  
1232 the business enterprise pursuant to law related to the purchase of  
1233 component building materials and equipment, and all income tax and  
1234 franchise tax imposed on the business enterprise pursuant to law.

1235 SECTION 33. From and after December 31, 2000, and until  
1236 December 31, 2005, any county of this state which has an  
1237 annualized unemployment rate which is at least two hundred percent  
1238 (200%) of the state's unemployment rate as of December 31 of any  
1239 year from 2000 through 2005 as determined by the Mississippi  
1240 Employment Security Commission may apply to the Legislature for  
1241 local and private legislation designating a county as a growth and  
1242 prosperity county. The application, at a minimum, must contain

1243 (a) Mississippi Employment Security Commission figures that  
1244 reflect the annualized unemployment rate of the applying county as  
1245 of December 31, and (b) an order or resolution of the county  
1246 consenting to the designation of the county as a growth and  
1247 prosperity county.

1248 Any municipality of a designated growth and prosperity county  
1249 may by order or resolution of the municipality consent to  
1250 participation in the Growth and Prosperity Program.

1251 No incentive or tax exemption shall be given under Sections  
1252 30 through 35 of this act without the consent of the affected  
1253 county or municipality.

1254 SECTION 34. Upon legislative approval of designating certain  
1255 counties as growth and prosperity counties, any approved business  
1256 enterprise in any such a growth and prosperity county shall be  
1257 exempt from all local taxes levied by the county, except school  
1258 taxes, and all state taxes for a period of ten (10) years or until  
1259 December 31, 2015, whichever occurs first, and upon consent of any  
1260 municipality within such a county shall be exempt from all local  
1261 taxes levied by such municipality, except school taxes, for a  
1262 period of ten (10) years or until December 31, 2015, whichever  
1263 occurs first.

1264 The following conditions, along with any other conditions the  
1265 MDA shall promulgate from time to time by rule or regulation,  
1266 shall apply to such exemptions: (a) any exemption provided under  
1267 Sections 30 through 35 of this act is nontransferable and cannot  
1268 be applied, used or assigned to any other person or business or  
1269 tax account; (b) no approved business enterprise may claim or use  
1270 the exemption granted under Sections 30 through 35 of this act  
1271 unless that enterprise is in full compliance with all state and  
1272 local tax laws, and related ordinances and resolutions; and (c)  
1273 the approved business enterprise must enter into an agreement with  
1274 the MDA which sets out, at a minimum the performance requirements  
1275 of the approved business enterprise during the term of the

1276 exemption and provisions for the recapture of all or a portion of  
1277 the taxes exempted if the performance requirements of the approved  
1278 business enterprise are not met.

1279       Upon entering into such an agreement, the MDA shall forward  
1280 such agreement to the State Tax Commission and the affected local  
1281 taxing authorities so that the exemption can be implemented. The  
1282 State Tax Commission shall promulgate rules and regulations for  
1283 the implementation of both local and state exemptions granted  
1284 under Sections 30 through 35 of this act.

1285       Any business enterprise that relocates its present operation  
1286 and jobs to a growth and prosperity county from another county in  
1287 the state shall not receive any of the exemptions granted in  
1288 Sections 30 through 35 of this act.

1289       SECTION 35. The MDA shall promulgate rules and regulations  
1290 for the implementation and administration of Sections 30 through  
1291 35 of this act.

1292       SECTION 36. Sections 36 through 55 of this act may be  
1293 referred to and cited as the "Local Advantage Financing Act."

1294       SECTION 37. It is hereby declared that the state's public  
1295 welfare demands, and the state's public policy requires:

1296               (a) That balanced economic development of this state is  
1297 essential.

1298               (b) That the present and prospective health, safety,  
1299 morals, pursuit of happiness, right to gainful employment and the  
1300 general welfare of the citizens demand as a public purpose the  
1301 development within Mississippi of economic development projects in  
1302 the broadest sense of that phrase, including, without limitation,  
1303 land, infrastructure, facilities, and equipment, for industrial,  
1304 distribution, telecommunications, tourism, and commercial  
1305 projects, convention centers, stadiums, hospitals and related  
1306 health care facilities and equipment. The several counties and  
1307 municipalities of this state should be encouraged to pursue  
1308 economic development projects. To that end, for the benefit of

1309 the people of Mississippi, it is essential to foster and promote  
1310 by all reasonable means the provision of adequate access to  
1311 capital markets and facilities for borrowing money to finance  
1312 economic development projects.

1313 (c) That the means and measures herein authorized to  
1314 promote approved projects, as defined in Sections 36 through 55 of  
1315 this act, are, as a matter of public policy, for the public  
1316 purposes of the several counties and municipalities, and of the  
1317 State of Mississippi.

1318 (d) That the present and prospective promotion of  
1319 health, safety, morals, pursuit of happiness, right to gainful  
1320 employment, and the general welfare of the state requires the  
1321 accomplishment of the actions herein and hereby authorized.

1322 (e) That the accomplishment of the things herein  
1323 authorized to be done by the several counties and municipalities  
1324 will give to them local benefits peculiar to each.

1325 (f) That bonds issued by any local government unit  
1326 pursuant to Sections 36 through 55 of this act shall be amortized  
1327 over the shortest period reasonable under the circumstances.

1328 (g) That Sections 36 through 55 of this act shall be  
1329 liberally construed to accomplish the intentions, purposes and  
1330 objects expressed herein.

1331 SECTION 38. As used in Sections 36 through 55 of this act,  
1332 the following words and terms have the following meanings, unless  
1333 a different meaning clearly appears from the context:

1334 (a) "Bonds" means bonds, notes or other evidences of  
1335 indebtedness of the local government unit issued pursuant to  
1336 Sections 36 through 55 of this act.

1337 (b) "County" means a county of the state.

1338 (c) "Governing authority" means the board of  
1339 supervisors of any county or the governing board or body of any  
1340 municipality.

1341 (d) "Local government unit" means any county or

1342 municipality of this state or any regional economic development  
1343 alliance created pursuant to Sections 5 through 18 of this act.

1344 (e) "MDA" means the Mississippi Development Authority.

1345 (f) "Municipality" means a municipality of the state.

1346 (g) "Project" means and includes any of the following

1347 which promotes economic development or which assists in the

1348 creation of jobs:

1349 (i) Acquisition, construction, repair, renovation,  
1350 demolition or removal of:

1351 1. Buildings and site improvements (including  
1352 fixtures);

1353 2. Potable and nonpotable water supply  
1354 systems;

1355 3. Sewage and waste disposal systems;

1356 4. Storm water drainage and other drainage  
1357 systems;

1358 5. Airport facilities;

1359 6. Rail lines and rail spurs;

1360 7. Port facilities;

1361 8. Highways, streets and other roadways;

1362 9. Fire suppression and prevention systems;

1363 10. Utility distribution systems, including,  
1364 but not limited to, water, electricity, natural gas, telephone and  
1365 other information and telecommunications facilities, whether by  
1366 wire, fiber or wireless means;

1367 11. Business, industrial and technology  
1368 parks; and the acquisition of land and acquisition or construction  
1369 of improvements to land connected with any of the preceding  
1370 purposes;

1371 (ii) County purposes authorized by or defined in  
1372 Sections 17-5-3 and 19-9-1 (except 19-9-1(f));

1373 (iii) Municipal purposes authorized by or defined  
1374 in Sections 17-5-3, 17-17-301 et seq., 21-27-23 and 21-33-301; and



1375 (iv) Refunding of bonds as authorized in Section  
1376 21-27-1 et seq.

1377 (h) "State" means the State of Mississippi.

1378 SECTION 39. The MDA is authorized and empowered to  
1379 promulgate and put into effect all rules and regulations that it  
1380 may deem necessary to carry out the provisions of Sections 36  
1381 through 55 of this act.

1382 SECTION 40. (1) The governing authority of the local  
1383 government unit shall specify in the resolution required by  
1384 subsection (2) of this section the proposed project for which the  
1385 proceeds of the bonds and the revenue collected pursuant to the  
1386 tax levy may be used and expended.

1387 (2) (a) Before levying any special sales tax for any of the  
1388 purposes enumerated in Sections 36 through 55 of this act, the  
1389 governing authority of the issuing local government unit shall  
1390 adopt a resolution declaring its intention so to do, stating the  
1391 amount of tax proposed to be levied and the purpose for which the  
1392 tax is to be levied, the date upon which the governing authority  
1393 proposes to direct the imposition of such taxes, and the date upon  
1394 which the governing authority will hold an election on the  
1395 question of the tax levy. Such resolution shall be published once  
1396 a week for at least three (3) consecutive weeks in at least one  
1397 (1) newspaper published in such local government unit. The first  
1398 publication of such resolution shall be made not less than thirty  
1399 (30) days prior to the date fixed in such resolution for the  
1400 election and the last publication shall be made not more than  
1401 seven (7) days prior to the date set for the election. If no  
1402 newspaper be published in such local government unit, then such  
1403 notice shall be given by publishing the resolution for the  
1404 required time in some newspaper having a general circulation in  
1405 such local government unit and, in addition, by posting a copy of  
1406 such resolution for at least thirty (30) days next preceding the  
1407 date fixed therein at three (3) public places in such local

1408 government unit. Publication of the resolution by the local  
1409 government unit may be made as provided in Section 21-17-19.  
1410 Notice of the election shall be given, the election shall be held  
1411 and the result thereof determined in the same manner as other  
1412 elections in the local government unit. At such election, all  
1413 qualified electors of the local government unit may vote. The  
1414 ballots used in such election shall have printed thereon a brief  
1415 description of the special sales tax, the amount of the special  
1416 sales tax, a description of the projects for which the tax revenue  
1417 may be used, and the words "FOR THE SPECIAL SALES TAX" and  
1418 "AGAINST THE SPECIAL SALES TAX" and the voter shall vote by  
1419 placing a cross (X) or check mark (U) opposite his choice on the  
1420 proposition. When the results of the election have been canvassed  
1421 by the election commission of the local government unit and  
1422 certified by them to the governing authority, it shall be the duty  
1423 of such governing authority to determine and adjudicate whether or  
1424 not at least sixty percent (60%) of the qualified electors who  
1425 voted in such election voted in favor of the tax. If at least  
1426 sixty percent (60%) of the qualified electors who voted in such  
1427 election voted in favor of the tax, the governing authority of the  
1428 local government unit shall adopt a resolution declaring the levy  
1429 and collection of the special sales tax. A certified copy of this  
1430 resolution together with the result of the election shall be  
1431 furnished the State Tax Commission not less than thirty (30) days  
1432 prior to the effective date of the levy.

1433 (b) Before issuing any general obligation bonds for any  
1434 of the purposes enumerated in Sections 36 through 55 of this act,  
1435 the governing authority of the issuing local government unit shall  
1436 adopt a resolution declaring its intention so to do, stating the  
1437 amount of bonds proposed to be issued, the purpose for which the  
1438 bonds are to be issued, the date upon which the governing  
1439 authority proposes to direct the issuance of such bonds, and the  
1440 date upon which the governing authority will hold an election on

1441 the question of the issuance of the bonds. Such resolution shall  
1442 be published once a week for at least three (3) consecutive weeks  
1443 in at least one (1) newspaper published in such local government  
1444 unit. The first publication of such resolution shall be made not  
1445 less than thirty (30) days prior to the date fixed in such  
1446 resolution for the election and the last publication shall be made  
1447 not more than seven (7) days prior to the date set for the  
1448 election. If no newspaper be published in such local government  
1449 unit, then such notice shall be given by publishing the resolution  
1450 for the required time in some newspaper having a general  
1451 circulation in such local government unit and, in addition, by  
1452 posting a copy of such resolution for at least thirty (30) days  
1453 next preceding the date fixed therein at three (3) public places  
1454 in such local government unit. Publication of the resolution by  
1455 the local government unit may be made as provided in Section  
1456 21-17-19. Notice of the election shall be given, the election  
1457 shall be held and the result thereof determined in the same manner  
1458 as other elections in the local government unit. At such  
1459 election, all qualified electors of the local government unit may  
1460 vote. The ballots used in such election shall have printed  
1461 thereon a brief description of the amount and purpose of the  
1462 proposed bond issuance and the words "FOR THE BOND ISSUANCE" and  
1463 "AGAINST THE BOND ISSUANCE" and the voter shall vote by placing a  
1464 cross (X) or check mark (U) opposite his choice on the  
1465 proposition. When the results of the election have been canvassed  
1466 by the election commission of the local government unit and  
1467 certified by them to the governing authority, it shall be the duty  
1468 of such governing authority to determine and adjudicate whether or  
1469 not at least sixty percent (60%) of the qualified electors who  
1470 voted in such election voted in favor of the issuance of the  
1471 bonds. If at least sixty percent (60%) of the qualified electors  
1472 who voted in the election voted in favor of the issuance of the  
1473 bonds, the governing authority of the local government unit may

1474 issue such bonds, either in whole or in part, within two (2) years  
1475 from the date of such election or within two (2) years after the  
1476 favorable termination of any litigation affecting the issuance of  
1477 such bonds as such governing authority shall deem best. Nothing  
1478 in this section shall require an election to issue general  
1479 obligation bonds for any of the purposes set forth in Section  
1480 19-9-1 et seq. Or Section 21-33-301 et seq., where such an  
1481 election is not otherwise required by Section 19-9-1 et seq. or  
1482 Section 21-33-301.

1483 (c) Before issuing any tax increment financing bonds or  
1484 special assessment bonds and levying any tax increment tax or  
1485 special assessment tax for any of the purposes enumerated in  
1486 Sections 36 through 55 of this act, the governing authority of the  
1487 issuing local government unit shall adopt a resolution declaring  
1488 its intention so to do, stating the amount of taxes proposed to be  
1489 levied and the purpose for which the taxes are to be levied, and  
1490 the date upon which the governing authority proposes to direct the  
1491 imposition of such taxes. Such resolution shall be published once  
1492 a week for at least three (3) consecutive weeks in at least one  
1493 (1) newspaper published in such local government unit. The first  
1494 publication of such resolution shall be made not less than thirty  
1495 (30) days prior to the date fixed in such resolution and the last  
1496 publication shall be made not more than seven (7) days prior to  
1497 the date set for public hearing to determine whether the proposed  
1498 tax shall be imposed. If no newspaper be published in such local  
1499 government unit, then such notice shall be given by publishing the  
1500 resolution for the required time in some newspaper having a  
1501 general circulation in such local government unit and, in  
1502 addition, by posting a copy of such resolution for at least thirty  
1503 (30) days next preceding the date fixed therein at three (3)  
1504 public places in such local government unit. Publication of the  
1505 resolution by the local government unit may be made as provided in  
1506 Section 21-17-19. If ten percent (10%) of the qualified electors

1507 of the local government unit, or fifteen hundred (1500), whichever  
1508 is the lesser, shall file a written protest against the imposition  
1509 of the tax on or before the date specified in such resolution,  
1510 then an election on the question of the tax shall be called and  
1511 held in the same manner as other elections in the local government  
1512 unit and the proposition voted upon shall be approved only upon  
1513 receipt of a majority of the votes cast in the election. Notice  
1514 of such election shall be signed by the clerk of the local  
1515 government unit and shall be published once a week for at least  
1516 three (3) consecutive weeks in at least one (1) newspaper  
1517 published in such local government unit. The first publication of  
1518 such notice shall be made not less than twenty-one (21) days prior  
1519 to the date fixed for such election, and the last publication  
1520 shall be made not more than seven (7) days prior to such date. If  
1521 no newspaper is published in such local government unit, then such  
1522 notice shall be given by publishing the same for the required time  
1523 in some newspaper having a general circulation in such local  
1524 government unit and published in the same or an adjoining county  
1525 and, in addition, by posting a copy of such notice for at least  
1526 twenty-one (21) days next preceding such election at three (3)  
1527 public places in such local government unit. If no protest be  
1528 filed, then the tax may be imposed without an election on the  
1529 question of the imposition thereof, at any time within a period of  
1530 two (2) years after the date specified in the above-mentioned  
1531 resolution. However, the governing authority of any local  
1532 government unit in its discretion may nevertheless call an  
1533 election on such question, in which event it shall not be  
1534 necessary to publish the resolution declaring its intention to  
1535 impose the tax as herein provided.

1536       SECTION 41. (1) The resolution required in Section 40 of  
1537 this act on the proposal to issue tax increment financing bonds or  
1538 special assessment bonds to finance an approved project shall be  
1539 sufficient publication for all bond issuance purposes without

1540 further publication or act, if the following information is  
1541 provided in the resolution: (a) the maximum aggregate principal  
1542 amount of the bonds; (b) the latest maturity date of any bond; (c)  
1543 the maximum annual debt service amount for the bonds; (d) the  
1544 purpose for which the bonds are to be issued; and (e) the date  
1545 upon which the governing authority proposes to direct the issuance  
1546 of such bonds. If a petition containing proper signatures in  
1547 sufficient quantity shall be filed with the governing authority of  
1548 the local government unit at or prior to the hearing called for in  
1549 the resolution required in Sections 35 through 55 of this act,  
1550 then no tax increment financing bonds or special assessment bonds  
1551 shall be issued until the election required by Sections 35 through  
1552 55 of this act shall have been held and the proposition(s) voted  
1553 upon shall have received a majority of the votes cast in the  
1554 election.

1555 (2) The resolution required in Section 40 of this act on the  
1556 proposal to levy a sales tax or to issue general obligation bonds  
1557 shall be sufficient publication and notice for all bond issuance  
1558 purposes without further publication or act, if the following  
1559 information is provided in the resolution: (a) the maximum  
1560 aggregate principal amount of the bonds; (b) the latest maturity  
1561 date of any bond; (c) the maximum annual debt service amount for  
1562 the bonds; (d) the purpose for which the bonds are to be issued;  
1563 and (e) the date upon which the governing authority proposes to  
1564 direct the issuance of such bonds.

1565 SECTION 42. (1) After the governing authority shall have  
1566 found and determined that no petition has been timely filed  
1567 containing proper signatures in sufficient quantity to require the  
1568 governing authority to call an election; or if such a petition  
1569 shall have been timely filed, then after an election approving the  
1570 issuance of tax increment financing bonds or special assessment  
1571 bonds, shall have occurred and the propositions voted upon therein  
1572 have been approved, the governing authority of the local

1573 government unit shall be authorized to impose either a tax  
1574 increment tax or a special assessment tax as provided in Sections  
1575 36 through 55 of this act.

1576 (2) After an election approving the imposition of a special  
1577 sales tax and the issuance of bonds, if any, shall have occurred  
1578 and the propositions voted upon therein have been approved, the  
1579 governing authority of the local government unit shall be  
1580 authorized to impose either a special sales tax or an ad valorem  
1581 tax, or both, as provided in Sections 36 through 55 of this act.

1582 (3) Any taxes imposed pursuant to the provisions of Sections  
1583 36 through 55 of this act shall be in addition to all other taxes  
1584 imposed by the local government unit at or after the time of  
1585 ratification.

1586 (4) Any tax imposed pursuant to Sections 36 through 55 of  
1587 this act shall be discontinued by the governing authority of the  
1588 local government unit on the first day of the month immediately  
1589 succeeding the date any indebtedness incurred pursuant to Sections  
1590 35 through 55 of this act, including interest, is retired, or in  
1591 the event the local government unit incurs no indebtedness, the  
1592 first day of the month after all obligations for acquiring,  
1593 constructing, equipping, renovating, improving, and, if pertinent,  
1594 demolishing and removing the approved project have been paid. Any  
1595 amount remaining in the separate fund containing the proceeds of  
1596 the tax not necessary to retire the debt or pay any other  
1597 obligations, shall be transferred to the local government unit's  
1598 general fund.

1599 SECTION 43. After satisfying the requirements of Sections 40  
1600 through 42 of this act, the governing authority of any local  
1601 government unit may impose upon all persons as a privilege for  
1602 engaging or continuing in business or doing business within such  
1603 local government unit, a special sales tax at the rate of not more  
1604 than one and one-half percent (1-1/2%) of the gross proceeds of  
1605 sales or gross income of the business, as the case may be, derived

1606 from any of the activities taxed at the rate of seven percent (7%)  
1607 or more under the Mississippi Sales Tax Law, Section 27-65-1 et  
1608 seq., as provided hereinafter. The tax levied by this section  
1609 shall apply to every person making sales, delivery or  
1610 installations of tangible personal property or services within any  
1611 local government unit which has adopted the levy herein authorized  
1612 but shall not apply to sales exempted by Sections 27-65-19,  
1613 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and  
1614 27-65-111 of the Mississippi Sales Tax Law.

1615       SECTION 44. (1) After satisfying the requirements of  
1616 Sections 40 through 42 of this act, a local government unit may  
1617 finance all or part of an approved project through the issuance of  
1618 tax increment financing bonds. Any bonds so issued shall first  
1619 satisfy the procedural requirements set forth in the Tax Increment  
1620 Financing Act, Section 21-45-1 et seq., and shall be issued  
1621 according to the procedures set forth in those statutes.

1622       (2) A project area as defined in Section 21-45-3(a)(v) shall  
1623 include the land and improvements thereon which comprise an  
1624 approved project.

1625       (3) To the extent that there is any conflict between the  
1626 provisions of Section 21-45-1 et seq. and Sections 36 through 55  
1627 of this act, the provisions of Sections 36 through 55 of this act  
1628 shall control.

1629       SECTION 45. (1) After satisfying the requirements of  
1630 Sections 40 through 42 of this act, a local government unit may  
1631 finance all or part of an approved project by issuing general  
1632 obligation bonds of the local government unit.

1633       (2) Any general obligation bonds issued by a county shall  
1634 first satisfy the procedural requirements of Section 19-9-1 et  
1635 seq., and shall be issued according to the procedures set forth in  
1636 those statutes.

1637       (3) Any general obligation bonds issued by a municipality  
1638 shall first satisfy the procedural requirements of Section



1639 21-33-301 et seq., and shall be issued according to the procedures  
1640 set forth in those statutes.

1641 (4) An approved project shall be one of the purposes for  
1642 which a local government unit may issue its general obligation  
1643 bonds.

1644 (5) To the extent that there is any conflict between the  
1645 provisions of Section 19-9-1 et seq. or Section 21-33-301 et seq.  
1646 and Sections 36 through 55 of this act, the provisions of Sections  
1647 36 through 55 of this act shall control.

1648 SECTION 46. (1) After satisfying the requirements of  
1649 Sections 40 through 42 of this act, a local government unit may  
1650 finance all or part of an approved project by issuing special  
1651 assessment bonds. Any bonds so issued shall first satisfy the  
1652 procedural requirements set forth in Section 21-41-1 et seq., and  
1653 shall be issued according to the procedures set forth in those  
1654 statutes.

1655 (2) An approved project shall be one of the purposes for  
1656 which a local government unit may issue its special assessment  
1657 bonds.

1658 (3) To the extent that there is any conflict between the  
1659 provisions of Section 21-41-1 et seq. and Sections 36 through 55  
1660 of this act, the provisions of Sections 36 through 55 of this act  
1661 shall control.

1662 SECTION 47. (1) After satisfying the requirements of  
1663 Sections 40 through 42 of this act, a local government unit may  
1664 finance all or part of an approved project by issuing revenue  
1665 bonds. Any bonds so issued by a county shall first satisfy the  
1666 procedural requirements set forth in Sections 19-5-183, 19-5-185  
1667 and 31-19-25, and shall be issued according to the procedures set  
1668 forth in those statutes. Any bonds so issued by a municipality  
1669 shall first satisfy the procedural requirements set forth in  
1670 Sections 21-27-45 and 31-19-25, and shall be issued according to  
1671 the procedures set forth in those statutes.

1672           (2) To the extent that there is any conflict between the  
1673 provisions of Sections 19-5-183, 19-5-185, 21-27-45, and 31-19-25  
1674 and Sections 36 through 55 of this act, the provisions of Sections  
1675 36 through 55 of this act shall control.

1676           SECTION 48. (1) The special sales tax authorized by  
1677 Sections 36 through 55 of this act shall be collected by the State  
1678 Tax Commission, shall be accounted for separately from the amount  
1679 of sales tax collected for the state in the local government unit  
1680 and shall be paid to the local government unit in which collected.

1681       The proceeds of the tax, less three percent (3%) to be retained  
1682 by the State Tax Commission to defray the costs of collection,  
1683 shall be paid by the State Tax Commission to the local government  
1684 unit on or before the fifteenth day of the month following the  
1685 month in which the tax was collected.

1686           (2) The proceeds of the special sales tax shall be placed  
1687 into a separate fund apart from the local government unit general  
1688 fund and any other funds of the local government unit, and shall  
1689 be expended by the local government unit solely for the purpose of  
1690 paying any indebtedness or other obligation the local government  
1691 unit may incur for an approved project.

1692           (3) All provisions of the Mississippi Sales Tax Law  
1693 applicable to filing of returns, discounts to the taxpayer,  
1694 remittances to the State Tax Commission, enforced collection,  
1695 rights of taxpayers, recovery of improper taxes, refunds of  
1696 overpaid taxes or other provisions of law providing for imposition  
1697 and collection of the state sales tax shall apply to the special  
1698 sales tax authorized by Sections 36 through 55 of this act, except  
1699 where there is a conflict, in which case the provisions of  
1700 Sections 36 through 55 of this act shall control. Any damages,  
1701 penalties or interest collected for the nonpayment of taxes  
1702 imposed hereunder, or for noncompliance with the provisions of  
1703 Sections 36 through 55 of this act, shall be paid to the local  
1704 government unit in which such damages were collected on the same

1705 basis and in the same manner as the tax proceeds. Any overpayment  
1706 of tax for any reason that has been disbursed to any local  
1707 government unit or any payment of the tax to any local government  
1708 unit in error may be adjusted by the State Tax Commission on any  
1709 subsequent payment to the local government unit involved pursuant  
1710 to the provisions of the Mississippi Sales Tax Law. The State Tax  
1711 Commission may, from time to time, make such rules and regulations  
1712 not inconsistent with Sections 36 through 55 of this act as may be  
1713 deemed necessary to carry out its provisions, and such rules and  
1714 regulations shall have the full force and effect of law.

1715       SECTION 49. (1) The governing authority of any local  
1716 government unit that levies a special sales tax or a special  
1717 assessment tax or that finances an approved project by issuing tax  
1718 increment financing bonds or revenue bonds pursuant to Sections 36  
1719 through 55 of this act may incur indebtedness of the local  
1720 government unit in an aggregate principal amount that is not in  
1721 excess of an amount whose debt service is capable of being funded  
1722 by the proceeds of the special tax levied pursuant to Sections 36  
1723 through 55 of this act or by the revenues generated from the tax  
1724 increment or from the revenues pledged to pay the local government  
1725 unit's revenue bonds. The indebtedness authorized by this section  
1726 shall not be considered when computing any limitation of  
1727 indebtedness of the local government unit established by law.

1728       (2) The governing authority of any local government unit  
1729 that levies a special tax pursuant to Sections 36 through 55 of  
1730 this act may combine the proceeds of the special tax with the  
1731 proceeds of any general obligation, special assessment, tax  
1732 increment, and revenue bonds authorized under Sections 36 through  
1733 55 of this act or under laws other than Sections 36 through 55 of  
1734 this act to finance the approved project. Any bonds authorized  
1735 under laws other than Sections 36 through 55 of this act shall not  
1736 be issued in excess of the limitation of indebtedness of the local  
1737 government unit established by law. To the extent that the debt

1738 service on any indebtedness incurred in connection with an  
1739 approved project is paid with proceeds of the special sales tax  
1740 levied pursuant to Sections 36 through 55 of this act, with  
1741 proceeds of ad valorem taxes or sales taxes pledged to pay tax  
1742 increment bonds, with proceeds of special assessments levied  
1743 pursuant to Sections 36 through 55 of this act, or with revenues  
1744 pledged to pay revenue bonds issued pursuant to Sections 36  
1745 through 55 of this act, the indebtedness connected with financing  
1746 the approved project shall not be considered when computing any  
1747 limitation of indebtedness of the local government unit.

1748       SECTION 50. Each of the local government units in a regional  
1749 economic development alliance created under Sections 5 through 18  
1750 of this act electing to finance an approved project pursuant to  
1751 Sections 36 through 55 of this act shall comply with the  
1752 requirements of Sections 36 through 55 of this act.

1753       SECTION 51. (1) Sections 36 through 55 of this act shall be  
1754 construed as cumulative authority to other existing laws relating  
1755 to the power of local government units. Insofar as Sections 36  
1756 through 55 of this act are inconsistent with any other law,  
1757 Sections 36 through 55 of this act shall be controlling.

1758       (2) A regional economic development alliance created  
1759 pursuant to Sections 5 through 18 of this act and each local  
1760 government unit that is a member thereof is authorized to finance  
1761 an approved project pursuant to any financing option provided in  
1762 Sections 36 through 55 of this act. However, the requirements of  
1763 Sections 36 through 55 of this act shall be satisfied prior to the  
1764 imposition of any taxes or the issuance of any bonds.

1765       (3) Any local government unit may accept grants or other  
1766 financial assistance from the state or federal government, or any  
1767 other entity, to defray the cost, in whole or in part, of any  
1768 activity consistent with the purposes of Sections 36 through 55 of  
1769 this act.

1770       SECTION 52. All laws in regard to purchases, auditing,

1771 depositories and expenditures in general which limit the authority  
1772 of the local governing units shall also apply to any purchases and  
1773 receipts connected with an approved project.

1774       SECTION 53. Bonds issued by a local government unit may be  
1775 secured by an indenture by and between the local government unit  
1776 and a corporate trustee which may be any bank or other corporation  
1777 having the power of a trust company or any trust company within or  
1778 without this state. Such indenture may contain such provisions  
1779 for protecting and enforcing the rights and remedies of the  
1780 bondholders as may be reasonable and proper and not in violation  
1781 of law, including covenants setting forth the duties of the local  
1782 government unit in relation to the exercise of its powers and the  
1783 custody, safekeeping and application of all money. The local  
1784 government unit may provide in the indenture for the payment of  
1785 the proceeds of the bonds and revenues to the trustee under the  
1786 indenture or other depository, and for the method of disbursement  
1787 thereof, with such safeguards and restrictions as the local  
1788 government unit may determine. If the bonds shall be secured by  
1789 an indenture, the bondholders shall have no authority to appoint a  
1790 separate trustee to represent them.

1791       SECTION 54. The local government unit shall have the power  
1792 to contract with the holders of any of its bonds issued under  
1793 Sections 36 through 55 of this act as to the custody, collection,  
1794 securing, investment and payment of any money of the local  
1795 government unit, and of any money held in trust or otherwise for  
1796 the payment of bonds, and to carry out such contract. Money held  
1797 in trust or otherwise for the payment of bonds or in any way to  
1798 secure bonds and deposits of money may be secured in the same  
1799 manner as money of the local government unit, and all banks and  
1800 trust companies are authorized to give security for the deposits.

1801       SECTION 55. Any pledge made by the local government unit as  
1802 security for bonds shall be valid and binding from the time when  
1803 the pledge was made. The revenues or properties so pledged and

1804 thereafter received by the local government unit shall immediately  
1805 be subject to the lien of such pledge without any physical  
1806 delivery thereof or further act, and the lien of any such pledge  
1807 shall be valid and binding as against all parties having claims of  
1808 any kind in tort, contract or otherwise

1809 SECTION 56. Section 19-9-1, Mississippi Code of 1972, is  
1810 amended as follows:[CR3]

1811 19-9-1. The board of supervisors of any county is authorized  
1812 to issue negotiable bonds of the county to raise money for the  
1813 following purposes:

1814 (a) Purchasing or erecting, equipping, repairing,  
1815 reconstructing, remodeling and enlarging county buildings,  
1816 courthouses, office buildings, jails, hospitals, nurses' homes,  
1817 health centers, clinics, and related facilities, and the purchase  
1818 of land therefor;

1819 (b) Erecting, equipping, repairing, reconstructing,  
1820 remodeling, or acquiring county homes for indigents, and  
1821 purchasing land therefor;

1822 (c) Purchasing or constructing, repairing, improving  
1823 and equipping buildings for public libraries and for purchasing  
1824 land, equipment and books therefor, whether the title to same be  
1825 vested in the county issuing such bonds or in some subdivision of  
1826 the state government other than the county, or jointly in such  
1827 county and other such subdivision;

1828 (d) Establishing county farms for convicts, purchasing  
1829 land therefor, and erecting, remodeling, and equipping necessary  
1830 buildings therefor;

1831 (e) Constructing, reconstructing, and repairing roads,  
1832 highways and bridges, and acquiring the necessary land, including  
1833 land for road-building materials, acquiring rights-of-way  
1834 therefor; and the purchase of heavy construction equipment and  
1835 accessories thereto reasonably required to construct, repair and  
1836 renovate roads, highways and bridges and approaches thereto within

1837 the county;

1838           (f) Erecting, repairing, equipping, remodeling or  
1839 enlarging or assisting or cooperating with another county or other  
1840 counties in erecting, repairing, equipping, remodeling, or  
1841 enlarging buildings, and related facilities for an agricultural  
1842 high school, or agricultural high school-junior college, including  
1843 gymnasiums, auditoriums, lunchrooms, vocational training  
1844 buildings, libraries, teachers' homes, school barns, garages for  
1845 transportation vehicles, and purchasing land therefor;

1846           (g) Purchasing or renting voting machines and any other  
1847 election equipment to be used in elections held within the county;

1848           (h) Constructing, reconstructing or repairing boat  
1849 landing ramps and wharves fronting on the Mississippi Sound or the  
1850 Gulf of Mexico and on the banks or shores of the inland waters,  
1851 levees, bays and bayous of any county bordering on the Gulf of  
1852 Mexico or fronting on the Mississippi Sound, having two (2)  
1853 municipalities located therein, each with a population in excess  
1854 of twenty thousand (20,000) in accordance with the then last  
1855 preceding federal census;

1856           (i) Assisting the Board of Trustees of State  
1857 Institutions of Higher Learning, the Office of General Services or  
1858 any other state agency in acquiring a site for constructing  
1859 suitable buildings and runways and equipping an airport for any  
1860 state university or other state-supported four-year college now or  
1861 hereafter in existence in such county;

1862           (j) Aiding and cooperating in the planning,  
1863 undertaking, construction or operation of airports and air  
1864 navigation facilities, including lending or donating money,  
1865 pursuant to the provisions of the airport authorities law, being  
1866 Sections 61-3-1 through Section 61-3-83, Mississippi Code of 1972,  
1867 regardless of whether such airports or air navigation facilities  
1868 are located in the county or counties issuing such bonds;

1869           (k) Establishing rubbish and garbage disposal systems

1870 in accordance with the provisions of Sections 19-5-17 through  
1871 19-5-27;

1872 (l) Defraying the expenses of projects of the county  
1873 cooperative service district in which it is a participating  
1874 county, regardless of whether the project is located in the county  
1875 issuing such bonds;

1876 (m) Purchasing machinery and equipment which have an  
1877 expected useful life in excess of ten (10) years. The life of  
1878 such bonds shall not exceed the expected useful life of such  
1879 machinery and equipment. Machinery and equipment shall not  
1880 include any motor vehicle weighing less than twelve thousand  
1881 (12,000) pounds;

1882 (n) Purchasing fire fighting equipment and apparatus,  
1883 and providing housing for the same and purchasing land necessary  
1884 therefor;

1885 (o) A project for the county pursuant to the Local  
1886 Advantage Financing Act, Sections 36 through 55 of House Bill No.  
1887 \_\_\_\_\_ , 2000 Second Extraordinary Session.

1888 The word "bonds," as used in Sections 19-9-1 through 19-9-31,  
1889 shall be deemed to mean and include bonds, notes, or certificates  
1890 of indebtedness.

1891 SECTION 57. Section 19-9-5, Mississippi Code of 1972, is  
1892 amended as follows:[CR4]

1893 19-9-5. No county shall hereafter issue bonds secured by a  
1894 pledge of its full faith and credit for the purposes authorized by  
1895 law in an amount which, when added to the then outstanding bonds  
1896 of such county, shall exceed either (a) fifteen percent (15%) of  
1897 the assessed value of the taxable property within such county  
1898 according to the last completed assessment for taxation, or (b)  
1899 fifteen percent (15%) of the assessment upon which taxes were  
1900 levied for its fiscal year ending September 30, 1984, whichever is  
1901 greater.

1902 However, any county in the state which shall have experienced



1903 washed-out or collapsed bridges on the public roads of the county  
1904 for any cause or reason may hereafter issue bonds for bridge  
1905 purposes as now authorized by law in an amount which, when added  
1906 to the then outstanding general obligation bonds of such county,  
1907 shall not exceed either (a) twenty percent (20%) of the assessed  
1908 value of the taxable property within such county according to the  
1909 last completed assessment for taxation or (b) fifteen percent  
1910 (15%) of the assessment upon which taxes were levied for its  
1911 fiscal year ending September 30, 1984, whichever is greater.

1912         Provided further, in computing such indebtedness, there may  
1913 be deducted all bonds or other evidences of indebtedness  
1914 heretofore or hereafter issued, for the construction of hospitals,  
1915 ports or other capital improvements which are payable primarily  
1916 from the net revenue to be generated from such hospital, port or  
1917 other capital improvement, which revenue shall be pledged to the  
1918 retirement of such bonds or other evidences of indebtedness,  
1919 together with the full faith and credit of the county. However,  
1920 in no case shall any county contract any indebtedness payable in  
1921 whole or in part from proceeds of ad valorem taxes which, when  
1922 added to all of the outstanding general obligation indebtedness,  
1923 both bonded and floating, shall exceed either (a) twenty percent  
1924 (20%) of the assessed value of all taxable property within such  
1925 county according to the last completed assessment for taxation, or  
1926 (b) fifteen percent (15%) of the assessment upon which taxes were  
1927 levied for its fiscal year ending September 30, 1984, whichever is  
1928 greater. Nothing herein contained shall be construed to apply to  
1929 contract obligations in any form heretofore or hereafter incurred  
1930 by any county which are subject to annual appropriations therefor,  
1931 or to bonds heretofore or hereafter issued by any county for  
1932 school purposes, or to bonds issued by any county under the  
1933 provisions of Sections 57-1-1 through 57-1-51 or to any  
1934 indebtedness incurred pursuant to the Local Advantage Financing  
1935 Act, Sections 36 through 55 of House Bill No. \_\_\_\_\_, 2000 Second

1936 Extraordinary Session, pursuant to any financing option provided  
1937 therein other than the issuance of general obligation bonds paid  
1938 for by revenues from general ad valorem taxes levied upon all  
1939 taxable property within the local government unit.

1940 SECTION 58. Section 19-9-11, Mississippi Code of 1972, is  
1941 amended as follows:[LH5]

1942 19-9-11. Before issuing any bonds for any of the purposes  
1943 enumerated in Sections 19-9-1 through 19-9-3, the board of  
1944 supervisors shall adopt a resolution declaring its intention so to  
1945 do, stating the amount of bonds proposed to be issued and the  
1946 purpose for which the bonds are to be issued, and the date upon  
1947 which the board proposes to direct the issuance of such bonds.  
1948 Such resolution shall be published once a week for at least three  
1949 (3) consecutive weeks in at least one (1) newspaper published in  
1950 such county. The first publication of such resolution shall be  
1951 made not less than twenty-one (21) days prior to the date fixed in  
1952 such resolution for the issuance of the bonds, and the last  
1953 publication shall be made not more than seven (7) days prior to  
1954 such date. If no newspaper be published in such county, then such  
1955 notice shall be given by publishing the resolution for the  
1956 required time in some newspaper having a general circulation in  
1957 such county and, in addition, by posting a copy of such resolution  
1958 for at least twenty-one (21) days next preceding the date fixed  
1959 therein at three (3) public places in such county. If twenty  
1960 percent (20%), or fifteen hundred (1500), whichever is less, of  
1961 the qualified electors of the county, supervisors district, or  
1962 road district, as the case may be, shall file a written protest  
1963 against the issuance of such bonds on or before the date specified  
1964 in such resolution, then an election on the question of the  
1965 issuance of such bonds shall be called and held as is provided in  
1966 Sections 19-9-13 through 19-9-15. If no such protest be filed,  
1967 then such bonds may be issued without an election on the question  
1968 of the issuance thereof, at any time within a period of two (2)

1969 years after the date specified in the above mentioned resolution.  
1970 However, the board of supervisors, in its discretion, may  
1971 nevertheless call an election on such question, in which event it  
1972 shall not be necessary to publish the resolution declaring its  
1973 intention to issue such bonds as herein provided.

1974 If the board of supervisors desires to issue bonds under the  
1975 Local Advantage Financing Act, the board of supervisors shall  
1976 comply with the requirements provided therein.

1977 SECTION 59. Section 21-33-301, Mississippi Code of 1972, is  
1978 amended as follows:[CR6]

1979 21-33-301. The governing authorities of any municipality are  
1980 authorized to issue negotiable bonds of the municipality to raise  
1981 money for the following purposes:

1982 (a) Erecting municipal buildings, armories,  
1983 auditoriums, community centers, gymnasiums and athletic stadiums,  
1984 preparing and equipping athletic fields, and purchasing buildings  
1985 or land therefor, and for repairing, improving, adorning and  
1986 equipping the same, and for erecting, equipping and furnishing of  
1987 buildings to be used as a municipal or civic arts center;

1988 (b) Erecting or purchasing waterworks, gas, electric  
1989 and other public utility plants or distribution systems or  
1990 franchises, and repairing, improving and extending the same;

1991 (c) Purchasing or constructing, repairing, improving  
1992 and equipping buildings for public libraries and for purchasing  
1993 land, equipment and books therefor, whether the title to same be  
1994 vested in the municipality issuing such bonds or in some  
1995 subdivision of the state government other than the municipality,  
1996 or jointly in such municipality and other such subdivision;

1997 (d) Establishing sanitary, storm, drainage or sewerage  
1998 systems, and repairing, improving and extending the same;

1999 (e) Protecting a municipality, its streets and  
2000 sidewalks from overflow, caving banks and other like dangers;

2001 (f) Constructing, improving or paving streets,

2002 sidewalks, driveways, parkways, walkways or public parking  
2003 facilities, and purchasing land therefor;

2004 (g) Purchasing land for parks, cemeteries and public  
2005 playgrounds, and improving, equipping and adorning the same,  
2006 including the constructing, repairing and equipping of swimming  
2007 pools and other recreational facilities;

2008 (h) Constructing bridges and culverts;

2009 (i) Constructing, repairing and improving wharves,  
2010 docks, harbors and appurtenant facilities, and purchasing land  
2011 therefor;

2012 (j) Constructing, repairing and improving public  
2013 slaughterhouses, markets, pest houses, workhouses, hospitals,  
2014 houses of correction, reformatories and jails in the corporate  
2015 limits, or within three (3) miles of the corporate limits, and  
2016 purchasing land therefor;

2017 (k) Altering or changing the channels of streams and  
2018 water courses to control, deflect or guide the current thereof;

2019 (l) Purchasing fire-fighting equipment and apparatus,  
2020 and providing housing for same, and purchasing land therefor;

2021 (m) Purchasing or renting voting machines and any other  
2022 election equipment needed in elections held in the municipality;

2023 (n) Assisting the Board of Trustees of State  
2024 Institutions of Higher Learning, the Bureau of Building, Grounds  
2025 and Real Property Management of the Governor's Office of General  
2026 Services, or any other state agency in acquiring a site for,  
2027 constructing suitable buildings and runways and equipping an  
2028 airport for the university or other state-supported four-year  
2029 college, now or hereafter in existence, in or near which the  
2030 municipality is located, within not more than ten (10) miles of  
2031 the municipality;

2032 (o) Acquiring and improving existing mass transit  
2033 system; however, no municipal governing authorities shall  
2034 authorize any bonds to be issued for the acquiring and improving

2035 of an existing mass transit system unless an election be conducted  
2036 in said municipality in the same manner provided for general and  
2037 special elections, and a majority of the qualified electors of the  
2038 municipality participating in said election approve the bond  
2039 issuance for the acquiring and improving of an existing mass  
2040 transit system;

2041 (p) Purchasing machinery and equipment which have an  
2042 expected useful life in excess of ten (10) years. The life of  
2043 such bonds shall not exceed the expected useful life of such  
2044 machinery and equipment. Machinery and equipment shall not  
2045 include any motor vehicle weighing less than twelve thousand  
2046 (12,000) pounds;

2047 (q) A project for the municipality pursuant to the  
2048 Local Advantage Financing Act, Sections 36 through 55 of House  
2049 Bill No. \_\_\_\_\_, 2000 Second Extraordinary Session.

2050 The word "bonds" as used in this article shall be deemed to  
2051 mean and include bonds, notes or certificates of indebtedness.

2052 SECTION 60. Section 21-33-303, Mississippi Code of 1972, is  
2053 amended as follows:

2054 21-33-303. No municipality shall hereafter issue bonds  
2055 secured by a pledge of its full faith and credit for the purposes  
2056 authorized by law in an amount which, when added to the then  
2057 outstanding bonded indebtedness of such municipality, shall exceed  
2058 either (a) fifteen percent (15%) of the assessed value of the  
2059 taxable property within such municipality, according to the last  
2060 completed assessment for taxation, or (b) ten percent (10%) of the  
2061 assessment upon which taxes were levied for its fiscal year ending  
2062 September 30, 1984, whichever is greater. In computing such  
2063 indebtedness, there may be deducted all bonds or other evidences  
2064 of indebtedness, heretofore or hereafter issued, for school,  
2065 water, sewerage systems, gas, and light and power purposes and for  
2066 the construction of special improvements primarily chargeable to  
2067 the property benefited, or for the purpose of paying the

2068 municipality's proportion of any betterment program, a portion of  
2069 which is primarily chargeable to the property benefited. However,  
2070 in no case shall any municipality contract any indebtedness which,  
2071 when added to all of the outstanding general obligation  
2072 indebtedness, both bonded and floating, shall exceed either (a)  
2073 twenty percent (20%) of the assessed value of all taxable property  
2074 within such municipality according to the last completed  
2075 assessment for taxation or (b) fifteen percent (15%) of the  
2076 assessment upon which taxes were levied for its fiscal year ending  
2077 September 30, 1984, whichever is greater. Nothing herein  
2078 contained shall be construed to apply to contract obligations in  
2079 any form heretofore or hereafter incurred by any municipality  
2080 which are subject to annual appropriations therefor, or to bonds  
2081 heretofore issued by any municipality for school purposes, or to  
2082 contract obligations in any form heretofore or hereafter incurred  
2083 by any municipality which are payable exclusively from the  
2084 revenues of any municipally-owned utility, or to bonds issued by  
2085 any municipality under the provisions of Sections 57-1-1 through  
2086 57-1-51, or to any special assessment improvement bonds issued by  
2087 any municipality under the provisions of Sections 21-41-1 through  
2088 21-41-53, or to any indebtedness incurred pursuant to the Local  
2089 Advantage Financing Act, Sections 36 through 55 of House Bill No.  
2090 \_\_\_\_\_ , 2000 Second Extraordinary Session, pursuant to any financing  
2091 option provided therein other than the issuance of general  
2092 obligation bonds paid for by revenues from general ad valorem  
2093 taxes levied upon all taxable property within the local government  
2094 unit.

2095 All bonds issued prior to July 1, 1990, pursuant to this chapter  
2096 by any municipality for the purpose of the constructing, replacing,  
2097 renovating or improving wastewater collection and treatment facilities  
2098 in order to comply with an administrative order of the Mississippi  
2099 Department of Natural Resources issued pursuant to the Federal Water  
2100 Pollution Control Act and amendments thereto, are hereby exempt from

2101 the limitation imposed by this section if the governing body of the  
2102 municipality adopts an order, resolution or ordinance to the effect  
2103 that the rates paid by the users of such facilities shall be increased  
2104 to the extent necessary to provide sufficient funds for the payment of  
2105 the principal of and interest on such bonds as each respectively  
2106 becomes due and payable as well as the necessary expenses in connection  
2107 with the operation and maintenance of such facilities.

2108 SECTION 61. Section 21-33-307, Mississippi Code of 1972, is  
2109 amended as follows:[LH7]

2110 21-33-307. Before issuing any bonds for any of the purposes  
2111 enumerated in Section 21-33-301, the governing authority of the  
2112 issuing municipality shall adopt a resolution declaring its  
2113 intention so to do, stating the amount of bonds proposed to be  
2114 issued and the purpose for which the bonds are to be issued, and  
2115 the date upon which the aforesaid authority proposes to direct the  
2116 issuance of such bonds. Such resolution shall be published once a  
2117 week for at least three (3) consecutive weeks in at least one (1)  
2118 newspaper published in such municipality. The first publication  
2119 of such resolution shall be made not less than twenty-one (21)  
2120 days prior to the date fixed in such resolution for the issuance  
2121 of the bonds, and the last publication shall be made not more than  
2122 seven (7) days prior to such date. If no newspaper be published  
2123 in such municipality, then such notice shall be given by  
2124 publishing the resolution for the required time in some newspaper  
2125 having a general circulation in such municipality and, in  
2126 addition, by posting a copy of such resolution for at least  
2127 twenty-one (21) days next preceding the date fixed therein at  
2128 three (3) public places in such municipality. The publication of  
2129 the resolution may be made as provided in Section 21-17-19. If  
2130 ten percent (10%) of the qualified electors of the municipality,  
2131 or fifteen hundred (1500), whichever is the lesser, shall file a  
2132 written protest against the issuance of such bonds on or before  
2133 the date specified in such resolution, then an election on the

2134 question of the bonds shall be called and held as is provided in  
2135 Section 21-33-309. Notice of such election shall be signed by the  
2136 clerk of the municipality and shall be published once a week for  
2137 at least three (3) consecutive weeks in at least one (1) newspaper  
2138 published in such municipality. The first publication of such  
2139 notice shall be made not less than twenty-one (21) days prior to  
2140 the date fixed for such election, and the last publication shall  
2141 be made not more than seven (7) days prior to such date. If no  
2142 newspaper is published in such municipality, then such notice  
2143 shall be given by publishing the same for the required time in  
2144 some newspaper having a general circulation in such municipality  
2145 and published in the same or an adjoining county and, in addition,  
2146 by posting a copy of such notice for at least twenty-one (21) days  
2147 next preceding such election at three (3) public places in such  
2148 municipality. If no protest be filed, then such bonds may be  
2149 issued without an election on the question of the issuance  
2150 thereof, at any time within a period of two (2) years after the  
2151 date specified in the above-mentioned resolution. However, the  
2152 governing authority of any municipality in its discretion may  
2153 nevertheless call an election on such question, in which event it  
2154 shall not be necessary to publish the resolution declaring its  
2155 intention to issue such bonds as herein provided.

2156 If the governing authority desires to issue bonds under the  
2157 Local Advantage Financing Act, the governing authority shall  
2158 comply with the requirements provided therein.

2159 Under no circumstances shall any municipality exceed the bond  
2160 limit as set by statute for municipalities.

2161 SECTION 62. Section 21-41-3, Mississippi Code of 1972, is  
2162 amended as follows:[CR8]

2163 21-41-3. The following local improvements may be constructed  
2164 hereunder, to wit:

2165 (a) Streets, highways, boulevards, avenues, squares,  
2166 lanes, alleys and parks, or any part thereof may be opened,



2167 reopened, widened, graded, regraded, paved, repaved, surfaced,  
2168 resurfaced, and curbs and gutters may be constructed or  
2169 reconstructed therein.

2170 (b) Sidewalks may be graded, regraded and leveled,  
2171 laid, relaid, paved, repaved, surfaced or resurfaced.

2172 (c) Water mains, water connections, sanitary disposal  
2173 systems, sanitary sewers, storm covers, and other surface drains  
2174 or drainage systems may be laid, relaid, and constructed or  
2175 reconstructed.

2176 (d) A project for the municipality pursuant to the  
2177 Local Advantage Financing Act, Sections 36 through 55 of House  
2178 Bill No. \_\_\_\_\_, 2000 Second Extraordinary Session.

2179 SECTION 63. Section 21-41-5, Mississippi Code of 1972, is  
2180 amended as follows:[LH9]

2181 21-41-5. When the governing authorities of any municipality  
2182 shall determine to make any local or special improvement, the cost  
2183 of which or any part thereof is to be assessed against the  
2184 property benefited, they shall adopt a resolution declaring  
2185 necessary the proposed improvement describing the nature and  
2186 extent of the work, the general character of the material to be  
2187 used, and the location and terminal points of the streets,  
2188 highways, boulevards, avenues, squares, alleys or parks, or parts  
2189 thereof, or clearly define the boundary of areas in which said  
2190 improvements are to be made. In publishing said resolution  
2191 declaring the work necessary, the plans and specifications of said  
2192 work need not be published but may be referred to as being on file  
2193 in the office of the city clerk or city engineer. The publication  
2194 of the resolution may be made as provided in Section 21-17-19.  
2195 Said resolution shall fix a date when the governing authorities of  
2196 said municipality shall meet, which shall be not less than fifteen  
2197 (15) days after the date of the first publication of the notice  
2198 herein provided for, to hear any objections or remonstrances that  
2199 may be made to said improvements. The notice herein provided for

2200 shall be published once each week for three (3) successive  
2201 publications in a public newspaper having a general circulation in  
2202 the municipality, and if no newspaper is published therein it  
2203 shall be sufficient to post said notice in three (3) public places  
2204 of the municipality for not less than fifteen (15) days before  
2205 said meeting, one which shall be posted at the town or city hall  
2206 of said municipality. Moreover, the clerk of the municipality  
2207 shall send a copy of the notice, by certified mail, postage  
2208 prepaid, within five (5) days after the first publication of the  
2209 notice herein provided for, to the last-known address of owners of  
2210 property affected by the resolution. However, failure of the  
2211 clerk to mail such notice or failure of the owner to receive such  
2212 notice shall not invalidate any proceeding in this chapter, where  
2213 such notice has been published as provided herein. Notice  
2214 declaring the work necessary shall be notice to the property  
2215 owners that the work has been declared necessary.

2216 If the governing authorities of a municipality desire to make  
2217 any special or local improvement under the Local Advantage  
2218 Financing Act, the governing authorities also shall comply with  
2219 the requirements provided therein.

2220 SECTION 64. Section 21-41-43, Mississippi Code of 1972, is  
2221 amended as follows:[LH10]

2222 21-41-43. All obligations issued pursuant to Section  
2223 21-41-41 shall mature not longer than twenty (20) years from the  
2224 date thereof, and shall be divided into approximately equal  
2225 payments, with one (1) payment falling due each year. The  
2226 obligations shall bear interest at a rate not exceeding that  
2227 allowed in Section 75-17-101, payable annually or semiannually,  
2228 and principal and interest on same shall be payable at such place  
2229 within or without the state as may be designated by the issuing  
2230 authorities at the time the obligations are issued. The full  
2231 faith, credit and resources of the issuing municipality shall be  
2232 pledged for the payment of the principal and interest on the

2233 obligations and the governing authorities of the municipality  
2234 shall annually levy a tax on all taxable property in the  
2235 municipality sufficient for such purposes, and where the  
2236 obligations are issued for the purpose of making any of the  
2237 special improvements set forth in this chapter, the cost of which  
2238 is to be paid from assessments levied against the property  
2239 abutting on the special improvement to be made under this chapter,  
2240 the assessments shall also be pledged for the payment of the  
2241 obligations. The funds derived from the taxes levied to pay the  
2242 obligations shall be kept in a special fund to be known as the  
2243 "Special Improvement Bond Fund," and shall be used only for the  
2244 purpose of paying principal and interest on the obligations. All  
2245 funds derived from special assessments levied against the property  
2246 abutting on the special improvements shall likewise be placed into  
2247 the Special Improvement Bond Fund and shall be used only for the  
2248 purpose of paying principal and interest on the obligations.  
2249 However, funds derived from a special assessment tax levied under  
2250 the Local Advantage Financing Act may be used as provided therein.

2251 Any surplus funds may be invested as provided by law, and may be  
2252 used to pay the obligations at or before maturity.

2253 SECTION 65. Section 21-45-3, Mississippi Code of 1972, is  
2254 amended as follows:[CR11]

2255 21-45-3. For the purposes of this chapter, the following  
2256 terms shall have the meanings given them in this section unless a  
2257 different meaning is clearly indicated by the context:

2258 (a) "Project area" includes:

2259 (i) Areas in which there is a significant amount  
2260 of buildings or improvements which, by reason of dilapidation,  
2261 deterioration, age, obsolescence, inadequate provision for  
2262 ventilation, light, air, sanitation or open spaces, high density  
2263 of population and overcrowding or the existence of conditions  
2264 which endanger life or property by fire and other causes, or any  
2265 combination of such factors, are conducive to ill health,

2266 transmission of disease, infant mortality, juvenile delinquency or  
2267 crime and are detrimental to the public health, safety, morals or  
2268 welfare;

2269 (ii) Areas in which are located a building or  
2270 buildings that are of important value for purposes of historical  
2271 preservation, as designated by the Department of Archives and  
2272 History;

2273 (iii) Areas which by reason of a significant  
2274 amount of defective or inadequate street layout, faulty lot layout  
2275 in relation to size, adequacy, accessibility or usefulness,  
2276 unsanitary or unsafe conditions, deterioration of site  
2277 improvements, diversity of ownership, tax delinquency, defective  
2278 or unusual conditions of title, improper subdivision or obsolete  
2279 platting or the existence of conditions which endanger life or  
2280 property by fire or other causes, or any combination of such  
2281 factors, substantially impair or arrest the sound growth of the  
2282 community, retard the provision of housing accommodations or  
2283 constitute an economic or social liability and are a menace to the  
2284 public health, safety, morals or welfare in their present  
2285 condition and use; \* \* \*

2286 (iv) Areas in which the construction, renovation,  
2287 repair or rehabilitation of property for residential, commercial  
2288 or other uses is in the public interest; or

2289 (v) A project for the municipality pursuant to the  
2290 Local Advantage Financing Act, Sections 36 through 55 of House  
2291 Bill No. \_\_\_\_\_, 2000 Second Extraordinary Session.

2292 (b) A "redevelopment project" may include any work or  
2293 undertaking by a municipality:

2294 (i) To acquire project areas or portions thereof,  
2295 including lands, structures or improvements the acquisition of  
2296 which is necessary or incidental to the proper clearance,  
2297 development or redevelopment of such areas or to the prevention of  
2298 the spread or recurrence of slum conditions or conditions of

2299 blight;

2300                   (ii) To clear any project areas by demolition or  
2301 removal of existing buildings, structures, streets, utilities or  
2302 other improvements thereon and to install, construct or  
2303 reconstruct streets, utilities, bulkheads, boat docks and site  
2304 improvements essential to the preparation of sites for uses in  
2305 accordance with the redevelopment plan and public improvements to  
2306 encourage private redevelopment in accordance with the  
2307 redevelopment plan; or

2308                   (iii) To sell or lease property acquired by a  
2309 municipality as part of a redevelopment project for not less than  
2310 its fair value for uses in accordance with such redevelopment plan  
2311 to retain property or public improvements for public use in  
2312 accordance with the redevelopment plan.

2313           "Redevelopment project" may also include the preparation of a  
2314 redevelopment plan, the planning, survey and other work incident  
2315 to a redevelopment project and the preparation of all plans and  
2316 arrangements for carrying out a redevelopment project, relocation  
2317 of businesses and families required under applicable law, and upon  
2318 a determination, by resolution of the governing body of the  
2319 municipality in which such land is located, that the acquisition  
2320 and development of additional real property not within a project  
2321 area is essential to the proper clearance or redevelopment of a  
2322 project area or a necessary part of the general slum clearance  
2323 program of the municipality, the acquisition, planning,  
2324 preparation for development or disposal of such land shall  
2325 constitute a redevelopment project.

2326           (c) "Redevelopment plan" means a plan for the  
2327 acquisition, clearance, reconstruction, rehabilitation or future  
2328 use of a redevelopment project area which shall be sufficiently  
2329 complete:

2330                   (i) To indicate its relationship to definite local  
2331 objectives as to appropriate land uses and improved traffic,

2332 public transportation, public utilities, recreational,  
2333 residential, commercial and community facilities and other public  
2334 improvements; and

2335 (ii) To indicate proposed land uses, waterfront  
2336 uses, if any, and building requirements in the area.

2337 A redevelopment plan may include interlocal cooperation  
2338 agreements between a municipality and a county whereby both agree  
2339 to pledge revenues payable to them to fund the debt of service of  
2340 any indebtedness incurred pursuant to this chapter.

2341 (d) "Governing body" means the governing body of any  
2342 municipality or the board of supervisors of any county.

2343 (e) "Developer" means any person, firm, corporation,  
2344 partnership or other entity which enters into an agreement with a  
2345 municipality whereby the developer agrees to construct, operate  
2346 and maintain or procure the construction, operation and  
2347 maintenance of buildings or other facilities or improvements upon  
2348 land or waterfront being a part of a redevelopment project.

2349 (f) "Municipality" means any city or town incorporated  
2350 under the laws of the State of Mississippi or any county.

2351 (g) "Clerk" means the municipal clerk or chancery  
2352 clerk, as the case may be.

2353 SECTION 66. Section 21-45-9, Mississippi Code of 1972, is  
2354 amended as follows:[LH12]

2355 21-45-9. Any governing body may issue tax increment bonds,  
2356 the final maturity of which shall not extend beyond thirty (30)  
2357 years, for the purpose of financing all or a portion of the cost  
2358 of a redevelopment project within the boundaries of the  
2359 municipality, funding any reserve which the governing body may  
2360 deem advisable in connection with the retirement of the proposed  
2361 indebtedness and funding any other incidental expenses involved in  
2362 incurring such indebtedness. The debt service of indebtedness  
2363 incurred pursuant to this section shall be provided from the added  
2364 increments of municipal and county ad valorem tax revenues or any

2365 portion of the sales taxes, or both, to result from any such  
2366 redevelopment project and shall never constitute an indebtedness  
2367 of the municipality within the meaning of any state constitutional  
2368 provision or statutory limitation and shall never constitute nor  
2369 give rise to a pecuniary liability of the municipality or a charge  
2370 against its general credit or taxing powers.

2371 Said bonds may be authorized by resolution or resolutions of  
2372 the governing body, and may be issued in one or more series, may  
2373 bear such date or dates, mature at such time or times, bear  
2374 interest at such rate or rates, payable at such times, be in such  
2375 denominations, be in such form, be registered, be executed in such  
2376 manner, be payable in such medium of payment, at such place or  
2377 places, be subject to such terms of redemption, with or without  
2378 premium, carry such conversion or registration privileges and be  
2379 declared or become due before the maturity date thereof, as such  
2380 resolution or resolutions may provide; however, such bonds shall  
2381 not bear a greater interest rate to maturity than that allowed  
2382 under Section 75-17-101. Said bonds shall be sold for not less  
2383 than par value plus accrued interest at public sale in the manner  
2384 provided by Section 31-19-25 or at private sale, in the discretion  
2385 of the governing body. The lowest interest rate specified for any  
2386 bonds issued shall not be less than seventy percent (70%) of the  
2387 highest interest rate specified for the same bond issue. Said  
2388 bonds may be repurchased by the municipality out of any available  
2389 funds at a price not to exceed the principal amount thereof and  
2390 accrued interest, and all bonds so repurchased shall be cancelled.

2391 In connection with the issuance of said bonds, the municipality  
2392 shall have the power to enter into contracts for rating of the  
2393 bonds by national rating agencies; obtaining bond insurance or  
2394 guarantees for such bonds and complying with the terms and  
2395 conditions of such insurance or guarantees; make provision for  
2396 payment in advance of maturity at the option of the owner or  
2397 holder of the bonds; covenant for the security and better

2398 marketability of the bonds, including without limitation the  
2399 establishment of a debt service reserve fund and sinking funds to  
2400 secure or pay such bonds; and make any other provisions deemed  
2401 desirable by the municipality in connection with the issuance of  
2402 said bonds.

2403 If a governing body desires to issue tax increment financing  
2404 bonds under the Local Advantage Financing Act, the governing body  
2405 also shall comply with the requirements provided therein.

2406 In connection with the issuance of said bonds, the  
2407 municipality may arrange for lines of credit with any bank, firm  
2408 or person for the purpose of providing an additional source of  
2409 repayment for such bonds and amounts drawn on such lines of credit  
2410 may be evidenced by bonds, notes or other evidences of  
2411 indebtedness containing such terms and conditions as the  
2412 municipality may determine; provided, however, that such bonds,  
2413 notes or evidences of indebtedness shall be secured by and payable  
2414 from the same sources as are pledged to the payment of said bonds  
2415 which are additionally secured by such line of credit, and that  
2416 said bonds, notes or other evidences of indebtedness shall be  
2417 deemed to be bonds for all purposes of this chapter. Pending the  
2418 preparation or execution of definitive bonds, interim receipts or  
2419 certificates, or temporary bonds may be delivered to the purchaser  
2420 or purchasers of said bonds. Any provision of law to the contrary  
2421 notwithstanding, any bonds, if any, issued pursuant to this  
2422 chapter shall possess all of the qualities of negotiable  
2423 instruments.

2424 The municipality may also issue refunding bonds for the  
2425 purpose of paying any of its bonds at or prior to maturity or upon  
2426 acceleration or redemption. Refunding bonds may be issued at such  
2427 time prior to the maturity or redemption of the refunded bonds as  
2428 the municipality may determine. The refunding bonds may be issued  
2429 in sufficient amounts to pay or provide the principal of the bonds  
2430 being refunded, together with any redemption premium thereon, any



2431 interest accrued or to accrue to the date of payment of such  
2432 bonds, the expenses of issuing the refunding bonds, the expenses  
2433 of redeeming the bonds being refunded, and such reserves for debt  
2434 service or other capital or current expenses from the proceeds of  
2435 such refunding bonds as may be required by any of the  
2436 municipality's resolutions, trust indenture or other security  
2437 instruments. The issuance of refunding bonds, the maturities and  
2438 other details thereof, the security therefor, the rights of the  
2439 holders and the rights, duties and obligations of the municipality  
2440 in respect of the same shall be governed by the provisions of this  
2441 chapter relating to the issuance of bonds other than refunding  
2442 bonds, insofar as the same may be applicable.

2443 Before incurring any debt pertaining to a redevelopment  
2444 project incorporating a tax increment financing plan the governing  
2445 body may, but shall not be required to, secure an agreement from  
2446 one or more developers obligating such developer or developers:

2447 (a) To effect the completion of all or any portion of  
2448 the buildings or other facilities or improvements, as described in  
2449 the redevelopment project, at no cost to the municipality;

2450 (b) To pay all or any portion of the real property  
2451 taxes due on the project in a timely manner; and

2452 (c) To maintain and operate all or any portion of the  
2453 buildings or other facilities or improvements of the project in  
2454 such a manner as to preserve property values.

2455 No breach of any such agreement shall impose any pecuniary  
2456 liability upon a municipality or any charge upon its general  
2457 credit or against its taxing powers.

2458 Additionally, the municipality may enter into an agreement  
2459 with the developer under which the developer may construct all or  
2460 any part of the redevelopment project with private funds in  
2461 advance of issuance of the bonds and may be reimbursed by the  
2462 municipality for actual costs incurred by the developer upon  
2463 issuance and delivery of the bonds and receipt of the proceeds,

2464 conditioned upon dedication of redevelopment project by the  
2465 developer to the municipality to assure public use and access.

2466 SECTION 67. Section 21-45-13, Mississippi Code of 1972, is  
2467 amended as follows:[LH13]

2468 21-45-13. The principal, interest and premium, if any, on  
2469 any tax increment bond shall be secured by a pledge of the  
2470 revenues payable to the municipality pursuant to the tax increment  
2471 financing plan and may also be secured, in the discretion of the  
2472 municipality, by a lien on all or any part of the redevelopment  
2473 project and any security by any developer pursuant to and secured  
2474 by a security agreement. The proceedings under which any  
2475 indebtedness is authorized or any security agreement may contain  
2476 any agreement or provisions customarily contained in instruments  
2477 securing such obligations, without limiting the generality of the  
2478 foregoing provisions respecting the construction, maintenance and  
2479 operation of buildings or other facilities or improvements of the  
2480 project, the creation and maintenance of special funds, the rights  
2481 and remedies available in the event of default to the debt holders  
2482 or to the trustee, all as the governing body shall deem advisable;  
2483 provided, however, that in making any such agreements or  
2484 provisions, no municipality shall have the power to obligate  
2485 itself except with respect to:

2486 (a) The proceeds of the bonds and any property  
2487 purchased with the proceeds of the bonds;

2488 (b) Any security pledged, mortgaged or otherwise made  
2489 available by a developer for the securing of bonds or other  
2490 indebtedness; and

2491 (c) No municipality shall have the power to obligate  
2492 itself except with respect to the application of the revenues from  
2493 the tax increments; nor shall any municipality have the power to  
2494 incur a pecuniary liability or charge upon its general credit or  
2495 against its taxing powers.

2496 Tax increment financing bonds issued under the Local

2497 Advantage Financing Act may also be secured as provided therein.

2498         The proceedings authorizing any bonds and any security  
2499 agreement securing bonds may provide that in the event of default  
2500 in payment of the principal of or interest on such bonds, or in  
2501 the performance of any agreement contained in such proceedings or  
2502 security agreement, such payment and performance may be enforced  
2503 by mandamus or by appointment of a receiver in equity with such  
2504 powers as may be necessary to enforce the obligations thereof. No  
2505 breach of any such agreement shall impose any pecuniary liability  
2506 upon any municipality or any charge upon its general credit or  
2507 against its taxing powers.

2508         The trustee under any security agreement or any depository  
2509 specified by such security agreement may be such persons or  
2510 corporation as the governing body shall designate; provided, that  
2511 they may be residents of Mississippi or nonresidents of  
2512 Mississippi or incorporated under the laws of the United States or  
2513 the laws of other states of the United States.

2514         SECTION 68. Section 57-73-21, Mississippi Code of 1972, is  
2515 amended as follows:[CR14]

2516         57-73-21. (1) Annually by December 31, using the most  
2517 current data available from the University Research Center,  
2518 Mississippi State Employment Security Commission and the United  
2519 States Department of Commerce, the State Tax Commission shall rank  
2520 and designate the state's counties as provided in this section.  
2521 The twenty-eight (28) counties in this state having a combination  
2522 of the highest unemployment rate and lowest per capita income for  
2523 the most recent thirty-six-month period, with equal weight being  
2524 given to each category, are designated Tier Three areas. The  
2525 twenty-seven (27) counties in the state with a combination of the  
2526 next highest unemployment rate and next lowest per capita income  
2527 for the most recent thirty-six-month period, with equal weight  
2528 being given to each category, are designated Tier Two areas. The  
2529 twenty-seven (27) counties in the state with a combination of the

2530 lowest unemployment rate and the highest per capita income for the  
2531 most recent thirty-six-month period, with equal weight being given  
2532 to each category, are designated Tier One areas. Counties  
2533 designated by the Tax Commission qualify for the appropriate tax  
2534 credit for jobs as provided in subsections (2), (3) and (4) of  
2535 this section. The designation by the Tax Commission is effective  
2536 for the tax years of permanent business enterprises which begin  
2537 after the date of designation. For companies which plan an  
2538 expansion in their labor forces, the Tax Commission shall  
2539 prescribe certification procedures to ensure that the companies  
2540 can claim credits in future years without regard to whether or not  
2541 a particular county is removed from the list of Tier Three or Tier  
2542 Two areas.

2543 (2) Permanent business enterprises primarily engaged in  
2544 manufacturing, processing, warehousing, distribution, wholesaling  
2545 and research and development, or permanent business enterprises  
2546 designated by rule and regulation of the Mississippi Development  
2547 Authority as air transportation and maintenance facilities, final  
2548 destination or resort hotels having a minimum of one hundred fifty  
2549 (150) guest rooms, recreational facilities that impact tourism,  
2550 movie industry studios, \* \* \* telecommunications enterprises, data  
2551 or information processing enterprises or computer software  
2552 development enterprises or any technology intensive facility or  
2553 enterprise, in counties designated by the Tax Commission as Tier  
2554 Three areas are allowed a job tax credit for taxes imposed by  
2555 Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually  
2556 for each net new full-time employee job for five (5) years  
2557 beginning with years two (2) through six (6) after the creation of  
2558 the job. The number of new full-time jobs must be determined by  
2559 comparing the monthly average number of full-time employees  
2560 subject to the Mississippi income tax withholding for the taxable  
2561 year with the corresponding period of the prior taxable year.  
2562 Only those permanent businesses that increase employment by ten

2563 (10) or more in a Tier Three area are eligible for the credit.  
2564 Credit is not allowed during any of the five (5) years if the net  
2565 employment increase falls below ten (10). The Tax Commission  
2566 shall adjust the credit allowed each year for the net new  
2567 employment fluctuations above the minimum level of ten (10).

2568 (3) Permanent business enterprises primarily engaged in  
2569 manufacturing, processing, warehousing, distribution, wholesaling  
2570 and research and development, or permanent business enterprises  
2571 designated by rule and regulation of the Mississippi Development  
2572 Authority as air transportation and maintenance facilities, final  
2573 destination or resort hotels having a minimum of one hundred fifty  
2574 (150) guest rooms, recreational facilities that impact tourism,  
2575 movie industry studios, \* \* \* telecommunications enterprises, data  
2576 or information processing enterprises or computer software  
2577 development enterprises or any technology intensive facility or  
2578 enterprise, in counties that have been designated by the Tax  
2579 Commission as Tier Two areas are allowed a job tax credit for  
2580 taxes imposed by Section 27-7-5 equal to One Thousand Dollars  
2581 (\$1,000.00) annually for each net new full-time employee job for  
2582 five (5) years beginning with years two (2) through six (6) after  
2583 the creation of the job. The number of new full-time jobs must be  
2584 determined by comparing the monthly average number of full-time  
2585 employees subject to Mississippi income tax withholding for the  
2586 taxable year with the corresponding period of the prior taxable  
2587 year. Only those permanent businesses that increase employment by  
2588 fifteen (15) or more in Tier Two areas \* \* \* are eligible for the  
2589 credit. The credit is not allowed during any of the five (5)  
2590 years if the net employment increase falls below fifteen (15).  
2591 The Tax Commission shall adjust the credit allowed each year for  
2592 the net new employment fluctuations above the minimum level of  
2593 fifteen (15).

2594 (4) Permanent business enterprises primarily engaged in  
2595 manufacturing, processing, warehousing, distribution, wholesaling

2596 and research and development, or permanent business enterprises  
2597 designated by rule and regulation of the Mississippi Development  
2598 Authority as air transportation and maintenance facilities, final  
2599 destination or resort hotels having a minimum of one hundred fifty  
2600 (150) guest rooms, recreational facilities that impact tourism,  
2601 movie industry studios, \* \* \* telecommunications enterprises, data  
2602 or information processing enterprises or computer software  
2603 development enterprises or any technology intensive facility or  
2604 enterprise, in counties designated by the Tax Commission as Tier  
2605 One areas are allowed a job tax credit for taxes imposed by  
2606 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually  
2607 for each net new full-time employee job for five (5) years  
2608 beginning with years two (2) through six (6) after the creation of  
2609 the job. The number of new full-time jobs must be determined by  
2610 comparing the monthly average number of full-time employees  
2611 subject to Mississippi income tax withholding for the taxable year  
2612 with the corresponding period of the prior taxable year. Only  
2613 those permanent businesses that increase employment by twenty (20)  
2614 or more in Tier One areas are eligible for the credit. The credit  
2615 is not allowed during any of the five (5) years if the net  
2616 employment increase falls below twenty (20). The Tax Commission  
2617 shall adjust the credit allowed each year for the net new  
2618 employment fluctuations above the minimum level of twenty (20).

2619 (5) In addition to the credits authorized in subsections  
2620 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)  
2621 credit for each net new full-time employee or an additional One  
2622 Thousand Dollars (\$1,000.00) credit for each net new full-time  
2623 employee who is paid a salary, excluding benefits which are not  
2624 subject to Mississippi income taxation, of at least one hundred  
2625 twenty-five percent (125%) of the average annual wage of the state  
2626 or an additional Two Thousand Dollars (\$2,000.00) credit for each  
2627 net new full-time employee who is paid a salary, excluding  
2628 benefits which are not subject to Mississippi income taxation, of

2629 at least two hundred percent (200%) of the average annual wage of  
2630 the state, shall be allowed for any company establishing or  
2631 transferring its national or regional headquarters from within or  
2632 outside the State of Mississippi. A minimum of thirty-five (35)  
2633 jobs must be created to qualify for the additional credit. The  
2634 State Tax Commission shall establish criteria and prescribe  
2635 procedures to determine if a company qualifies as a national or  
2636 regional headquarters for purposes of receiving the credit awarded  
2637 in this subsection. As used in this subsection, the average  
2638 annual wage of the state is the average annual wage as determined  
2639 by the Mississippi Employment Security Commission.

2640 (6) In addition to the credits authorized in subsections  
2641 (2), (3), (4) and (5), any job requiring research and development  
2642 skills (chemist, engineer, etc.) shall qualify for an additional  
2643 One Thousand Dollars (\$1,000.00) credit for each net new full-time  
2644 employee.

2645 (7) Tax credits for five (5) years for the taxes imposed by  
2646 Section 27-7-5 shall be awarded for additional net new full-time  
2647 jobs created by business enterprises qualified under subsections  
2648 (2), (3), (4), (5) and (6) of this section. The Tax Commission  
2649 shall adjust the credit allowed in the event of employment  
2650 fluctuations during the additional five (5) years of credit.

2651 (8) The sale, merger, acquisition, reorganization,  
2652 bankruptcy or relocation from one county to another county within  
2653 the state of any business enterprise may not create new  
2654 eligibility in any succeeding business entity, but any unused job  
2655 tax credit may be transferred and continued by any transferee of  
2656 the business enterprise. The Tax Commission shall determine  
2657 whether or not qualifying net increases or decreases have occurred  
2658 or proper transfers of credit have been made and may require  
2659 reports, promulgate regulations, and hold hearings as needed for  
2660 substantiation and qualification.

2661 (9) Any tax credit claimed under this section but not used

2662 in any taxable year may be carried forward for five (5) years from  
2663 the close of the tax year in which the qualified jobs were  
2664 established but the credit established by this section taken in  
2665 any one (1) tax year must be limited to an amount not greater than  
2666 fifty percent (50%) of the taxpayer's state income tax liability  
2667 which is attributable to income derived from operations in the  
2668 state for that year.

2669 (10) No business enterprise for the transportation,  
2670 handling, storage, processing or disposal of hazardous waste is  
2671 eligible to receive the tax credits provided in this section.

2672 (11) The credits allowed under this section shall not be  
2673 used by any business enterprise or corporation other than the  
2674 business enterprise actually qualifying for the credits.

2675 (12) The tax credits provided for in this section shall be  
2676 in addition to any tax credits described in Sections 57-51-13(b),  
2677 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official  
2678 action by the Department of Economic Development prior to July 1,  
2679 1989, to any business enterprise determined prior to July 1, 1989,  
2680 by the Department of Economic Development to be a qualified  
2681 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or  
2682 a qualified company as described in Section 57-53-1, as the case  
2683 may be; however, from and after July 1, 1989, tax credits shall be  
2684 allowed only under either this section or Sections 57-51-13(b),  
2685 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time  
2686 employee.

2687 (13) As used in this section, the term "telecommunications  
2688 enterprises" means entities engaged in the creation, display,  
2689 management, storage, processing, transmission or distribution for  
2690 compensation of images, text, voice, video or data by wire or by  
2691 wireless means, or entities engaged in the construction, design,  
2692 development, manufacture, maintenance or distribution for  
2693 compensation of devices, products, software or structures used in  
2694 the above activities. Companies organized to do business as



2695 commercial broadcast radio stations, television stations or news  
2696 organizations primarily serving in-state markets shall not be  
2697 included within the definition of the term "telecommunications  
2698 enterprises."

2699 SECTION 69. Section 57-73-25, Mississippi Code of 1972, is  
2700 amended as follows:[RDD15]

2701 57-73-25. (1) A fifty percent (50%) income tax credit shall  
2702 be granted to any employer (as defined in subsection (4) of this  
2703 section) sponsoring basic skills training. The fifty percent  
2704 (50%) credit shall be granted to employers that participate in  
2705 employer-sponsored retraining programs through a community/junior  
2706 college in the district within which the employer is located or  
2707 training approved by such community/junior college. The  
2708 retraining must be designed to increase opportunities for employee  
2709 advancement or retention with the employer. The credit is applied  
2710 to qualified training or retraining expenses, which are expenses  
2711 related to instructors, instructional materials and equipment, and  
2712 the construction and maintenance of facilities by such employer  
2713 designated for training purposes which is attributable to training  
2714 or retraining provided through such community/junior college or  
2715 training approved by such community/junior college. The credits  
2716 allowed under this section shall only be used by the actual  
2717 employer qualifying for the credits. The credit shall not exceed  
2718 fifty percent (50%) of the income tax liability in a tax year and  
2719 may be carried forward for the five (5) successive years if the  
2720 amount allowable as credit exceeds the income tax liability in a  
2721 tax year; however, thereafter, if the amount allowable as a credit  
2722 exceeds the tax liability, the amount of excess shall not be  
2723 refundable or carried forward to any other taxable year. Nothing  
2724 in this section shall be interpreted in any manner as to prevent  
2725 the continuing operation of state-supported university programs.

2726 (2) Employer-sponsored training shall include an evaluation  
2727 by the State Board for Community and Junior Colleges to ensure

2728 that the training provided is job related and conforms to the  
2729 definitions of "basic skills training" and "retraining programs"  
2730 as hereinafter defined.

2731 (3) Employers shall be certified as eligible for the tax  
2732 credit by the State Board for Community and Junior Colleges and  
2733 the State Tax Commission.

2734 (4) For the purposes of this section:

2735 (a) "Basic skills training" means any  
2736 employer-sponsored training by the appropriate community/junior  
2737 college or training approved by such community/junior college that  
2738 enhances reading, writing or math skills, up to the twelfth grade  
2739 level, of employees who are unable to function effectively on the  
2740 job due to deficiencies in these areas or who would be displaced  
2741 because such skill deficiencies will inhibit their training for  
2742 new technology.

2743 (b) "Retraining programs" means employer-sponsored  
2744 training by the appropriate community/junior college or training  
2745 approved by such community/junior college for hourly paid  
2746 employees of an employer that, upon successful completion,  
2747 increases the employee's opportunity for consideration for  
2748 promotion or retention with the employer.

2749 (c) "Employer-sponsored training" means training  
2750 purchased by the employer from the appropriate community/junior  
2751 college in the district within which the employer is located or  
2752 training approved by such community/junior college.

2753 (d) "Employer" means those permanent business  
2754 enterprises as defined and set out in Section 57-73-21 (2), (3),  
2755 (4) and (5).

2756 (5) The tax credits provided for in this section shall be in  
2757 addition to all other tax credits heretofore granted by the laws  
2758 of the state.

2759 (6) The Board for Community and Junior Colleges shall make a  
2760 report to the Legislature by January 30 of each year summarizing

2761 the number of participants, the junior or community college  
2762 through which said training was offered and the type training  
2763 offered.

2764 \* \* \*

2765 SECTION 70. Section 57-1-5, Mississippi Code of 1972, is  
2766 brought forward as follows:

2767 57-1-5. (1) The Governor shall, with the advice and consent  
2768 of the Senate, appoint an executive director who:

2769 (a) Shall have at least a bachelor's degree, and

2770 (b) Shall be an experienced administrator and have at  
2771 least five (5) years' experience in at least one (1) of the  
2772 following areas:

2773 (i) Industrial development, or

2774 (ii) Economic development.

2775 (2) The executive director shall be the executive officer of  
2776 the department in the execution of any and all provisions of this  
2777 chapter, and his salary shall be fixed by the Governor.

2778 (3) The executive director shall have the following powers  
2779 and duties:

2780 (a) To formulate the policy of the department regarding  
2781 the economic and tourist development of the state.

2782 (b) To use and expend any funds from state, federal or  
2783 private sources coming into the department for the purposes herein  
2784 provided. State funds appropriated for the department shall be  
2785 expended in accordance with the regulations governing the  
2786 expenditures of other state funds.

2787 (c) To implement the duties assigned to the department  
2788 and consistent with specific requirements of law, including but  
2789 not limited to:

2790 (i) Support services to include legal, finance,  
2791 data processing, personnel, communications and advertising,  
2792 purchasing and accounting;

2793 (ii) Research and planning;

2794 (iii) Outreach, agency liaison and community  
2795 development;  
2796 (iv) Tourism, business travel, and film;  
2797 (v) Programs and assistance for existing state  
2798 business and industry;  
2799 (vi) Recruiting new business and industry into the  
2800 state;  
2801 (vii) Fostering and promoting of entrepreneurship  
2802 and the creation of new business in the state;  
2803 (viii) Programs aimed at competing effectively in  
2804 the international economy by increasing exports of state products  
2805 and services and by promoting, developing and creating the  
2806 conditions and programs that will bring about significant  
2807 increases in investment in the state from other countries;  
2808 (ix) Programs relating to the development of  
2809 ports;  
2810 (x) Such other areas as are within the  
2811 jurisdiction and authority of the department and will foster and  
2812 promote the economic development of this state;  
2813 (xi) Salaries of the associate directors, deputy  
2814 directors and bureau directors may be set by the executive  
2815 director of the department. The positions of associate directors,  
2816 deputy directors and bureau directors shall not be state service  
2817 positions.

2818 SECTION 71. Section 57-1-55, Mississippi Code of 1972, is  
2819 brought forward as follows:[CR16]

2820 57-1-55. (1) The Department of Economic and Community  
2821 Development shall have the following general powers and duties:  
2822 To develop and manage programs which enhance the climate for  
2823 economic growth through assistance to private sector businesses,  
2824 local communities and individuals, and through an extensive  
2825 national and international marketing effort.

2826 (2) The Department of Economic and Community Development

2827 shall have the following general powers and duties with respect to  
2828 economic development:

2829           (a) To plan, supervise and direct an active program of  
2830 solicitation of industries to locate within the state;

2831           (b) To prepare, maintain and disseminate information  
2832 which is needed by companies in evaluating site locations;

2833           (c) To consult with, advise and assist prospective  
2834 industries wishing to locate within the state;

2835           (d) To encourage new or expanding industries, which  
2836 will add to the economy, to locate within the state;

2837           (e) To maintain a coordinated liaison function with  
2838 other development groups, including state and federal agencies,  
2839 and planning and development districts, utility companies,  
2840 chambers of commerce and railroads;

2841           (f) To assist communities and counties within the state  
2842 in preparation for economic growth;

2843           (g) To assist new and existing business and industry  
2844 and encourage their development and expansion;

2845           (h) To plan and conduct a nationwide advertising  
2846 program promoting the state to prospective industry. Any contract  
2847 entered into for such purposes shall be advertised, bid and  
2848 accepted in accordance with the same procedure as prescribed for  
2849 the advertisement and acceptance of bids for the purchase of  
2850 commodities and contracts for public purchases under Chapter 7,  
2851 Title 31, Mississippi Code of 1972;

2852           (i) To work with economic development agencies of the  
2853 federal government in areas of industrial development and provide  
2854 information to industrial prospects regarding the availability of  
2855 federal funds and assistance;

2856           (j) To work with the Department of Corrections,  
2857 pursuant to the provisions of Section 47-5-501 et seq., in  
2858 identifying and evaluating acceptable industries and businesses  
2859 and in acting as an agent of the Department of Corrections by

2860 communicating with such concerns and aggressively soliciting their  
2861 participation in the Correctional Industries Work Program;

2862 (k) To perform related work as required;

2863 (l) To disseminate information about financial and  
2864 other programs of the Department of Economic and Community  
2865 Development that will assist in the creation or expansion of  
2866 industries processing wood products in this state;

2867 (m) To market processed and raw agricultural products  
2868 domestically and abroad;

2869 (n) To aid in the establishment of business incubation  
2870 centers by private business interests, not for profit  
2871 corporations, and/or governmental entities. The department may  
2872 provide funds by contract for the establishment of business  
2873 incubation centers and may contract for space in which business  
2874 incubation centers will be located. Business incubation centers  
2875 are defined as facilities and support services that encourage the  
2876 establishment of successful small businesses by providing a  
2877 short-term sheltered environment. The department may solicit and  
2878 accept grants and other financial aid or support from private or  
2879 public sources to aid in the development of business incubation  
2880 centers. In addition, advice and assistance to established  
2881 business incubation centers may be provided by the department; and

2882 (o) To employ licensed real estate brokers and  
2883 appraisers necessary for the industrial development of any real  
2884 estate under the ownership or control of the Department of  
2885 Economic and Community Development. Any contract entered into for  
2886 such purposes shall be advertised, bid and accepted in accordance  
2887 with the same procedure as prescribed for the advertisement and  
2888 acceptance of bids for the purchase of commodities and contracts  
2889 for public purchases under Chapter 7, Title 31, Mississippi Code  
2890 of 1972.

2891 SECTION 72. Section 37-4-11, Mississippi Code of 1972, is  
2892 brought forward as follows:

2893           37-4-11. (1) The purpose of this section is to insure the  
2894 uniform management, oversight and accountability of the  
2895 state-funded Industrial Training Programs, and postsecondary Adult  
2896 Short-term Training Programs and Workforce Education Programs  
2897 administered by the State Board for Community and Junior Colleges  
2898 for adults provided to the citizens of Mississippi.

2899           (2) Effective July 1, 1999, all state-funded Industrial  
2900 Training Programs and postsecondary Adult Short-term Training  
2901 Programs administered by and through the State Department of  
2902 Education on June 30, 1999, shall be transferred to the Workforce  
2903 Education Program of the State Board for Community and Junior  
2904 Colleges. The Legislature shall appropriate annually to the State  
2905 Board for Community and Junior Colleges funds necessary to  
2906 administer these programs.

2907           (3) Effective July 1, 1999, all funds, unexpended balances,  
2908 assets, liabilities and property of the State Department of  
2909 Education which are used in the delivery of postsecondary Adult  
2910 Short-term Training Programs and Industrial Training Programs,  
2911 excluding funds, unexpended balances, assets, liabilities and  
2912 property associated with the Research and Curriculum Unit at  
2913 Mississippi State University, shall be transferred to the  
2914 Workforce Education Program funds of the State Board for Community  
2915 and Junior Colleges. The State Department of Education also shall  
2916 transfer to the State Board for Community and Junior Colleges all  
2917 positions and funds employed by the State Department of Education  
2918 and community colleges which render industrial training,  
2919 postsecondary adult short-term training or workforce education  
2920 services, including the seven (7) administrative and support  
2921 positions providing support to these programs. Sufficient staff  
2922 positions shall be transferred from the State Department of  
2923 Education, which will have a reduction in training and educational  
2924 responsibilities by virtue of this act, to the State Board for  
2925 Community and Junior Colleges to assure that the transferred

2926 responsibilities will be properly managed and administered. Any  
2927 funds available to the State Department of Education for  
2928 Industrial Training Programs and state-funded postsecondary Adult  
2929 Short-term Training Programs which are subject to carryover shall  
2930 be transferred to the Work Force Carryover Fund established by  
2931 Chapter 498, Laws of 1995, for use by the State Board for  
2932 Community and Junior Colleges, on or before August 15, 1999.

2933 (4) The State Board for Community and Junior Colleges shall  
2934 develop an accountability system that shall report and describe  
2935 all classes taught in the area of workforce education, the number  
2936 of persons taught in these classes, and the location and cost of  
2937 each class taught. To assess the impact of these programs, the  
2938 State Board for Community and Junior Colleges also shall report:

2939 (a) Whether the needs of industry have been met through  
2940 training program offerings;

2941 (b) Any changes in the income of trainees between the  
2942 completion of training and the date of the report;

2943 (c) The number of jobs created and the number of jobs  
2944 retained through the programs; and

2945 (d) Trainee success in passing proficiency tests, where  
2946 applicable.

2947 This information shall be reported on a fiscal year basis and  
2948 shall be provided to the House and Senate Education Committees  
2949 before December 15 of each year.

2950 (5) This section shall be repealed on July 1, 2003.[CR17]

2951 SECTION 73. Section 37-153-13, Mississippi Code of 1972, is  
2952 brought forward as follows:[LH18]

2953 37-153-13. The State Board for Community and Junior Colleges  
2954 is designated as the primary support agency to the career centers  
2955 and district councils. The state board may exercise the following  
2956 powers:

2957 (a) To provide the career centers the assistance  
2958 necessary to accomplish the purposes of this chapter;



2959           (b) To provide the career centers consistent standards  
2960 and benchmarks to guide development of the local work force  
2961 development system and to provide a means by which the outcomes of  
2962 local services can be measured;

2963           (c) To develop the staff capacity to provide, broker or  
2964 contract for the provision of technical assistance to the career  
2965 centers, including, but not limited to:

2966                   (i) Training local staff in methods of recruiting,  
2967 assessment and career counseling;

2968                   (ii) Establishing rigorous and comprehensive local  
2969 pre-employment training programs;

2970                   (iii) Developing local institutional capacity to  
2971 deliver Total Quality Management training;

2972                   (iv) Developing local institutional capacity to  
2973 transfer new technologists into the marketplace;

2974                   (v) Expanding the Skills Enhancement Program and  
2975 improving the quality of adult literacy programs; and

2976                   (vi) Developing data for strategic planning;

2977           (d) To collaborate with the Department of Economic and  
2978 Community Development and other economic development organizations  
2979 to increase the community college systems' economic development  
2980 potential;

2981           (e) To administer presented and approved certification  
2982 programs by the community colleges for tax credits and partnership  
2983 funding for corporate training;

2984           (f) To create and maintain an evaluation team that  
2985 examines which kinds of curricula and programs and what forms of  
2986 quality control of training are most productive so that the  
2987 knowledge developed at one (1) institution of education can be  
2988 transferred to others;

2989           (g) To develop internal capacity to provide services  
2990 and to contract for services from universities and other providers  
2991 directly to local institutions;

2992           (h) To develop and administer an incentive  
2993 certification program; and

2994           (i) To develop and hire staff and purchase equipment  
2995 necessary to accomplish the goals set forth in this section.

2996           SECTION 74. Section 57-75-5, Mississippi Code of 1972, is  
2997 amended as follows:[CR19]

2998           57-75-5. Words and phrases used in this chapter shall have  
2999 meanings as follows, unless the context clearly indicates a  
3000 different meaning:

3001           (a) "Act" means the Mississippi Major Economic Impact  
3002 Act as originally enacted or as hereafter amended.

3003           (b) "Authority" means the Mississippi Major Economic  
3004 Impact Authority created pursuant to the act.

3005           (c) "Bonds" means general obligation bonds, interim  
3006 notes and other evidences of debt of the State of Mississippi  
3007 issued pursuant to this chapter.

3008           (d) "Facility related to the project" means and  
3009 includes any of the following, as the same may pertain to the  
3010 project within the project area: (i) facilities to provide  
3011 potable and industrial water supply systems, sewage and waste  
3012 disposal systems and water, natural gas and electric transmission  
3013 systems to the site of the project; (ii) airports, airfields and  
3014 air terminals; (iii) rail lines; (iv) port facilities; (v)  
3015 highways, streets and other roadways; (vi) public school  
3016 buildings, classrooms and instructional facilities, including any  
3017 functionally related facilities; (vii) parks, outdoor recreation  
3018 facilities and athletic facilities; (viii) auditoriums, pavilions,  
3019 campgrounds, art centers, cultural centers, folklore centers and  
3020 other public facilities; and (ix) health care facilities, public  
3021 or private.

3022           (e) "Person" means any natural person, corporation,  
3023 association, partnership, receiver, trustee, guardian, executor,  
3024 administrator, fiduciary, governmental unit, public agency,

3025 political subdivision, or any other group acting as a unit, and  
3026 the plural as well as the singular.

3027 (f) "Project" means:

3028 (i) Any industrial, commercial, research and  
3029 development, warehousing, distribution, transportation,  
3030 processing, mining, United States government or tourism enterprise  
3031 together with all real property required for construction,  
3032 maintenance and operation of the enterprise with an initial  
3033 capital investment of not less than Three Hundred Million Dollars  
3034 (\$300,000,000.00) from private or United States government sources  
3035 together with all buildings, and other supporting land and  
3036 facilities, structures or improvements of whatever kind required  
3037 or useful for construction, maintenance and operation of the  
3038 enterprise; or with an initial capital investment of not less than  
3039 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
3040 or United States government sources together with all buildings  
3041 and other supporting land and facilities, structures or  
3042 improvements of whatever kind required or useful for construction,  
3043 maintenance and operation of the enterprise and which creates at  
3044 least one thousand (1,000) net new full-time jobs; or which  
3045 creates at least one thousand (1,000) net new full-time jobs which  
3046 provides an average salary, excluding benefits which are not  
3047 subject to Mississippi income taxation, of at least one hundred  
3048 twenty-five percent (125%) of the average annual wage of the state  
3049 as determined by the Mississippi Employment Security Commission.

3050 "Project" shall \* \* \* include any addition to or expansion of an  
3051 existing enterprise if such addition or expansion has an initial  
3052 capital investment of not less than Three Hundred Million Dollars  
3053 (\$300,000,000.00) from private or United States government  
3054 sources, or has an initial capital investment of not less than One  
3055 Hundred Fifty Million Dollars (\$150,000,000.00) from private or  
3056 United States government sources together with all buildings and  
3057 other supporting land and facilities, structures or improvements

3058 of whatever kind required or useful for construction, maintenance  
3059 and operation of the enterprise and which creates at least one  
3060 thousand (1,000) net new full-time jobs; or which creates at least  
3061 one thousand (1,000) net new full-time jobs which provides an  
3062 average salary, excluding benefits which are not subject to  
3063 Mississippi income taxation, of at least one hundred twenty-five  
3064 percent (125%) of the average annual wage of the state as  
3065 determined by the Mississippi Employment Security Commission.  
3066 "Project" shall also include any ancillary development or business  
3067 resulting from the enterprise, of which the authority is notified,  
3068 within three (3) years from the date that the enterprise entered  
3069 into commercial production, that the project area has been  
3070 selected as the site for the ancillary development or business.

3071 (ii) Any enterprise that directly will employ and  
3072 maintain a minimum of three thousand five hundred (3,500) people  
3073 within a three-year period with an initial capital investment from  
3074 any source of not less than Fifty Million Dollars  
3075 (\$50,000,000.00). The provisions of this subparagraph (ii) shall  
3076 be repealed from and after July 1, 1996.

3077 (iii) Any major capital project designed to  
3078 improve, expand or otherwise enhance any active duty United States  
3079 Air Force or Navy training bases or naval stations, their support  
3080 areas or their military operations, upon designation by the  
3081 authority that any such base was or is at risk to be recommended  
3082 for closure or realignment pursuant to the Defense Base Closure  
3083 and Realignment Act of 1990; or any major development project  
3084 determined by the authority to be necessary to acquire base  
3085 properties and to provide employment opportunities through  
3086 construction of projects as defined in Section 57-3-5, which shall  
3087 be located on or provide direct support service or access to such  
3088 military installation property as such property exists on July 1,  
3089 1993, in the event of closure or reduction of military operations  
3090 at the installation. From and after July 1, 1997, projects

3091 described in this subparagraph (iii) shall not be considered to be  
3092 within the meaning of the term "project" for purposes of this  
3093 section, unless such projects are commenced before July 1, 1997,  
3094 and shall not be eligible for any funding provided under the  
3095 Mississippi Major Economic Impact Act.

3096 (iv) Any enterprise to be maintained, improved or  
3097 constructed in Tishomingo County by or for a National Aeronautics  
3098 and Space Administration facility in such county.

3099 (v) Any major capital project designed to improve,  
3100 expand or enhance any state-owned port facility located on the  
3101 Gulf of Mexico, which project will support and attract a two  
3102 million (2,000,000) ton increase in cargo and three hundred fifty  
3103 (350) direct port-related jobs and which is in keeping with a  
3104 developed and approved master plan, or any major capital project  
3105 developed under the name "Project Greystone" and/or any major  
3106 capital project designed to build, construct or develop an  
3107 automobile or truck assembly facility within the State of  
3108 Mississippi, which project or facility will create, directly or  
3109 indirectly, two thousand (2,000) jobs with an initial capital  
3110 investment from any source of not less than Three Hundred Fifty  
3111 Million Dollars (\$350,000,000.00). The architectural and  
3112 engineering fees on any such project shall not exceed four and  
3113 one-half percent (4-1/2%) of the total construction cost of such  
3114 project. "Project" shall also include any ancillary development  
3115 or business resulting from the enterprise, of which the authority  
3116 is notified, within three (3) years from the date that the  
3117 enterprise entered into commercial production, that the project  
3118 area has been selected as the site for the ancillary development  
3119 or business.

3120 (vi) Any major capital project designed to  
3121 construct the corporate headquarters and initial factory, to be  
3122 located in the Golden Triangle Region of the state, for any  
3123 Mississippi corporation that develops, constructs and operates

3124 automated robotic systems to improve the quality of, and reduce  
3125 the costs of, manufacturing wire harness assemblies for certain  
3126 industries, or manufactures thin film polymer lithium-ion  
3127 rechargeable batteries which project has a ten-year strategic plan  
3128 of supporting one thousand (1,000) direct project-related jobs for  
3129 each group of wire harness contracts amounting to Thirty-five  
3130 Million Dollars (\$35,000,000.00), or which has a ten-year  
3131 strategic plan of supporting one thousand five hundred (1,500)  
3132 direct project-related jobs for each group of polymer lithium-ion  
3133 rechargeable battery contracts amounting to Forty Million Dollars  
3134 (\$40,000,000.00).

3135 (vii) Any real property owned or controlled by the  
3136 National Aeronautics and Space Administration, the United States  
3137 Government, or any agency thereof, which is legally conveyed to  
3138 the State of Mississippi or to the State of Mississippi for the  
3139 benefit of the Mississippi Major Economic Impact Authority, its  
3140 successors and assigns pursuant to Section 212 of Public Law  
3141 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

3142 (viii) Any major capital project designed to  
3143 manufacture, produce and transmit electrical power using natural  
3144 gas as its primary raw material to be constructed and maintained  
3145 in Panola County, Mississippi, with an initial capital investment  
3146 of not less than Two Hundred Fifty Million Dollars  
3147 (\$250,000,000.00).

3148 (g) "Project area" means the project site, together  
3149 with any area or territory within the state lying within  
3150 sixty-five (65) miles of any portion of the project site whether  
3151 or not such area or territory be contiguous. The project area  
3152 shall also include all territory within a county if any portion of  
3153 such county lies within sixty-five (65) miles of any portion of  
3154 the project site. "Project site" means the real property on which  
3155 the principal facilities of the enterprise will operate.

3156 (h) "Public agency" means:

3157 (i) Any department, board, commission, institution  
3158 or other agency or instrumentality of the state;

3159 (ii) Any city, town, county, political  
3160 subdivision, school district or other district created or existing  
3161 under the laws of the state or any public agency of any such city,  
3162 town, county, political subdivision or district;

3163 (iii) Any department, commission, agency or  
3164 instrumentality of the United States of America; and

3165 (iv) Any other state of the United States of  
3166 America which may be cooperating with respect to location of the  
3167 project within the state, or any agency thereof.

3168 (i) "State" means State of Mississippi.

3169 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
3170 the project in lieu of any franchise taxes imposed on the project  
3171 by Chapter 13, Title 27, Mississippi Code of 1972. The  
3172 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
3173 (\$25,000.00) annually.

3174 SECTION 75. Section 57-75-9, Mississippi Code of 1972, is  
3175 amended as follows:[CR20]

3176 57-75-9. The authority is hereby designated and empowered to  
3177 act on behalf of the state in submitting a siting proposal for any  
3178 project eligible for assistance under this act. The authority is  
3179 empowered to take all steps appropriate or necessary to effect the  
3180 siting, development, and operation of the project within the  
3181 state, including the negotiation of a fee-in-lieu. If the state  
3182 is selected as the preferred site for the project, the authority  
3183 is hereby designated and empowered to act on behalf of the state  
3184 and to represent the state in the planning, financing,  
3185 development, construction and operation of the project or any  
3186 facility related to the project, with the concurrence of the  
3187 affected public agency. The authority may take affirmative steps  
3188 to coordinate fully all aspects of the submission of a siting  
3189 proposal for the project and, if the state is selected as the

3190 preferred site, to coordinate fully, with the concurrence of the  
3191 affected public agency, the development of the project or any  
3192 facility related to the project with private business, the United  
3193 States government and other public agencies. All public agencies  
3194 are encouraged to cooperate to the fullest extent possible to  
3195 effectuate the duties of the authority; however, the development  
3196 of the project or any facility related to the project by the  
3197 authority may be done only with the concurrence of the affected  
3198 public agency.

3199 SECTION 76. Section 57-75-11, Mississippi Code of 1972, is  
3200 amended as follows:[CR21]

3201 **[Through June 30, 2001, this section shall read as follows:]**

3202 57-75-11. The authority, in addition to any and all powers  
3203 now or hereafter granted to it, is empowered and shall exercise  
3204 discretion and the use of these powers depending on the  
3205 circumstances of the project or projects:

3206 (a) To maintain an office at a place or places within  
3207 the state.

3208 (b) To employ or contract with architects, engineers,  
3209 attorneys, accountants, construction and financial experts and  
3210 such other advisors, consultants and agents as may be necessary in  
3211 its judgment and to fix and pay their compensation.

3212 (c) To make such applications and enter into such  
3213 contracts for financial assistance as may be appropriate under  
3214 applicable federal or state law.

3215 (d) To apply for, accept and utilize grants, gifts and  
3216 other funds or aid from any source for any purpose contemplated by  
3217 the act, and to comply, subject to the provisions of this act,  
3218 with the terms and conditions thereof.

3219 (e) To acquire by purchase, lease, gift, or in other  
3220 manner, including quick-take eminent domain, or obtain options to  
3221 acquire, and to own, maintain, use, operate and convey any and all  
3222 property of any kind, real, personal, or mixed, or any interest or



3223 estate therein, within the project area, necessary for the project  
3224 or any facility related to the project. The provisions of this  
3225 paragraph that allow the acquisition of property by quick-take  
3226 eminent domain shall be repealed by operation of law on July 1,  
3227 1994.

3228 (f) To acquire by purchase or lease any public lands  
3229 and public property, including sixteenth section lands and lieu  
3230 lands, within the project area, which are necessary for the  
3231 project. Sixteenth section lands or lieu lands acquired under  
3232 this act shall be deemed to be acquired for the purposes of  
3233 industrial development thereon and such acquisition will serve a  
3234 higher public interest in accordance with the purposes of this  
3235 act.

3236 (g) If the authority identifies any land owned by the  
3237 state as being necessary, for the location or use of the project,  
3238 or any facility related to the project, to recommend to the  
3239 Legislature the conveyance of such land or any interest therein,  
3240 as the Legislature deems appropriate.

3241 (h) To make or cause to be made such examinations and  
3242 surveys as may be necessary to the planning, design, construction  
3243 and operation of the project.

3244 (i) From and after the date of notification to the  
3245 authority by the enterprise that the state has been finally  
3246 selected as the site of the project, to acquire by condemnation  
3247 and to own, maintain, use, operate and convey or otherwise dispose  
3248 of any and all property of any kind, real, personal or mixed, or  
3249 any interest or estate therein, within the project area, necessary  
3250 for the project or any facility related to the project, with the  
3251 concurrence of the affected public agency, and the exercise of the  
3252 powers granted by this act, according to the procedures provided  
3253 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
3254 modified by this act.

3255 (i) In acquiring lands by condemnation, the

3256 authority shall not acquire minerals or royalties in minerals  
3257 unless a competent registered professional engineer shall have  
3258 certified that the acquisition of such minerals and royalties in  
3259 minerals is necessary for purposes of the project; provided that  
3260 limestone, clay, chalk, sand and gravel shall not be considered as  
3261 minerals within the meaning of this section; and

3262           (ii) Unless minerals or royalties in minerals have  
3263 been acquired by condemnation or otherwise, no person or persons  
3264 owning the drilling rights or the right to share in production of  
3265 minerals shall be prevented from exploring, developing, or  
3266 producing oil or gas with necessary rights-of-way for ingress and  
3267 egress, pipelines and other means of transporting interests on any  
3268 land or interest therein of the authority held or used for the  
3269 purposes of this act; but any such activities shall be under such  
3270 reasonable regulation by the authority as will adequately protect  
3271 the project contemplated by this act as provided in subparagraph  
3272 (t) of this section.

3273           (j) To negotiate the necessary relocation or rerouting  
3274 of roads and highways, railroad, telephone and telegraph lines and  
3275 properties, electric power lines, pipelines and related  
3276 facilities, or to require the anchoring or other protection of any  
3277 of these, provided due compensation is paid to the owners thereof  
3278 or agreement is had with such owners regarding the payment of the  
3279 cost of such relocation, and to acquire by condemnation or  
3280 otherwise easements or rights-of-way for such relocation or  
3281 rerouting and to convey the same to the owners of the facilities  
3282 being relocated or rerouted in connection with the purposes of  
3283 this act.

3284           (k) To negotiate the necessary relocation of cemeteries  
3285 and to pay all reasonable costs thereof.

3286           (l) To perform or have performed any and all acts and  
3287 make all payments necessary to comply with all applicable federal  
3288 laws, rules or regulations including but not limited to the

3289 Uniform Relocation Assistance and Real Property Acquisition  
3290 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651  
3291 to 4655) and relocation rules and regulations promulgated by any  
3292 agency or department of the federal government.

3293 (m) To construct, extend, improve, maintain, and  
3294 reconstruct, to cause to be constructed, extended, improved,  
3295 maintained, and reconstructed, and to use and operate any and all  
3296 components of the project or any facility related to the project,  
3297 with the concurrence of the affected public agency, within the  
3298 project area, necessary to the project and to the exercise of such  
3299 powers, rights, and privileges granted the authority.

3300 (n) To incur or defray any designated portion of the  
3301 cost of any component of the project or any facility related to  
3302 the project acquired or constructed by any public agency.

3303 (o) To lease, sell or convey any or all property  
3304 acquired by the authority under the provisions of this act to the  
3305 enterprise, its successors or assigns, and in connection therewith  
3306 to pay the costs of title search, perfection of title, title  
3307 insurance and recording fees as may be required. The authority  
3308 may provide in the instrument conveying such property a provision  
3309 that such property shall revert to the authority if, as and when  
3310 the property is declared by the enterprise to be no longer needed.

3311 (p) To enter into contracts with any person or public  
3312 agency including, but not limited to, contracts authorized by  
3313 Section 75-57-17, in furtherance of any of the purposes authorized  
3314 by this act upon such consideration as the authority and such  
3315 person or public agency may agree. Any such contract may extend  
3316 over any period of time, notwithstanding any rule of law to the  
3317 contrary, may be upon such terms as the parties thereto shall  
3318 agree, and may provide that it shall continue in effect until  
3319 bonds specified therein, refunding bonds issued in lieu of such  
3320 bonds, and all other obligations specified therein are paid or  
3321 terminated. Any such contract shall be binding upon the parties

3322 thereto according to its terms. Such contracts may include an  
3323 agreement to reimburse the enterprise, its successors and assigns  
3324 for any assistance provided by the enterprise in the acquisition  
3325 of real property for the project or any facility related to the  
3326 project.

3327 (q) To establish and maintain reasonable rates and  
3328 charges for the use of any facility within the project area owned  
3329 or operated by the authority, and from time to time to adjust such  
3330 rates and to impose penalties for failure to pay such rates and  
3331 charges when due.

3332 (r) To adopt and enforce with the concurrence of the  
3333 affected public agency all necessary and reasonable rules and  
3334 regulations to carry out and effectuate the implementation of the  
3335 project and any land use plan or zoning classification adopted for  
3336 the project area, including but not limited to rules, regulations,  
3337 and restrictions concerning mining, construction, excavation or  
3338 any other activity the occurrence of which may endanger the  
3339 structure or operation of the project. Such rules may be enforced  
3340 within the project area and without the project area as necessary  
3341 to protect the structure and operation of the project. The  
3342 authority is authorized to plan or replan, zone or rezone, and  
3343 make exceptions to any regulations, whether local or state, with  
3344 the concurrence of the affected public agency which are  
3345 inconsistent with the design, planning, construction or operation  
3346 of the project and facilities related to the project.

3347 (s) To plan, design, coordinate and implement measures  
3348 and programs to mitigate impacts on the natural environment caused  
3349 by the project or any facility related to the project.

3350 (t) To develop plans for technology transfer activities  
3351 to ensure private sector conduits for exchange of information,  
3352 technology and expertise related to the project to generate  
3353 opportunities for commercial development within the state.

3354 (u) To consult with the State Department of Education

3355 and other public agencies for the purpose of improving public  
3356 schools and curricula within the project area.

3357 (v) To consult with the State Board of Health and other  
3358 public agencies for the purpose of improving medical centers,  
3359 hospitals and public health centers in order to provide  
3360 appropriate health care facilities within the project area.

3361 (w) To consult with the Office of Minority Business  
3362 Enterprise Development and other public agencies for the purpose  
3363 of developing plans for technical assistance and loan programs to  
3364 maximize the economic impact related to the project for minority  
3365 business enterprises within the State of Mississippi.

3366 (x) To deposit into the "Yellow Creek Project Area  
3367 Fund" created pursuant to Section 57-75-31:

3368 (i) Any funds or aid received as authorized in  
3369 this section for the project described in Section 57-75-5(f)(vii),  
3370 and

3371 (ii) Any funds received from the sale or lease of  
3372 property from the project described in Section 57-75-5(f)(vii)  
3373 pursuant to the powers exercised under this section.

3374 (y) To manage and develop the project described in  
3375 Section 57-75-5(f)(vii) subject to the provisions of Section  
3376 57-75-29.

3377 (z) To promulgate rules and regulations necessary to  
3378 effectuate the purposes of this act.

3379 (aa) To negotiate a fee-in-lieu with the owners of the  
3380 project.

3381 **[From and after July 1, 2001, this section shall read as**  
3382 **follows:]**

3383 57-75-11. The authority, in addition to any and all powers  
3384 now or hereafter granted to it, is empowered and shall exercise  
3385 discretion and the use of these powers depending on the  
3386 circumstances of the project or projects:

3387 (a) To maintain an office at a place or places within

3388 the state.

3389           (b) To employ or contract with architects, engineers,  
3390 attorneys, accountants, construction and financial experts and  
3391 such other advisors, consultants and agents as may be necessary in  
3392 its judgment and to fix and pay their compensation.

3393           (c) To make such applications and enter into such  
3394 contracts for financial assistance as may be appropriate under  
3395 applicable federal or state law.

3396           (d) To apply for, accept and utilize grants, gifts and  
3397 other funds or aid from any source for any purpose contemplated by  
3398 the act, and to comply, subject to the provisions of this act,  
3399 with the terms and conditions thereof.

3400           (e) To acquire by purchase, lease, gift, or in other  
3401 manner, including quick-take eminent domain, or obtain options to  
3402 acquire, and to own, maintain, use, operate and convey any and all  
3403 property of any kind, real, personal, or mixed, or any interest or  
3404 estate therein, within the project area, necessary for the project  
3405 or any facility related to the project. The provisions of this  
3406 paragraph that allow the acquisition of property by quick-take  
3407 eminent domain shall be repealed by operation of law on July 1,  
3408 1994.

3409           (f) To acquire by purchase or lease any public lands  
3410 and public property, including sixteenth section lands and lieu  
3411 lands, within the project area, which are necessary for the  
3412 project. Sixteenth section lands or lieu lands acquired under  
3413 this act shall be deemed to be acquired for the purposes of  
3414 industrial development thereon and such acquisition will serve a  
3415 higher public interest in accordance with the purposes of this  
3416 act.

3417           (g) If the authority identifies any land owned by the  
3418 state as being necessary, for the location or use of the project,  
3419 or any facility related to the project, to recommend to the  
3420 Legislature the conveyance of such land or any interest therein,

3421 as the Legislature deems appropriate.

3422           (h) To make or cause to be made such examinations and  
3423 surveys as may be necessary to the planning, design, construction  
3424 and operation of the project.

3425           (i) From and after the date of notification to the  
3426 authority by the enterprise that the state has been finally  
3427 selected as the site of the project, to acquire by condemnation  
3428 and to own, maintain, use, operate and convey or otherwise dispose  
3429 of any and all property of any kind, real, personal or mixed, or  
3430 any interest or estate therein, within the project area, necessary  
3431 for the project or any facility related to the project, with the  
3432 concurrence of the affected public agency, and the exercise of the  
3433 powers granted by this act, according to the procedures provided  
3434 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
3435 modified by this act.

3436           (i) In acquiring lands by condemnation, the  
3437 authority shall not acquire minerals or royalties in minerals  
3438 unless a competent registered professional engineer shall have  
3439 certified that the acquisition of such minerals and royalties in  
3440 minerals is necessary for purposes of the project; provided that  
3441 limestone, clay, chalk, sand and gravel shall not be considered as  
3442 minerals within the meaning of this section; and

3443           (ii) Unless minerals or royalties in minerals have  
3444 been acquired by condemnation or otherwise, no person or persons  
3445 owning the drilling rights or the right to share in production of  
3446 minerals shall be prevented from exploring, developing, or  
3447 producing oil or gas with necessary rights-of-way for ingress and  
3448 egress, pipelines and other means of transporting interests on any  
3449 land or interest therein of the authority held or used for the  
3450 purposes of this act; but any such activities shall be under such  
3451 reasonable regulation by the authority as will adequately protect  
3452 the project contemplated by this act as provided in subparagraph  
3453 (t) of this section.

3454           (j) To negotiate the necessary relocation or rerouting  
3455 of roads and highways, railroad, telephone and telegraph lines and  
3456 properties, electric power lines, pipelines and related  
3457 facilities, or to require the anchoring or other protection of any  
3458 of these, provided due compensation is paid to the owners thereof  
3459 or agreement is had with such owners regarding the payment of the  
3460 cost of such relocation, and to acquire by condemnation or  
3461 otherwise easements or rights-of-way for such relocation or  
3462 rerouting and to convey the same to the owners of the facilities  
3463 being relocated or rerouted in connection with the purposes of  
3464 this act.

3465           (k) To negotiate the necessary relocation of cemeteries  
3466 and to pay all reasonable costs thereof.

3467           (l) To perform or have performed any and all acts and  
3468 make all payments necessary to comply with all applicable federal  
3469 laws, rules or regulations including but not limited to the  
3470 Uniform Relocation Assistance and Real Property Acquisition  
3471 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651  
3472 to 4655) and relocation rules and regulations promulgated by any  
3473 agency or department of the federal government.

3474           (m) To construct, extend, improve, maintain, and  
3475 reconstruct, to cause to be constructed, extended, improved,  
3476 maintained, and reconstructed, and to use and operate any and all  
3477 components of the project or any facility related to the project,  
3478 with the concurrence of the affected public agency, within the  
3479 project area, necessary to the project and to the exercise of such  
3480 powers, rights, and privileges granted the authority.

3481           (n) To incur or defray any designated portion of the  
3482 cost of any component of the project or any facility related to  
3483 the project acquired or constructed by any public agency.

3484           (o) To lease, sell or convey any or all property  
3485 acquired by the authority under the provisions of this act to the  
3486 enterprise, its successors or assigns, and in connection therewith



3487 to pay the costs of title search, perfection of title, title  
3488 insurance and recording fees as may be required. The authority  
3489 may provide in the instrument conveying such property a provision  
3490 that such property shall revert to the authority if, as and when  
3491 the property is declared by the enterprise to be no longer needed.

3492 (p) To enter into contracts with any person or public  
3493 agency including, but not limited to, contracts authorized by  
3494 Section 75-57-17, in furtherance of any of the purposes authorized  
3495 by this act upon such consideration as the authority and such  
3496 person or public agency may agree. Any such contract may extend  
3497 over any period of time, notwithstanding any rule of law to the  
3498 contrary, may be upon such terms as the parties thereto shall  
3499 agree, and may provide that it shall continue in effect until  
3500 bonds specified therein, refunding bonds issued in lieu of such  
3501 bonds, and all other obligations specified therein are paid or  
3502 terminated. Any such contract shall be binding upon the parties  
3503 thereto according to its terms. Such contracts may include an  
3504 agreement to reimburse the enterprise, its successors and assigns  
3505 for any assistance provided by the enterprise in the acquisition  
3506 of real property for the project or any facility related to the  
3507 project.

3508 (q) To establish and maintain reasonable rates and  
3509 charges for the use of any facility within the project area owned  
3510 or operated by the authority, and from time to time to adjust such  
3511 rates and to impose penalties for failure to pay such rates and  
3512 charges when due.

3513 (r) To adopt and enforce with the concurrence of the  
3514 affected public agency all necessary and reasonable rules and  
3515 regulations to carry out and effectuate the implementation of the  
3516 project and any land use plan or zoning classification adopted for  
3517 the project area, including but not limited to rules, regulations,  
3518 and restrictions concerning mining, construction, excavation or  
3519 any other activity the occurrence of which may endanger the

3520 structure or operation of the project. Such rules may be enforced  
3521 within the project area and without the project area as necessary  
3522 to protect the structure and operation of the project. The  
3523 authority is authorized to plan or replan, zone or rezone, and  
3524 make exceptions to any regulations, whether local or state, with  
3525 the concurrence of the affected public agency which are  
3526 inconsistent with the design, planning, construction or operation  
3527 of the project and facilities related to the project.

3528 (s) To plan, design, coordinate and implement measures  
3529 and programs to mitigate impacts on the natural environment caused  
3530 by the project or any facility related to the project.

3531 (t) To develop plans for technology transfer activities  
3532 to ensure private sector conduits for exchange of information,  
3533 technology and expertise related to the project to generate  
3534 opportunities for commercial development within the state.

3535 (u) To consult with the State Department of Education  
3536 and other public agencies for the purpose of improving public  
3537 schools and curricula within the project area.

3538 (v) To consult with the State Board of Health and other  
3539 public agencies for the purpose of improving medical centers,  
3540 hospitals and public health centers in order to provide  
3541 appropriate health care facilities within the project area.

3542 (w) To consult with the Office of Minority Business  
3543 Enterprise Development and other public agencies for the purpose  
3544 of developing plans for technical assistance and loan programs to  
3545 maximize the economic impact related to the project for minority  
3546 business enterprises within the State of Mississippi.

3547 (x) To deposit into the "Yellow Creek Project Area  
3548 Fund" created pursuant to Section 57-75-31:

3549 (i) Any funds or aid received as authorized in  
3550 this section for the project described in Section 57-75-5(f)(vii),  
3551 and

3552 (ii) Any funds received from the sale or lease of

3553 property from the project described in Section 57-75-5(f)(vii)  
3554 pursuant to the powers exercised under this section.

3555 (y) To manage and develop the project described in  
3556 Section 57-75-5(f)(vii).

3557 (z) To promulgate rules and regulations necessary to  
3558 effectuate the purposes of this act.

3559 (aa) To negotiate a fee-in-lieu with the owners of the  
3560 project.

3561 SECTION 77. Section 57-75-15, Mississippi Code of 1972, is  
3562 amended as follows:[CR22]

3563 57-75-15. (1) Upon notification to the authority by the  
3564 enterprise that the state has been finally selected as the site  
3565 for the project, the State Bond Commission shall have the power  
3566 and is hereby authorized and directed, upon receipt of a  
3567 declaration from the authority as hereinafter provided, to borrow  
3568 money and issue general obligation bonds of the state in one or  
3569 more series for the purposes herein set out. Upon such  
3570 notification, the authority may thereafter from time to time  
3571 declare the necessity for the issuance of general obligation bonds  
3572 as authorized by this section and forward such declaration to the  
3573 State Bond Commission, provided that before such notification, the  
3574 authority may enter into agreements with the United States  
3575 Government, private companies and others that will commit the  
3576 authority to direct the State Bond Commission to issue bonds for  
3577 eligible undertakings set out in subsection (4) of this section,  
3578 conditioned on the siting of the project in the state.

3579 (2) Upon receipt of any such declaration from the authority,  
3580 the State Bond Commission shall verify that the state has been  
3581 selected as the site of the project and shall act as the issuing  
3582 agent for the series of bonds directed to be issued in such  
3583 declaration pursuant to authority granted in this section.

3584 (3) (a) Bonds issued under the authority of this section  
3585 for projects as defined in Section 57-75-5(f)(i) shall not exceed

3586 an aggregate principal amount in the sum of Sixty-four Million Two  
3587 Hundred Fifty Thousand Dollars (\$64,250,000.00).

3588 (b) Bonds issued under the authority of this section  
3589 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
3590 Ninety Million Dollars (\$90,000,000.00). The provisions of this  
3591 paragraph (b) shall be repealed from and after July 1, 1996.

3592 (c) Bonds issued under the authority of this section  
3593 for projects as defined in Section 57-75-5(f)(iii) shall not  
3594 exceed Fifty Million Dollars (\$50,000,000.00), nor shall the bonds  
3595 issued for projects related to any single military installation  
3596 exceed Sixteen Million Six Hundred Sixty-seven Thousand Dollars  
3597 (\$16,667,000.00). If any proceeds of bonds issued for projects  
3598 related to the Meridian Naval Auxiliary Air Station ("NAAS") are  
3599 used for the development of a water and sewer service system by  
3600 the City of Meridian, Mississippi, to serve the NAAS and if the  
3601 City of Meridian annexes any of the territory served by the water  
3602 and sewer service system, the city shall repay the State of  
3603 Mississippi the amount of all bond proceeds expended on any  
3604 portion of the water and sewer service system project; and if  
3605 there are any monetary proceeds derived from the disposition of  
3606 any improvements located on real property in Kemper County  
3607 purchased pursuant to this act for projects related to the NAAS  
3608 and if there are any monetary proceeds derived from the  
3609 disposition of any timber located on real property in Kemper  
3610 County purchased pursuant to this act for projects related to the  
3611 NAAS, all of such proceeds (both from the disposition of  
3612 improvements and the disposition of timber) commencing July 1,  
3613 1996, through June 30, 2010, shall be paid to the Board of  
3614 Education of Kemper County, Mississippi, for expenditure by such  
3615 board of education to benefit the public schools of Kemper County.  
3616 No bonds shall be issued under this paragraph (c) until the State  
3617 Bond Commission by resolution adopts a finding that the issuance  
3618 of such bonds will improve, expand or otherwise enhance the

3619 military installation, its support areas or military operations,  
3620 or will provide employment opportunities to replace those lost by  
3621 closure or reductions in operations at the military installation.

3622 From and after July 1, 1997, bonds shall not be issued for any  
3623 projects, as defined in Section 57-75-5(f)(iii), which are not  
3624 commenced before July 1, 1997. The proceeds of any bonds issued  
3625 for projects commenced before July 1, 1997, shall be used for the  
3626 purposes for which the bonds were issued until completion of the  
3627 projects.

3628 (d) Bonds issued under the authority of this section  
3629 for projects as defined in Section 57-75-5(f)(iv) shall not exceed  
3630 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
3631 under this paragraph after December 31, 1996.

3632 (e) Bonds issued under the authority of this section  
3633 for projects defined in Section 57-75-5(f)(v) shall not exceed One  
3634 Hundred Ten Million Dollars (\$110,000,000.00). No bonds shall be  
3635 issued under this paragraph after June 30, 2001.

3636 (f) Bonds issued under the authority of this section  
3637 for the project defined in Section 57-75-5(f)(vi) shall not exceed  
3638 Twenty Million Three Hundred Seventy Thousand Dollars  
3639 (\$20,370,000.00). No bonds shall be issued under this paragraph

3640 (f) until the State Bond Commission by resolution adopts a finding  
3641 that the project has secured wire harness contracts or contracts  
3642 to manufacture thin film polymer lithium-ion rechargeable  
3643 batteries, or any combination of such contracts, in the aggregate  
3644 amount of Twenty Million Dollars (\$20,000,000.00), either from the  
3645 United States Government or the private sector. No bonds shall be  
3646 issued under this paragraph after June 30, 2001.

3647 (g) Bonds issued under the authority of this section  
3648 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
3649 Twenty-six Million Dollars (\$26,000,000.00). No bonds shall be  
3650 issued after June 30, 2001.

3651 (4) The proceeds from the sale of the bonds issued under

3652 this section may be applied for the purposes of: (a) defraying  
3653 all or any designated portion of the costs incurred with respect  
3654 to acquisition, planning, design, construction, installation,  
3655 rehabilitation, improvement, relocation and with respect to  
3656 state-owned property, operation and maintenance of the project and  
3657 any facility related to the project located within the project  
3658 area, including costs of design and engineering, all costs  
3659 incurred to provide land, easements and rights-of-way, relocation  
3660 costs with respect to the project and with respect to any facility  
3661 related to the project located within the project area, and costs  
3662 associated with mitigation of environmental impacts; (b) defraying  
3663 the cost of providing to the recruitment, screening, selection,  
3664 training or retraining of employees, candidates for employment or  
3665 replacement employees of the project and any related activity; (c)  
3666 providing for the payment of interest on the bonds; (d) providing  
3667 debt service reserves; and (f) paying underwriters' discount,  
3668 original issue discount, accountants' fees, engineers' fees,  
3669 attorneys' fees, rating agency fees and other fees and expenses in  
3670 connection with the issuance of the bonds. Such bonds shall be  
3671 issued from time to time and in such principal amounts as shall be  
3672 designated by the authority, not to exceed in aggregate principal  
3673 amounts the amount authorized in subsection (3) of this section.  
3674 Proceeds from the sale of the bonds issued under this section may  
3675 be invested, subject to federal limitations, pending their use, in  
3676 such securities as may be specified in the resolution authorizing  
3677 the issuance of the bonds or the trust indenture securing them,  
3678 and the earning on such investment applied as provided in such  
3679 resolution or trust indenture.

3680 (5) The principal of and the interest on the bonds shall be  
3681 payable in the manner hereinafter set forth. The bonds shall bear  
3682 date or dates; be in such denomination or denominations; bear  
3683 interest at such rate or rates; be payable at such place or places  
3684 within or without the state; mature absolutely at such time or

3685 times; be redeemable before maturity at such time or times and  
3686 upon such terms, with or without premium; bear such registration  
3687 privileges; and be substantially in such form; all as shall be  
3688 determined by resolution of the State Bond Commission except that  
3689 such bonds shall mature or otherwise be retired in annual  
3690 installments beginning not more than five (5) years from the date  
3691 thereof and extending not more than twenty-five (25) years from  
3692 the date thereof. The bonds shall be signed by the Chairman of  
3693 the State Bond Commission, or by his facsimile signature, and the  
3694 official seal of the State Bond Commission shall be imprinted on  
3695 or affixed thereto, attested by the manual or facsimile signature  
3696 of the Secretary of the State Bond Commission. Whenever any such  
3697 bonds have been signed by the officials herein designated to sign  
3698 the bonds, who were in office at the time of such signing but who  
3699 may have ceased to be such officers before the sale and delivery  
3700 of such bonds, or who may not have been in office on the date such  
3701 bonds may bear, the signatures of such officers upon such bonds  
3702 shall nevertheless be valid and sufficient for all purposes and  
3703 have the same effect as if the person so officially signing such  
3704 bonds had remained in office until the delivery of the same to the  
3705 purchaser, or had been in office on the date such bonds may bear.

3706 (6) All bonds issued under the provisions of this section  
3707 shall be and are hereby declared to have all the qualities and  
3708 incidents of negotiable instruments under the provisions of the  
3709 Uniform Commercial Code and in exercising the powers granted by  
3710 this chapter, the State Bond Commission shall not be required to  
3711 and need not comply with the provisions of the Uniform Commercial  
3712 Code.

3713 (7) The State Bond Commission shall sell the bonds on sealed  
3714 bids at public sale, and for such price as it may determine to be  
3715 for the best interest of the State of Mississippi, but no such  
3716 sale shall be made at a price less than par plus accrued interest  
3717 to date of delivery of the bonds to the purchaser. The bonds

3718 shall bear interest at such rate or rates not exceeding the limits  
3719 set forth in Section 75-17-101 as shall be fixed by the State Bond  
3720 Commission. All interest accruing on such bonds so issued shall  
3721 be payable semiannually or annually; provided that the first  
3722 interest payment may be for any period of not more than one (1)  
3723 year.

3724 Notice of the sale of any bonds shall be published at least  
3725 one (1) time, the first of which shall be made not less than ten  
3726 (10) days prior to the date of sale, and shall be so published in  
3727 one or more newspapers having a general circulation in the City of  
3728 Jackson and in one or more other newspapers or financial journals  
3729 with a large national circulation, to be selected by the State  
3730 Bond Commission.

3731 The State Bond Commission, when issuing any bonds under the  
3732 authority of this section, may provide that the bonds, at the  
3733 option of the state, may be called in for payment and redemption  
3734 at the call price named therein and accrued interest on such date  
3735 or dates named therein.

3736 (8) State bonds issued under the provisions of this section  
3737 shall be the general obligations of the state and backed by the  
3738 full faith and credit of the state. The Legislature shall  
3739 appropriate annually an amount sufficient to pay the principal of  
3740 and the interest on such bonds as they become due. All bonds  
3741 shall contain recitals on their faces substantially covering the  
3742 foregoing provisions of this section.

3743 (9) The State Treasurer is authorized to certify to the  
3744 Department of Finance and Administration the necessity for  
3745 warrants, and the Department of Finance and Administration is  
3746 authorized and directed to issue such warrants payable out of any  
3747 funds appropriated by the Legislature under this section for such  
3748 purpose, in such amounts as may be necessary to pay when due the  
3749 principal of and interest on all bonds issued under the provisions  
3750 of this section. The State Treasurer shall forward the necessary



3751 amount to the designated place or places of payment of such bonds  
3752 in ample time to discharge such bonds, or the interest thereon, on  
3753 the due dates thereof.

3754 (10) The bonds may be issued without any other proceedings  
3755 or the happening of any other conditions or things other than  
3756 those proceedings, conditions and things which are specified or  
3757 required by this chapter. Any resolution providing for the  
3758 issuance of general obligation bonds under the provisions of this  
3759 section shall become effective immediately upon its adoption by  
3760 the State Bond Commission, and any such resolution may be adopted  
3761 at any regular or special meeting of the State Bond Commission by  
3762 a majority of its members.

3763 (11) In anticipation of the issuance of bonds hereunder, the  
3764 State Bond Commission is authorized to negotiate and enter into  
3765 any purchase, loan, credit or other agreement with any bank, trust  
3766 company or other lending institution or to issue and sell interim  
3767 notes for the purpose of making any payments authorized under this  
3768 section. All borrowings made under this provision shall be  
3769 evidenced by notes of the state which shall be issued from time to  
3770 time, for such amounts not exceeding the amount of bonds  
3771 authorized herein, in such form and in such denomination and  
3772 subject to such terms and conditions of sale and issuance,  
3773 prepayment or redemption and maturity, rate or rates of interest  
3774 not to exceed the maximum rate authorized herein for bonds, and  
3775 time of payment of interest as the State Bond Commission shall  
3776 agree to in such agreement. Such notes shall constitute general  
3777 obligations of the state and shall be backed by the full faith and  
3778 credit of the state. Such notes may also be issued for the  
3779 purpose of refunding previously issued notes; except that no notes  
3780 shall mature more than three (3) years following the date of  
3781 issuance of the first note hereunder and provided further, that  
3782 all outstanding notes shall be retired from the proceeds of the  
3783 first issuance of bonds hereunder. The State Bond Commission is

3784 authorized to provide for the compensation of any purchaser of the  
3785 notes by payment of a fixed fee or commission and for all other  
3786 costs and expenses of issuance and service, including paying agent  
3787 costs. Such costs and expenses may be paid from the proceeds of  
3788 the notes.

3789 (12) The bonds and interim notes authorized under the  
3790 authority of this section may be validated in the First Judicial  
3791 District of the Chancery Court of Hinds County, Mississippi, in  
3792 the manner and with the force and effect provided now or hereafter  
3793 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
3794 validation of county, municipal, school district and other bonds.

3795 The necessary papers for such validation proceedings shall be  
3796 transmitted to the state bond attorney, and the required notice  
3797 shall be published in a newspaper published in the City of  
3798 Jackson, Mississippi.

3799 (13) Any bonds or interim notes issued under the provisions  
3800 of this chapter, a transaction relating to the sale or securing of  
3801 such bonds or interim notes, their transfer and the income  
3802 therefrom shall at all times be free from taxation by the state or  
3803 any local unit or political subdivision or other instrumentality  
3804 of the state, excepting inheritance and gift taxes.

3805 (14) All bonds issued under this chapter shall be legal  
3806 investments for trustees, other fiduciaries, savings banks, trust  
3807 companies and insurance companies organized under the laws of the  
3808 State of Mississippi; and such bonds shall be legal securities  
3809 which may be deposited with and shall be received by all public  
3810 officers and bodies of the state and all municipalities and other  
3811 political subdivisions thereof for the purpose of securing the  
3812 deposit of public funds.

3813 (15) The Attorney General of the State of Mississippi shall  
3814 represent the State Bond Commission in issuing, selling and  
3815 validating bonds herein provided for, and the bond commission is  
3816 hereby authorized and empowered to expend from the proceeds

3817 derived from the sale of the bonds authorized hereunder all  
3818 necessary administrative, legal and other expenses incidental and  
3819 related to the issuance of bonds authorized under this chapter.

3820 (16) There is hereby created a special fund in the State  
3821 Treasury to be known as the Mississippi Major Economic Impact  
3822 Authority Fund wherein shall be deposited the proceeds of the  
3823 bonds issued under this chapter and all monies received by the  
3824 authority to carry out the purposes of this chapter. Expenditures  
3825 authorized herein shall be paid by the State Treasurer upon  
3826 warrants drawn from the fund, and the Department of Finance and  
3827 Administration shall issue warrants upon requisitions signed by  
3828 the director of the authority.

3829 (17) (a) There is hereby created the Mississippi Economic  
3830 Impact Authority Sinking Fund from which the principal of and  
3831 interest on such bonds shall be paid by appropriation. All monies  
3832 paid into the sinking fund not appropriated to pay accruing bonds  
3833 and interest shall be invested by the State Treasurer in such  
3834 securities as are provided by law for the investment of the  
3835 sinking funds of the state.

3836 (b) In the event that all or any part of the bonds and  
3837 notes are purchased, they shall be canceled and returned to the  
3838 loan and transfer agent as canceled and paid bonds and notes and  
3839 thereafter all payments of interest thereon shall cease and the  
3840 canceled bonds, notes and coupons, together with any other  
3841 canceled bonds, notes and coupons, shall be destroyed as promptly  
3842 as possible after cancellation but not later than two (2) years  
3843 after cancellation. A certificate evidencing the destruction of  
3844 the canceled bonds, notes and coupons shall be provided by the  
3845 loan and transfer agent to the seller.

3846 (c) The State Treasurer shall determine and report to  
3847 the Department of Finance and Administration and Legislative  
3848 Budget Office by September 1 of each year the amount of money  
3849 necessary for the payment of the principal of and interest on

3850 outstanding obligations for the following fiscal year and the  
3851 times and amounts of the payments. It shall be the duty of the  
3852 Governor to include in every executive budget submitted to the  
3853 Legislature full information relating to the issuance of bonds and  
3854 notes under the provisions of this chapter and the status of the  
3855 sinking fund for the payment of the principal of and interest on  
3856 the bonds and notes.

3857 SECTION 78. Section 27-13-5, Mississippi Code of 1972, is  
3858 amended as follows:[CR23]

3859 27-13-5. (1) Franchise tax levy. Except as otherwise  
3860 provided in subsections (3) and (4) of this section, there is  
3861 hereby imposed, to be paid and collected as hereinafter provided,  
3862 a franchise or excise tax upon every corporation, association or  
3863 joint stock company or partnership treated as a corporation under  
3864 the income tax laws or regulations, organized or created for  
3865 pecuniary gain, having privileges not possessed by individuals,  
3866 and having authorized capital stock now existing in this state, or  
3867 hereafter organized, created or established, under and by virtue  
3868 of the laws of the State of Mississippi, equal to Two Dollars and  
3869 Fifty Cents (\$2.50) for each One Thousand Dollars (\$1,000.00), or  
3870 fraction thereof, of the value of the capital used, invested or  
3871 employed in the exercise of any power, privilege or right enjoyed  
3872 by such organization within this state, except as hereinafter  
3873 provided. In no case shall the franchise tax due for the  
3874 accounting period be less than Twenty-five Dollars (\$25.00). It  
3875 is the purpose of this section to require the payment to the State  
3876 of Mississippi of this tax for the right granted by the laws of  
3877 this state to exist as such organization, and to enjoy, under the  
3878 protection of the laws of this state, the powers, rights,  
3879 privileges and immunities derived from the state by the form of  
3880 such existence.

3881 (2) Annual report of domestic corporations. Each domestic  
3882 corporation shall file, within the time prescribed by Section

3883 79-3-251, an annual report as required by the provisions of  
3884 Section 79-3-249.

3885 (3) A corporation that has negotiated a fee-in-lieu as  
3886 defined in Section 57-75-5 shall not be subject to the tax levied  
3887 by this section; provided, however, that the fee-in-lieu payment  
3888 shall be otherwise treated in the same manner as the payment of  
3889 franchise taxes.

3890 (4) An approved business enterprise as defined in Sections  
3891 30 through 35 of House Bill No. \_\_\_\_\_, 2000 Second Extraordinary  
3892 Session shall not be subject to the tax levied by this section on  
3893 the value of capital used, invested or employed by the approved  
3894 business enterprise in a growth and prosperity county as provided  
3895 in Sections 30 through 35 of House Bill No. \_\_\_\_\_, 2000 Second  
3896 Extraordinary Session.

3897 SECTION 79. Section 27-13-7, Mississippi Code of 1972, is  
3898 amended as follows:[CR24]

3899 27-13-7. (1) Franchise tax levy. Except as otherwise  
3900 provided in subsections (3) and (4) of this section, there is  
3901 hereby imposed, levied and assessed upon every corporation,  
3902 association or joint stock company, or partnership treated as a  
3903 corporation under the Income Tax Laws or regulations as  
3904 hereinbefore defined, organized and existing under and by virtue  
3905 of the laws of some other state, territory or country, or  
3906 organized and existing without any specific statutory authority,  
3907 now or hereafter doing business or exercising any power, privilege  
3908 or right within this state, as hereinbefore defined, a franchise  
3909 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each  
3910 One Thousand Dollars (\$1,000.00), or fraction thereof, of the  
3911 value of capital used, invested or employed within this state,  
3912 except as hereinafter provided. In no case shall the franchise  
3913 tax due for the accounting period be less than Twenty-five Dollars  
3914 (\$25.00). It is the purpose of this section to require the  
3915 payment of a tax by all organizations not organized under the laws

3916 of this state, measured by the amount of capital or its  
3917 equivalent, for which such organization receives the benefit and  
3918 protection of the government and laws of the state.

3919 (2) Annual report of foreign corporations. Each foreign  
3920 corporation authorized to transact business in this state shall  
3921 file, within the time prescribed by Section 79-3-251, an annual  
3922 report as required by the provisions of Section 79-3-249.

3923 (3) A corporation that has negotiated a fee-in-lieu as  
3924 defined in Section 57-75-5 shall not be subject to the tax levied  
3925 by this section; provided, however, that the fee-in-lieu payment  
3926 shall be otherwise treated in the same manner as the payment of  
3927 franchise taxes.

3928 (4) An approved business enterprise as defined in Sections  
3929 30 through 35 of House Bill No. \_\_\_\_\_, 2000 Second Extraordinary  
3930 Session, shall not be subject to the tax levied by this section on  
3931 the value of capital used, invested or employed by the approved  
3932 business enterprise in a growth and prosperity county as provided  
3933 in Sections 30 through 35 of House Bill No. \_\_\_\_\_, 2000 Second  
3934 Extraordinary Session.

3935 SECTION 80. Section 27-65-101, Mississippi Code of 1972, is  
3936 amended as follows:[CR25]

3937 27-65-101. (1) The exemptions from the provisions of this  
3938 chapter which are of an industrial nature or which are more  
3939 properly classified as industrial exemptions than any other  
3940 exemption classification of this chapter shall be confined to  
3941 those persons or property exempted by this section or by the  
3942 provisions of the Constitution of the United States or the State  
3943 of Mississippi. No industrial exemption as now provided by any  
3944 other section except Section 57-3-33 shall be valid as against the  
3945 tax herein levied. Any subsequent industrial exemption from the  
3946 tax levied hereunder shall be provided by amendment to this  
3947 section. No exemption provided in this section shall apply to  
3948 taxes levied by Section 27-65-15 or 27-65-21.

3949           The tax levied by this chapter shall not apply to the  
3950 following:

3951           (a) Sales of boxes, crates, cartons, cans, bottles and  
3952 other packaging materials to manufacturers and wholesalers for use  
3953 as containers or shipping materials to accompany goods sold by  
3954 said manufacturers or wholesalers where possession thereof will  
3955 pass to the customer at the time of sale of the goods contained  
3956 therein and sales to anyone of containers or shipping materials  
3957 for use in ships engaged in international commerce.

3958           (b) Sales of raw materials, catalysts, processing  
3959 chemicals, welding gases or other industrial processing gases  
3960 (except natural gas) to a manufacturer for use directly in  
3961 manufacturing or processing a product for sale or rental or  
3962 repairing or reconditioning vessels or barges of fifty (50) tons  
3963 load displacement and over. This exemption shall not apply to any  
3964 property used as fuel except to the extent that such fuel  
3965 comprises by-products which have no market value.

3966           (c) The gross proceeds of sales of dry docks, offshore  
3967 drilling equipment for use in oil exploitation or production,  
3968 vessels or barges of fifty (50) tons load displacement and over,  
3969 when sold by the manufacturer or builder thereof.

3970           (d) Sales to commercial fishermen of commercial fishing  
3971 boats of over five (5) tons load displacement and not more than  
3972 fifty (50) tons load displacement as registered with the United  
3973 States Coast Guard and licensed by the Mississippi Commission on  
3974 Marine Resources.

3975           (e) The gross income from repairs to vessels and barges  
3976 engaged in foreign trade or interstate transportation.

3977           (f) Sales of petroleum products to vessels or barges  
3978 for consumption in marine international commerce or interstate  
3979 transportation businesses.

3980           (g) Sales and rentals of rail rolling stock (and  
3981 component parts thereof) for ultimate use in interstate commerce

3982 and gross income from services with respect to manufacturing,  
3983 repairing, cleaning, altering, reconditioning or improving such  
3984 rail rolling stock (and component parts thereof).

3985 (h) Sales of raw materials, catalysts, processing  
3986 chemicals, welding gases or other industrial processing gases  
3987 (except natural gas) used or consumed directly in manufacturing,  
3988 repairing, cleaning, altering, reconditioning or improving such  
3989 rail rolling stock (and component parts thereof). This exemption  
3990 shall not apply to any property used as fuel.

3991 (i) Machinery or tools or repair parts therefor or  
3992 replacements thereof, fuel or supplies used directly in  
3993 manufacturing, converting or repairing ships of three thousand  
3994 (3,000) tons load displacement and over, but not to include office  
3995 and plant supplies or other equipment not directly used on the  
3996 ship being built, converted or repaired.

3997 (j) Sales of tangible personal property to persons  
3998 operating ships in international commerce for use or consumption  
3999 on board such ships. This exemption shall be limited to cases in  
4000 which procedures satisfactory to the commissioner, ensuring  
4001 against use in this state other than on such ships, are  
4002 established.

4003 (k) Sales of materials used in the construction of a  
4004 building, or any addition or improvement thereon, and sales of any  
4005 machinery and equipment not later than three (3) months after the  
4006 completion of construction of the building, or any addition  
4007 thereon, to be used therein, to qualified businesses, as defined  
4008 in Section 57-51-5, which are located in a county or portion  
4009 thereof designated as an enterprise zone pursuant to Sections  
4010 57-51-1 through 57-51-15.

4011 (l) Sales of materials used in the construction of a  
4012 building, or any addition or improvement thereon, and sales of any  
4013 machinery and equipment not later than three (3) months after the  
4014 completion of construction of the building, or any addition



4015 thereon, to be used therein, to qualified businesses, as defined  
4016 in Section 57-54-5.

4017 (m) Income from storage and handling of perishable  
4018 goods by a public storage warehouse.

4019 (n) The value of natural gas lawfully injected into the  
4020 earth for cycling, repressuring or lifting of oil, or lawfully  
4021 vented or flared in connection with the production of oil;  
4022 however, if any gas so injected into the earth is sold for such  
4023 purposes, then the gas so sold shall not be exempt.

4024 (o) The gross collections from self-service commercial  
4025 laundering, drying, cleaning and pressing equipment.

4026 (p) Sales of materials used in the construction of a  
4027 building, or any addition or improvement thereon, and sales of any  
4028 machinery and equipment not later than three (3) months after the  
4029 completion of construction of the building, or any addition  
4030 thereon, to be used therein, to qualified companies, certified as  
4031 such by the Mississippi Development Authority under Section  
4032 57-53-1.

4033 (q) Sales of component materials used in the  
4034 construction of a building, or any addition or improvement  
4035 thereon, sales of machinery and equipment to be used therein, and  
4036 sales of manufacturing or processing machinery and equipment which  
4037 is permanently attached to the ground or to a permanent foundation  
4038 and which is not by its nature intended to be housed within a  
4039 building structure, not later than three (3) months after the  
4040 initial start-up date, to permanent business enterprises engaging  
4041 in manufacturing or processing in Tier Three areas (as such term  
4042 is defined in Section 57-73-21), which businesses are certified by  
4043 the State Tax Commission as being eligible for the exemption  
4044 granted in this paragraph (q).

4045 (r) Sales of component materials used in the  
4046 construction of a building, or any addition or improvement  
4047 thereon, and sales of any machinery and equipment not later than

4048 three (3) months after the completion of the building, addition or  
4049 improvement thereon, to be used therein, for any company  
4050 establishing or transferring its national or regional headquarters  
4051 from within or outside the State of Mississippi and creating a  
4052 minimum of thirty-five (35) jobs at the new headquarters in this  
4053 state. The Tax Commission shall establish criteria and prescribe  
4054 procedures to determine if a company qualifies as a national or  
4055 regional headquarters for the purpose of receiving the exemption  
4056 provided in this paragraph.

4057 (s) The gross proceeds from the sale of semitrailers,  
4058 trailers, boats, travel trailers, motorcycles and all-terrain  
4059 cycles if exported from this state within forty-eight (48) hours  
4060 and registered and first used in another state.

4061 (t) Gross income from the storage and handling of  
4062 natural gas in underground salt domes and in other underground  
4063 reservoirs, caverns, structures and formations suitable for such  
4064 storage.

4065 (u) Sales of machinery and equipment to nonprofit  
4066 organizations if the organization: (i) is tax-exempt pursuant to  
4067 Section 501(c)(4) of the Internal Revenue Code of 1986, as  
4068 amended; (ii) assists in the implementation of the national  
4069 contingency plan or area contingency plan, and which is created in  
4070 response to the requirements of Title IV, Subtitle B of the Oil  
4071 Pollution Act of 1990, P.L. 101-380; and (iii) engages primarily  
4072 in programs to contain, clean up and otherwise mitigate spills of  
4073 oil or other substances occurring in the United States coastal and  
4074 tidal waters. For purposes of this exemption, "machinery and  
4075 equipment" means any ocean-going vessels, barges, booms, skimmers  
4076 and other capital equipment used primarily in the operations of  
4077 nonprofit organizations referred to herein.

4078 (v) Sales of component materials and equipment to  
4079 approved business enterprises as provided under Sections 30  
4080 through 35 of House Bill No. \_\_\_\_\_, 2000 Second Extraordinary

4081 Session.

4082           (2) Sales of component materials used in the construction of  
4083 a building, or any addition or improvement thereon, sales of  
4084 machinery and equipment to be used therein, and sales of  
4085 manufacturing or processing machinery and equipment which is  
4086 permanently attached to the ground or to a permanent foundation  
4087 and which is not by its nature intended to be housed within a  
4088 building structure, not later than three (3) months after the  
4089 initial start-up date, to permanent business enterprises engaging  
4090 in manufacturing or processing in Tier Two areas and Tier One  
4091 areas (as such areas are designated in accordance with Section  
4092 57-73-21), which businesses are certified by the State Tax  
4093 Commission as being eligible for the exemption granted in this  
4094 paragraph, shall be exempt from one-half (1/2) of the taxes  
4095 imposed on such transactions under this chapter.

4096           SECTION 81. The Attorney General of the State of Mississippi  
4097 shall submit Section 10, Sections 36 through 55 and Sections 58,  
4098 61 and 63 of this act, immediately upon approval by the Governor,  
4099 or upon approval by the Legislature subsequent to a veto, to the  
4100 Attorney General of the United States or to the United States  
4101 District Court for the District of Columbia in accordance with the  
4102 provisions of the Voting Rights Act of 1965, as amended and  
4103 extended.

4104           SECTION 82. Section 10, Sections 36 through 55 and Sections  
4105 58, 61 and 63 of this act shall take effect and be in force from  
4106 and after the date it is effectuated under Section 5 of the Voting  
4107 Rights Act of 1965, as amended and extended. The remainder of  
4108 this act shall take effect and be in force from and after its  
4109 passage.