

By: Minor

To: Finance

## SENATE BILL NO. 2001

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 ADJOINING STATE; TO PROVIDE THAT JOINT UNDERTAKINGS UNDER  
30 THE ACT SHALL BE EVIDENCED BY WRITTEN CONTRACTUAL AGREEMENTS FOR  
31 JOINT OR COOPERATIVE ACTION TO PROVIDE SERVICES AND FACILITIES; TO  
32 PROVIDE THAT REGIONAL ECONOMIC DEVELOPMENT AUTHORITIES MAY TAKE  
33 ANY ACTION THAT ANY LOCAL GOVERNMENT UNIT MEMBER MAY TAKE; TO  
34 GRANT REGIONAL ECONOMIC DEVELOPMENT AUTHORITIES CERTAIN POWERS  
35 WITH REGARD TO THE ISSUANCE OF BONDS; TO REQUIRE THE AGREEMENTS  
36 MADE UNDER THE ACT TO INCLUDE CERTAIN PROVISIONS; TO REQUIRE SUCH  
37 AGREEMENTS TO BE APPROVED BY CERTAIN OFFICERS; TO REQUIRE THE  
38 FILING OF SUCH AGREEMENTS; TO CREATE THE "MISSISSIPPI ADVANTAGE  
39 JOBS ACT" TO PROVIDE INCENTIVES FOR THE SUPPORT OF THE  
40 ESTABLISHMENT OF QUALITY BUSINESS AND INDUSTRY THAT HOLD THE  
41 PROMISE OF SIGNIFICANT DEVELOPMENT OF THE ECONOMY OF THE STATE OF  
42 MISSISSIPPI THROUGH THE CREATION OF QUALITY JOBS; TO PROVIDE FOR  
43 QUARTERLY INCENTIVE PAYMENTS TO QUALIFIED BUSINESSES FOR A PERIOD  
44 OF NOT TO EXCEED 10 YEARS; TO PROVIDE FOR THE AMOUNT OF THE  
45 INCENTIVE PAYMENT; TO PROVIDE THAT THE PAYMENT SHALL BE BASED ON  
46 THE NUMBER OF JOBS CREATED; TO PROVIDE THAT IN ORDER TO QUALIFY  
47 FOR SUCH PAYMENTS THE AVERAGE ANNUAL SALARY OF THE EMPLOYEES OF  
48 THE RECIPIENT MUST BE AT LEAST 125% OF THE AVERAGE ANNUAL WAGE OF  
49 THE COUNTY IN WHICH THE QUALIFIED BUSINESS IS LOCATED; TO PROVIDE  
50 THAT A CERTAIN NUMBER OF JOBS MUST BE CREATED OR MAINTAINED; TO

51 PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL DETERMINE  
52 THE ELIGIBILITY OF THE BUSINESS; TO CREATE A SPECIAL FUND IN THE  
53 STATE TREASURY TO BE KNOWN AS THE "MISSISSIPPI ADVANTAGE JOBS  
54 INCENTIVE PAYMENT FUND" INTO WHICH SHALL BE DEPOSITED A CERTAIN  
55 PORTION OF THE WITHHOLDING TAXES PAID BY THE QUALIFIED BUSINESS;  
56 TO PROVIDE THAT MONEY IN THE FUND SHALL BE UTILIZED TO MAKE THE  
57 REQUIRED INCENTIVE PAYMENTS; TO PROVIDE THAT THE LIABILITY OF THE  
58 STATE TO MAKE INCENTIVE PAYMENTS SHALL BE LIMITED TO THE BALANCE  
59 IN THE FUND; TO PROVIDE THAT CLAIMS FOR QUARTERLY INCENTIVE  
60 PAYMENTS SHALL BE FILED WITH THE STATE TAX COMMISSION; TO PROVIDE  
61 THAT THE STATE TAX COMMISSION SHALL VERIFY THE ELIGIBILITY OF THE  
62 BUSINESS FOR THE INCENTIVE PAYMENTS PRIOR TO EACH PAYMENT; TO  
63 PROVIDE THAT THE STATE TAX COMMISSION SHALL ISSUE WARRANTS FOR THE  
64 PAYMENT OF INCENTIVE PAYMENTS UPON VERIFICATION THAT THE RECIPIENT  
65 IS ELIGIBLE; TO CREATE A NEW CODE SECTION TO BE CODIFIED AS  
66 SECTION 27-7-312, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN  
67 AMOUNT OF THE WITHHOLDING TAX COLLECTED FROM AN EMPLOYER WHO IS  
68 ELIGIBLE TO RECEIVE QUARTERLY INCENTIVE PAYMENTS UNDER THE  
69 MISSISSIPPI ADVANTAGE JOBS ACT THAT IS EQUAL TO THE ESTIMATED  
70 AMOUNT OF THE QUARTERLY INCENTIVE PAYMENT FOR WHICH AN EMPLOYEE IS  
71 ELIGIBLE, SHALL BE DEPOSITED INTO THE MISSISSIPPI ADVANTAGE JOBS  
72 INCENTIVE PAYMENT FUND FOLLOWING THE CLOSE OF EACH CALENDAR  
73 QUARTER; TO CREATE THE "GROWTH AND PROSPERITY ACT" TO ASSIST  
74 CERTAIN COUNTIES IN ENCOURAGING ECONOMIC DEVELOPMENT; TO AUTHORIZE  
75 THE MISSISSIPPI DEVELOPMENT AUTHORITY TO DESIGNATE CERTAIN  
76 COUNTIES AS GROWTH AND PROSPERITY COUNTIES; TO PROVIDE THAT  
77 CERTAIN COUNTIES MAY APPLY TO THE MISSISSIPPI DEVELOPMENT  
78 AUTHORITY FOR DESIGNATION AS GROWTH AND PROSPERITY COUNTIES; TO  
79 PROVIDE INCENTIVES IN THE FORM OF TEMPORARY EXEMPTIONS FROM LOCAL  
80 AD VALOREM TAXES AND STATE FRANCHISE, INCOME AND SALES TAXES FOR  
81 APPROVED BUSINESS ENTERPRISES THAT LOCATE OR EXPAND IN GROWTH AND  
82 PROSPERITY COUNTIES; TO CREATE THE "LOCAL ADVANTAGE FINANCING ACT"  
83 TO PROVIDE LOCAL GOVERNMENT UNITS WITH ADDITIONAL METHODS OF  
84 FINANCING CERTAIN ECONOMIC DEVELOPMENT PROJECTS; TO PROVIDE THE  
85 TYPES OF PROJECTS FOR WHICH LOCAL GOVERNMENT UNITS MAY ISSUE BONDS  
86 UNDER THE LOCAL ADVANTAGE FINANCING ACT; TO PROVIDE THAT A LOCAL  
87 GOVERNMENT UNIT MUST APPLY TO THE MISSISSIPPI DEVELOPMENT  
88 AUTHORITY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR A  
89 PROJECT BEFORE INCURRING INDEBTEDNESS FOR SUCH A PROJECT; TO  
90 AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO ISSUE SUCH  
91 CERTIFICATES OF CONVENIENCE AND NECESSITY; TO PROVIDE THAT LOCAL  
92 GOVERNMENT UNITS MAY ISSUE GENERAL OBLIGATION BONDS, TAX INCREMENT  
93 FINANCING BONDS, SPECIAL ASSESSMENT BONDS AND REVENUE BONDS TO  
94 PROVIDE FINANCING FOR PROJECTS UNDER THE LOCAL ADVANTAGE FINANCING  
95 ACT; TO PROVIDE THAT LOCAL GOVERNMENT UNITS MAY IMPOSE A SALES  
96 TAX, TAX INCREMENT TAX, AD VALOREM TAX AND SPECIAL ASSESSMENT TAX  
97 TO SECURE SUCH FINANCING OR OTHER OBLIGATION A LOCAL GOVERNMENT  
98 UNIT MAY INCUR FOR AN APPROVED PROJECT; TO REQUIRE A REFERENDUM  
99 BEFORE THE ISSUANCE OF GENERAL OBLIGATION BONDS AND THE IMPOSITION  
100 OF AN AD VALOREM TAX OR SPECIAL SALES TAX UNDER THE LOCAL  
101 ADVANTAGE FINANCING ACT; TO PROVIDE FOR A REVERSE REFERENDUM  
102 BEFORE THE ISSUANCE OF TAX INCREMENT FINANCING OR SPECIAL  
103 ASSESSMENT BONDS AND THE IMPOSITION OF ANY TAX INCREMENT TAX OR  
104 SPECIAL ASSESSMENT TAX UNDER THE LOCAL ADVANTAGE FINANCING ACT; TO  
105 PROVIDE THAT BONDS ISSUED BY A LOCAL GOVERNMENT UNIT UNDER THE  
106 LOCAL ADVANTAGE FINANCING ACT WILL NOT BE CONSIDERED WHEN  
107 COMPUTING ANY LIMITATION OF INDEBTEDNESS OF THE LOCAL GOVERNMENT  
108 UNIT; TO AMEND SECTIONS 19-9-1, 19-9-5, 19-9-11, 21-33-301,  
109 21-33-303, 21-33-307, 21-41-3, 21-41-5, 21-41-43, 21-45-3, 21-45-9  
110 AND 21-45-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO  
111 AMEND SECTION 57-61-36, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
112 MISSISSIPPI DEVELOPMENT AUTHORITY TO USE A PORTION OF THE FUNDS  
113 UNDER THE DEVELOPMENT INFRASTRUCTURE GRANT PROGRAM TO PROVIDE  
114 ASSISTANCE TO SMALL MUNICIPALITIES AND LIMITED POPULATION COUNTIES  
115 IN COMPLETING INFRASTRUCTURE REGARDLESS OF WHETHER IT IS RELATED

TO NEW OR EXPANDED INDUSTRY; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, TO RENAME THE CATEGORIES OF COUNTIES UNDER THE LAW ESTABLISHING THE JOBS TAX CREDIT; TO INCLUDE DATA OR INFORMATION PROCESSING ENTERPRISES OR COMPUTER SOFTWARE DEVELOPMENT ENTERPRISES OR ANY TECHNOLOGY INTENSIVE FACILITY OR ENTERPRISE AS ENTERPRISES WHICH QUALIFY FOR THE JOBS TAX CREDIT; TO INCREASE THE CREDIT FOR JOBS RESULTING FROM THE ESTABLISHMENT OR TRANSFER OF A COMPANY'S NATIONAL OR REGIONAL HEADQUARTERS IN THE STATE UNDER CERTAIN CIRCUMSTANCES; TO INCREASE THE TAX CREDIT FOR NEW JOBS REQUIRING RESEARCH AND DEVELOPMENT SKILLS; TO AMEND SECTION 57-73-25, MISSISSIPPI CODE OF 1972, TO INCREASE FROM 25% TO 50% THE AMOUNT OF THE INCOME TAX CREDIT GRANTED TO EMPLOYERS SPONSORING BASIC SKILLS TRAINING; TO AUTHORIZE THE CREDIT TO APPLY TO CERTAIN TRAINING APPROVED BY THE COMMUNITY/JUNIOR COLLEGE DISTRICT WITHIN WHICH THE EMPLOYER IS LOCATED; TO REVISE THE DEFINITION OF EMPLOYERS WHO ARE ELIGIBLE FOR SUCH CREDIT; TO BRING FORWARD SECTIONS 57-1-5 AND 57-1-55, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CERTAIN POWERS AND DUTIES OF THE MISSISSIPPI DEVELOPMENT AUTHORITY AND ITS EXECUTIVE DIRECTOR; TO BRING FORWARD SECTIONS 37-4-11 AND 37-153-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CERTAIN POWERS AND DUTIES OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES; TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTIONS 57-75-9 AND 57-75-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY TO NEGOTIATE WITH THE OWNER OF A PROJECT A FEE-IN-LIEU OF FRANCHISE TAXES THAT SHALL BE NOT LESS THAN \$25,000.00 ANNUALLY; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO REVISE THE USES FOR WHICH BOND PROCEEDS MAY BE UTILIZED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTIONS 27-13-5, 27-13-7 AND 27-65-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

(d) "Agricultural and Industrial Board," "Department of

Economic Development," \* \* \* "Board of Economic Development,"  
"Department of Economic and Community Development" and  
"Mississippi Department of Economic and Community Development"  
wherever they appear in the laws of the State of Mississippi,  
shall mean the "Mississippi Development Authority," operating  
through its executive director.

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

57-1-54. The Mississippi Development Authority shall be the  
Department of Economic and Community Development and shall retain  
all powers and duties granted by law to the Mississippi Department  
of Economic and Community Development and wherever the term  
"Mississippi Department of Economic and Community Development,"  
"Department of Economic and Community Development," "Mississippi  
Department of Economic Development" or "Department of Economic  
Development" appears in any law the same shall mean the  
Mississippi Development Authority. The Executive Director of the  
Mississippi Development Authority may assign to the appropriate  
divisions such powers and duties as he deems appropriate to carry  
out its lawful duties.

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

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

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

(b) "Local economic development entities" means public  
or private nonprofit local economic development entities,

including, but not limited to, chambers of commerce, local authorities, commissions or other entities created by local and private legislation or districts created pursuant to Section 19-5-99.

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

(2) There is hereby created in the State Treasury a special fund to be designated as the ACE Fund, which shall consist of money from any public or private source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. The purpose of the fund shall be to assist in maximizing extraordinary economic development opportunities related to any new or expanded business or industry.

Such funds may be used to make grants to local economic development entities to assist any new or expanding business or industry that meets the criteria provided in this section when such assistance helps in closing a project deal.

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

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

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

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

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

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

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

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

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

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

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

(e) That costs and revenues connected with a project should both be shared by the members of the alliance created pursuant to Sections 5 through 18 of this act.

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

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

SECTION 8. For the purposes of Sections 5 through 18 of this

act, the following words shall be defined as herein provided unless the context requires otherwise:

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

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

(c) "Cost of project" means all costs of site preparation and other start-up costs; all costs of construction; all costs of fixtures and of real and personal property required for the purposes of the project and facilities related thereto, including land and any rights or undivided interest therein, easements, franchises, fees, permits, approvals, licenses, and certificates and the securing of such permits, approvals, licenses, and certificates and all machinery and equipment, including motor vehicles which are used for project functions; and including any cost associated with the closure, post-closure maintenance or corrective action, financing charges and interest prior to and during construction and during such additional period as the alliance may reasonably determine to be necessary for the placing of the project in operation; costs of engineering, surveying, environmental geotechnical, architectural and legal services; costs of plans and specifications and all expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; and such other expenses as may be necessary or incidental to the financing authorized in Sections 5 through 18 of this act. The costs of any project may also include funds for the creation of a debt service reserve, a renewal and replacement reserve, and such other reserves as may be reasonably required by the alliance for the operation of its projects and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any such bonds may be

330 authorized. Any obligation or expense incurred for any of the  
331 foregoing purposes shall be regarded as a part of the costs of the  
332 project and may be paid or reimbursed as such out of the proceeds  
333 of user fees, of revenue bonds or notes issued under Sections 5  
334 through 18 of this act for such project, or from other revenues  
335 obtained by the alliance.

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

337 (e) "Foreign governmental unit" means any county,  
338 parish, city, town, village, utility district, school district,  
339 any community college, any institution of higher learning, any  
340 municipal airport authority, regional airport authority, port  
341 authority or any other political subdivision of an adjoining  
342 state.

343 (f) "Governing body" means the board of supervisors of  
344 any county, board of trustees of any school district or community  
345 college whether elective or appointive, the governing board of any  
346 city, town or village, the board of commissioners of a utility  
347 district, the Board of Trustees of State Institutions of Higher  
348 Learning, the commissioners of a municipal airport authority or  
349 regional airport authority, the commissioners of a port authority,  
350 or the governing board of any other political subdivision in the  
351 state. As to the state, the term governing body means the State  
352 Bond Commission.

353 (g) "Holder of bonds" or "bondholder" or any similar  
354 term means any person who shall be the bearer of any bond or bonds  
355 registered to bearer or not registered, or the registered owner of  
356 any such bond or bonds which shall at the time be registered other  
357 than to bearer.

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

360 (i) "Local government unit" means any county, any  
361 incorporated city, town or village, any school district, any  
362 utility district, any community college, any institution of higher

363 learning, any municipal airport authority, regional airport  
364 authority, port authority or any other political subdivision in  
365 the state.

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

367 (k) "Municipality" means any incorporated municipality  
368 in the state.

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

371 (m) "Project" means and includes any of the following  
372 which promotes economic development or which assists in the  
373 creation of jobs:

374 (i) Acquisition, construction, repair,  
375 renovation, demolition or removal of:

376 1. Buildings and site improvements

377 (including fixtures);

378 2. Potable and nonpotable water supply  
379 systems;

380 3. Sewage and waste disposal systems;

381 4. Storm water drainage and other  
382 drainage systems;

383 5. Airport facilities;

384 6. Rail lines and rail spurs;

385 7. Port facilities;

386 8. Highways, streets and other roadways;

387 9. Fire suppression and prevention  
388 systems;

389 10. Utility distribution systems, including,  
390 but not limited to, water, electricity, natural gas, telephone and  
391 other information and telecommunications facilities, whether by  
392 wire, fiber or wireless means;

393 11. Business, industrial and technology parks  
394 and the acquisition of land and acquisition or construction of  
395 improvements to land connected with any of the preceding purposes;

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

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

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

(n) "Resolution" means a resolution, ordinance, act, record of minutes or other appropriate enactment of a governing body.

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

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

(q) "State" means the State of Mississippi.

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

(2) The MDA shall investigate, find and determine, upon application of any local government unit therefor, as to whether a certificate of public convenience and necessity shall be issued to such local government unit to authorize creation of an alliance.

The MDA is authorized and empowered, having due regard to the promotion of the public policy and the general welfare herein declared, to issue or refuse to issue a certificate of public convenience and necessity for the alliance to the local government unit. If and when such certificate is issued, it shall authorize the particular local government unit to create, and operate the alliance but the certificate shall expire twelve (12) months from its date unless within that time such alliance shall have been created.

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

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

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

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

(d) What property may be acquired therefor;

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

(f) What expenditures may be made; and

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

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

requirements.

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

(2) After receiving a certificate of public convenience and necessity from the MDA, the governing body of any local government unit entering into an agreement pursuant to Sections 5 through 18 of this act may incur bonded and floating indebtedness by issuing general obligation bonds as authorized by Sections 19-9-1 through 19-9-31 and Sections 21-33-301 through 21-33-329, or by issuing bonds pursuant to the Tax Increment Financing Act as authorized by Sections 21-45-3 through 21-45-21, by issuing revenue bonds as authorized by any statute authorizing the issuance of revenue bonds, or by issuing special assessment bonds as authorized by Sections 21-41-1 through 21-41-47 and may appropriate funds for the purposes and in the manner prescribed by law without regard to whether the activities and improvements authorized by Sections 5 through 18 of this act to be financed by such debt or appropriation are within or without the boundaries of the local government unit. Revenues derived from any project financed with bonds issued pursuant to Sections 5 through 18 of this act may be pledged in whole or in part to secure payment of the bonded indebtedness incurred to finance the project. Such governing body may sell, lease, grant or otherwise supply goods and services to any other local government unit which is a party to the agreement or the administrative body or legal entity created to operate the joint or cooperative undertaking.

SECTION 11. (1) Any power, authority or responsibility exercised or capable of being exercised by a local government unit of this state may be exercised and carried out jointly with any other local government unit of this state or with a foreign governmental unit of an adjoining state, any state board, agency

or commission and any public agency of the United States, to the extent that the laws of the United States permit such joint exercise or enjoyment.

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

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

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

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

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

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

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

532           (c) Covenant to charge rates, fees and charges  
533 sufficient to meet operating and maintenance expenses, renewals  
534 and replacements, principal and debt service on bonds, creation  
535 and maintenance of any reserves required by a bond resolution,  
536 trust indenture or other security instrument and to provide for  
537 any margins or coverages over and above debt service on the bonds  
538 deemed desirable for the marketability of the bonds.

539           (d) Covenant and prescribe as to events of default and  
540 terms and conditions upon which any or all of its bonds shall  
541 become or may be declared due before maturity, as to the terms and  
542 conditions upon which such declaration and its consequences may be  
543 waived and as to the consequences of default and the remedies of  
544 bondholders.

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

551           (f) Covenant as to the custody, collection, securing,  
552 investment and payment of any revenue assets, monies, funds or  
553 property with respect to which the compact may have any rights or  
554 interest.

555           (g) Covenant as to the purpose to which the proceeds  
556 from the sale of any bonds then or thereafter to be issued may be  
557 applied, and the pledge of such proceeds to secure the payment of  
558 the bonds.

559           (h) Covenant as to the limitations on the issuance of  
560 any additional bonds, the terms upon which additional bonds may be

561 issued and secured, and the refunding of outstanding bonds.

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

564 (j) Covenant as to the procedure by which the terms of  
565 any contract with or for the benefit of the holders of bonds may  
566 be amended or abrogated, the amount of bonds the holders of which  
567 must consent thereto, and the manner in which such consent may be  
568 given.

569 (k) Covenant as to the custody of any of its properties  
570 or investments, the safekeeping thereof, the insurance to be  
571 carried thereon, and the use and disposition of insurance  
572 proceeds.

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

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

579 (n) Make all other covenants and to do any and all such  
580 acts and things as may be necessary or convenient or desirable in  
581 order to secure its bonds without a pledge of ad valorem taxes, or  
582 in the absolute discretion of the alliance tend to make the bonds  
583 more marketable, notwithstanding that such covenants, acts or  
584 things may not be enumerated herein; it being the intention hereof  
585 to give the alliance power to do all things in the issuance of  
586 bonds and in the provisions for security thereof which are not  
587 inconsistent with the Mississippi Constitution 1890.

588 (o) Execute all instruments necessary or convenient in  
589 the exercise of the powers herein granted or in the performance of  
590 covenants or duties, which may contain such covenants and  
591 provisions, as any purchaser of the bonds of the alliance may  
592 reasonably require.

593 SECTION 13. The MDA is hereby authorized and empowered to

promulgate and put into effect all reasonable rules and regulations that it may deem necessary to carry out the provisions of the Regional Economic Development Act.

SECTION 14. The alliance is authorized to cooperate and coordinate with economic development commissions, authorities, districts, travel, and other similar commissions and boards, or other similar agencies of other states, the federal government, and with county, municipal, and regional economic development, travel, and other similar commissions or boards, or other agencies thereof, for the purposes of securing economic development within the State of Mississippi and its adjoining states, and to accomplish this purpose.

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

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

- (a) Its duration.
- (b) Its purpose or purposes.
- (c) The precise organization, composition, nature and powers of any separate legal or administrative entity created thereby and the specific citation of statutory authority vested in each of the local government units which is to be a party to the agreement.
- (d) The manner of financing, staffing and supplying the joint or cooperative undertaking and of establishing and maintaining a budget therefor; provided that the treasurer and/or disbursing officer of one (1) of the local government units shall be designated in the agreement to receive, disburse and account for all funds of the joint undertaking as a part of the duties of the officer or officers.
- (e) The permissible method or methods to be employed in accomplishing the partial or complete termination or amendment of

the agreement and for disposing of property upon such partial or complete termination or amendment.

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

(g) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking in the event that the agreement does not or may not establish a separate legal entity to conduct the joint or cooperative undertaking.

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

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

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

(k) Any other necessary and proper matters.

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

(2) Every agreement made by a local government unit under

Sections 5 through 18 of this act shall, prior to and as a condition precedent to its entry into force, be submitted to the Attorney General of this state who shall determine whether the agreement is in proper form and compatible with the laws of this state. The Attorney General shall approve any such agreement submitted to him hereunder unless he shall find that it does not meet the conditions set forth herein and elsewhere in the laws of this state and shall detail in writing addressed to the governing bodies of the units concerned the specific respects in which the proposed agreement fails to meet the requirements of law.

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

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

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

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

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

SECTION 19. Sections 19 through 27 of this act shall be known and may be cited as the "Mississippi Advantage Jobs Act."

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

(a) The State of Mississippi provide appropriate

693 incentives to support the establishment of quality business and  
694 industry that hold the promise of significant development of the  
695 economy of the State of Mississippi through the creation of  
696 quality jobs.

697           (b) The amount of incentives provided under Sections 19  
698 through 27 of this act in connection with a particular  
699 establishment shall:

700           (i) Be directly related to the jobs created as a  
701 result of the establishment locating in the State of Mississippi;  
702 and

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

706           (c) The Mississippi Development Authority and the State  
707 Tax Commission shall implement the provisions of Sections 19  
708 through 27 of this act and exercise all powers as authorized in  
709 Sections 19 through 27 of this act; however, the application of  
710 Sections 19 through 27 of this act or the offering of any of its  
711 incentives as to any particular qualified business or industry  
712 shall be in the sole discretion of the Mississippi Development  
713 Authority. The exercise of powers conferred by Sections 19  
714 through 27 of this act shall be deemed and held to be the  
715 performance of essential public purposes; and

716           (d) Nothing in Sections 19 through 27 of this act shall  
717 be construed to constitute a guarantee or assumption by the State  
718 of Mississippi of any debt of any individual, company, corporation  
719 or association nor to authorize the credit of the State of  
720 Mississippi to be given, pledged or loaned to any individual,  
721 company, corporation or association. Also, nothing in Sections 19  
722 through 27 of this act gives any right to any qualified business  
723 or industry to the incentives contained herein unless said  
724 incentive is given by the Mississippi Development Authority  
725 pursuant to Sections 19 through 27 of this act.

726        SECTION 21. As used in Sections 19 through 27 of this act,  
727 the following words and phrases shall have the meanings ascribed  
728 in this section unless the context clearly indicates otherwise:

729            (a) "Qualified business or industry" means any  
730 corporation, limited liability company, partnership, sole  
731 proprietorship, business trust or other legal entity and subunits  
732 or affiliates thereof, pursuant to rules and regulations of the  
733 MDA, which provides an average annual salary, excluding benefits  
734 which are not subject to Mississippi income taxes, of at least one  
735 hundred twenty-five percent (125%) of the most recent average  
736 annual wage of the county in which the qualified business or  
737 industry is located as determined by the Mississippi Employment  
738 Security Commission. An establishment shall not be considered to  
739 be a qualified business or industry unless it offers, or will  
740 offer within one hundred eighty (180) days of the date it receives  
741 the first incentive payment pursuant to the provisions of Sections  
742 19 through 27 of this act, a basic health benefits plan to the  
743 individuals it employs in new direct jobs in this state which is  
744 approved by the MDA. Qualified business or industry does not  
745 include retail business or gaming business.

746            (b) "New direct job" means full-time employment in this  
747 state in a qualified business or industry that has qualified to  
748 receive an incentive payment pursuant to Sections 19 through 27 of  
749 this act, which employment did not exist in this state before the  
750 date of approval by the MDA of the application of the qualified  
751 business or industry pursuant to the provisions of Sections 19  
752 through 27 of this act. "New direct job" shall include full-time  
753 employment in this state of employees who are employed by an  
754 entity other than the establishment that has qualified to receive  
755 an incentive payment and who are leased or otherwise provided to  
756 the qualified business or industry, if such employment did not  
757 exist in this state before the date of approval by the MDA of the  
758 application of the establishment;

759           (c) "Full-time job" means a job of at least thirty-five  
760 (35) hours per week;

761           (d) "Estimated direct state benefits" means the tax  
762 revenues projected by the MDA to accrue to the state as a result  
763 of the qualified business or industry;

764           (e) "Estimated direct state costs" means the costs  
765 projected by the MDA to accrue to the state as a result of the  
766 qualified business or industry;

767           (f) "Estimated net direct state benefits" means the  
768 estimated direct state benefits less the estimated direct state  
769 costs;

770           (g) "Net benefit rate" means the estimated net direct  
771 state benefits computed as a percentage of gross payroll, provided  
772 that:

773                 (i) Except as otherwise provided in this paragraph  
774 (g), the net benefit rate may be variable and shall not exceed  
775 five percent (5%) of the gross payroll; and shall be set in the  
776 sole discretion of the MDA;

777                 (ii) In no event shall incentive payments,  
778 cumulatively, exceed the estimated net direct state benefits;

779           (h) "Gross payroll" means wages for new direct jobs of  
780 the qualified business or industry; and

781           (i) "MDA" means the Mississippi Development Authority.

782         SECTION 22. The MDA shall determine, upon initial  
783 application on a form approved by the MDA, if an establishment is  
784 engaged in a qualified business or industry.

785         SECTION 23. (1) Except as otherwise provided in this  
786 section, a qualified business or industry that meets the  
787 qualifications specified in the Mississippi Advantage Jobs Act may  
788 receive quarterly incentive payments for a period not to exceed  
789 ten (10) years from the State Tax Commission pursuant to the  
790 provisions of the Mississippi Advantage Jobs Act in an amount  
791 which shall be equal to the net benefit rate multiplied by the

actual gross payroll of new direct jobs for a calendar quarter as verified by the Mississippi Employment Security Commission.

(2) In order to receive incentive payments, an establishment shall apply to the MDA. The application shall be on a form prescribed by the MDA and shall contain such information as may be required by the MDA to determine if the applicant is qualified.

(3) In order to qualify to receive such payments, the establishment applying shall be required to:

(a) Be engaged in a qualified business or industry;

(b) Provide an average salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recent average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Employment Security Commission;

(c) The business or industry must create and maintain a minimum of fifteen (15) full-time jobs in counties that have an average unemployment rate over the previous twelve-month period which is at least one hundred fifty percent (150%) of the state unemployment rate, as determined by the Mississippi Employment Security Commission or in Tier Three counties as determined under Section 57-73-21. In all other counties, the business or industry must create and maintain a minimum of twenty-five (25) full-time jobs. The criteria for this requirement shall be based on the designation of the county at the time of the application. The threshold established upon the application will remain constant for the duration of the project. The business or industry must meet its job creation commitment within twenty-four (24) months of the application approval.

(4) The MDA shall determine if the applicant is qualified to receive incentive payments. If the applicant is determined to be qualified by the MDA, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and

the net benefit rate applicable for a period not to exceed ten (10) years and to estimate the amount of gross payroll for the period. In conducting such cost/benefit analysis, the MDA shall consider quantitative factors, such as the anticipated level of new tax revenues to the state along with the cost to the state of the qualified business or industry, and such other criteria as deemed appropriate by the MDA. In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits. Once the qualified business or industry is approved by the MDA, an agreement shall be deemed to exist between the qualified business or industry and the State of Mississippi, requiring the continued incentive payment to be made as long as the qualified business or industry retains its eligibility.

(5) Upon approval of such an application, the MDA shall notify the State Tax Commission and shall provide it with a copy of the approved application and the estimated net direct state benefits. The State Tax Commission may require the qualified business or industry to submit such additional information as may be necessary to administer the provisions of Sections 19 through 27 of this act. The qualified business or industry shall report to the State Tax Commission periodically to show its continued eligibility for incentive payments. The qualified business or industry may be audited by the State Tax Commission to verify such eligibility.

SECTION 24. (1) There is created in the State Treasury a special fund to be known as the Mississippi Advantage Jobs Incentive Payment Fund, into which shall be deposited withholding tax revenue required to be deposited into such fund pursuant to Section 27-7-312. The money in the fund shall be used for the purpose of making the incentive payments authorized under Sections 19 through 27 of this act.

(2) The Mississippi Advantage Jobs Incentive Payment Fund shall be administered by the State Tax Commission, and monies in

the fund shall be expended pursuant to the approved application. A portion of the money in the fund may be used by the State Tax Commission to pay the reasonable and necessary expenses of the State Tax Commission in administering its duties under Sections 19 through 27 of this act. This amount shall not exceed one percent (1%) of the annual amount deposited into the fund. Amounts in the fund at the end of any fiscal year that are not necessary to make future incentive payments shall be paid into the General Fund.

(3) The liability of the State of Mississippi to make the incentive payments authorized under Sections 19 through 27 of this act shall be limited to the balance contained in the fund.

SECTION 25. (1) As soon as practicable after the end of a calendar quarter for which a qualified business or industry has qualified to receive an incentive payment, the qualified business or industry shall file a claim for the payment with the State Tax Commission and shall specify the actual number of full-time jobs created and maintained by the business or industry for the calendar quarter and the gross payroll thereof. The State Tax Commission shall verify the actual number of full-time jobs created and maintained by the business or industry and compliance with the average annual wage requirements for such calendar quarter. If the State Tax Commission is not able to provide such verification utilizing all available resources, the State Tax Commission may request such additional information from the business or industry as may be necessary.

(2) If the actual verified number of full-time jobs created and maintained by the business or industry for four (4) consecutive calendar quarters does not equal or exceed the applicable total required by Sections 19 through 27 of this act within two (2) years of the date of the first incentive payment, or does not equal or exceed the applicable total required by Sections 19 through 27 of this act at any other time during the ten-year period after the date the first payment was made, the

891 incentive payments shall not be made and shall not be resumed  
892 until such time as the actual verified number of full-time jobs  
893 created and maintained by the business or industry equals or  
894 exceeds the amounts specified in Sections 19 through 27 of this  
895 act.

896 (3) If the average annualized wage of the business or  
897 industry does not equal or exceed one hundred twenty-five percent  
898 (125%) of the most recent average annual wage of the county in  
899 which the qualified business or industry is located as determined  
900 by the Mississippi Employment Security Commission, the incentive  
901 payments shall not be made and shall not be resumed until such  
902 time as the wage requirements are met.

903 (4) An establishment that has qualified pursuant to Sections  
904 19 through 27 of this act may receive payments only in accordance  
905 with the provision under which it initially applied and was  
906 approved. If an establishment that is receiving incentive  
907 payments expands, it may apply for additional incentive payments  
908 based on the new gross payroll for new direct jobs anticipated  
909 from the expansion only, pursuant to Sections 19 through 27 of  
910 this act.

911 (5) As soon as practicable after verification of the  
912 qualified business or industry meeting the requirements of  
913 Sections 19 through 27 of this act and all rules and regulations,  
914 the State Tax Commission shall issue a warrant drawn on the  
915 Mississippi Advantage Jobs Incentive Payment Fund to the  
916 establishment in the amount of the net benefit rate multiplied by  
917 the actual gross payroll as determined pursuant to subsection (1)  
918 of this section for the calendar quarter.

919 SECTION 26. The MDA and the State Tax Commission shall  
920 promulgate rules and regulations and all application forms and  
921 other forms necessary to implement their respective duties and  
922 responsibilities under the provisions of Sections 19 through 27 of  
923 this act.

924       SECTION 27. The MDA shall prepare a report on the  
925 program, which shall be included each year in the MDA's  
926 annual report to the Legislature.

927       SECTION 28. The following provision shall be codified as  
928 Section 27-7-312, Mississippi Code of 1972:

929       27-7-312. Of the revenue collected under the provisions of  
930 this article from an employer who is eligible to receive incentive  
931 payments under the Mississippi Advantage Jobs Act, an amount equal  
932 to the estimated amount of the quarterly incentive payment for  
933 which such employer is eligible shall be deposited into the  
934 Mississippi Advantage Jobs Incentive Payment Fund created pursuant  
935 to Sections 19 through 27 of Senate Bill No. 2001, 2000 Second  
936 Extraordinary Session, on or before the twentieth day of the month  
937 following the close of each calendar quarter.

938       SECTION 29. Sections 29 through 34 of this act shall be  
939 known and may be cited as the "Growth and Prosperity Act."

940       SECTION 30. The Legislature finds and determines that there  
941 exists in this state a continuing need for programs to assist  
942 certain counties in encouraging economic development, the  
943 consequent job creation and retention, additional private  
944 investment and increased local and state revenue which together  
945 insures the further development of a balanced economy. To achieve  
946 these purposes, it is necessary to assist and encourage the  
947 creation of growth and prosperity by providing temporary relief  
948 from certain taxes within certain counties to certain business  
949 enterprises.

950       Further, the Legislature finds and determines that the  
951 authority granted under Sections 29 through 34 of this act and the  
952 purposes to be accomplished hereby are proper governmental and  
953 public purposes and that the resulting economic benefits to the  
954 state are of paramount importance, mandating that the provisions  
955 of Sections 29 through 34 of this act be liberally construed and  
956 applied in order to advance the public purposes.

957        SECTION 31. As used in Sections 29 through 34 of this act,  
958 the following words and phrases shall have the meanings ascribed  
959 herein unless the context clearly indicates otherwise:

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

963            (b) "Business enterprise" means any (i) industry for  
964 the manufacturing, processing, assembling, storing, warehousing,  
965 servicing, distributing or selling of any products or goods,  
966 including products of agriculture; (ii) enterprises for research  
967 and development, including, but not limited to, scientific  
968 laboratories; or (iii) such other businesses or industry as will  
969 be in furtherance of the public purposes of Sections 29 through 34  
970 of this act as determined by the MDA and which creates a minimum  
971 of ten (10) jobs. "Business enterprise" does not include retail  
972 or gaming businesses or electrical generation facilities.

973            (c) "Growth and prosperity counties" means those  
974 counties which meet the requirements of Sections 29 through 34 of  
975 this act and which have by resolution or order given its consent  
976 to participate in the Growth and Prosperity Program.

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

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

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

986            (g) "State tax" means any sales and use tax imposed on  
987 the business enterprise pursuant to law related to the purchase of  
988 component building materials and equipment, and all income tax and  
989 franchise tax imposed on the business enterprise pursuant to law.

990        SECTION 32. From and after December 31, 2000, and until  
991 December 31, 2005, any county of this state which has an  
992 annualized unemployment rate which is at least two hundred percent  
993 (200%) of the state's unemployment rate as of December 31 of any  
994 year from 2000 through 2005 as determined by the Mississippi  
995 Employment Security Commission may apply to the MDA for the  
996 issuance of a certificate of public convenience and necessity.  
997 The application, at a minimum, must contain (a) Mississippi  
998 Employment Security Commission figures that reflect the annualized  
999 unemployment rate of the applying county as of December 31, and  
1000 (b) an order or resolution of the county consenting to the  
1001 designation of the county as a growth and prosperity county.

1002        Any municipality of a designated growth and prosperity county  
1003 may by order or resolution of the municipality consent to  
1004 participation in the Growth and Prosperity Program.

1005        No incentive or tax exemption shall be given under Sections  
1006 29 through 34 of this act without the consent of the affected  
1007 county or municipality.

1008        SECTION 33. Upon the issuance by the MDA of its certificate  
1009 of public convenience and necessity, designating certain counties  
1010 as growth and prosperity counties, any approved business  
1011 enterprise in any such a growth and prosperity county shall be  
1012 exempt from all local taxes levied by the county, except school  
1013 taxes, and all state taxes for a period of ten (10) years or until  
1014 December 31, 2015, whichever occurs first, and upon consent of any  
1015 municipality within such a county shall be exempt from all local  
1016 taxes levied by such municipality, except school taxes, for a  
1017 period of ten (10) years or until December 31, 2015, whichever  
1018 occurs first.

1019        The following conditions, along with any other conditions the  
1020 MDA shall promulgate from time to time by rule or regulation,  
1021 shall apply to such exemptions: (a) any exemption provided under  
1022 Sections 29 through 34 of this act is nontransferable and cannot

be applied, used or assigned to any other person or business or tax account; (b) no approved business enterprise may claim or use the exemption granted under Sections 29 through 34 of this act unless that enterprise is in full compliance with all state and local tax laws, and related ordinances and resolutions; and (c) the approved business enterprise must enter into an agreement with the MDA which sets out, at a minimum the performance requirements of the approved business enterprise during the term of the exemption and provisions for the recapture of all or a portion of the taxes exempted if the performance requirements of the approved business enterprise are not met.

Upon entering into such an agreement, the MDA shall forward such agreement to the State Tax Commission and the affected local taxing authorities so that the exemption can be implemented. The State Tax Commission shall promulgate rules and regulations for the implementation of both local and state exemptions granted under Sections 29 through 34 of this act.

Any business enterprise that relocates its present operation and jobs to a growth and prosperity county from another county in the state shall not receive any of the exemptions granted in Sections 29 through 34 of this act.

SECTION 34. The MDA shall promulgate rules and regulations for the implementation and administration of Sections 29 through 34 of this act.

SECTION 35. Sections 35 through 55 of this act may be referred to and cited as the "Local Advantage Financing Act."

SECTION 36. It is hereby declared that the state's public welfare demands, and the state's public policy requires:

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

(b) That the present and prospective health, safety, morals, pursuit of happiness, right to gainful employment and the general welfare of the citizens demand as a public purpose the

development within Mississippi of economic development projects in the broadest sense of that phrase, including, without limitation, land, infrastructure, facilities, and equipment, for industrial, distribution, telecommunications, tourism, and commercial projects, convention centers, hospitals and related health care facilities and equipment. The several counties and municipalities of this state should be encouraged to pursue economic development projects. To that end, for the benefit of the people of Mississippi, it is essential to foster and promote by all reasonable means the provision of adequate access to capital markets and facilities for borrowing money to finance economic development projects.

(c) That the means and measures herein authorized to promote approved projects, as defined in Sections 35 through 55 of this act, are, as a matter of public policy, for the public purposes of the several counties and municipalities, and of the State of Mississippi.

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

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

(f) That bonds issued by any local government unit pursuant to Sections 35 through 55 of this act shall be amortized over the shortest period reasonable under the circumstances.

(g) That Sections 35 through 55 of this act shall be liberally construed to accomplish the intentions, purposes and objects expressed herein.

SECTION 37. As used in Sections 35 through 55 of this act, the following words and terms have the following meanings, unless a different meaning clearly appears from the context:

1089           (a) "Application" means an application submitted by the  
1090 local government unit to the MDA in such form and substance as the  
1091 MDA shall require.

1092           (b) "Approved project" means a proposed project for  
1093 which a local government unit has been issued a certificate of  
1094 public convenience and necessity by the MDA.

1095           (c) "Bonds" means bonds, notes or other evidences of  
1096 indebtedness of the local government unit issued pursuant to  
1097 Sections 35 through 55 of this act.

1098           (d) "Certificate of public convenience and necessity"  
1099 means the approving instrument issued by the MDA for a proposed  
1100 project after reviewing the application submitted by the local  
1101 government unit and determining that public convenience and  
1102 necessity require that the local government unit should have the  
1103 right to proceed with the proposed project. Upon the MDA's  
1104 issuing the certificate of convenience and necessity, a proposed  
1105 project shall become an approved project.

1106           (e) "County" means a county of the state.

1107           (f) "Governing authority" means the board of  
1108 supervisors of any county or the governing board or body of any  
1109 municipality.

1110           (g) "Local government unit" means any county or  
1111 municipality of this state or any regional economic development  
1112 alliance created pursuant to Sections 5 through 18 of this act.

1113           (h) "MDA" means the Mississippi Development Authority.

1114           (i) "Municipality" means a municipality of the state.

1115           (j) "Project" means and includes any of the following  
1116 which promotes economic development or which assists in the  
1117 creation of jobs:

1118                   (i) Acquisition, construction, repair, renovation,  
1119 demolition or removal of:

1120                           1. Buildings and site improvements (including  
1121 fixtures);

1122                               2. Potable and nonpotable water supply  
1123 systems;  
1124                               3. Sewage and waste disposal systems;  
1125                               4. Storm water drainage and other drainage  
1126 systems;  
1127                               5. Airport facilities;  
1128                               6. Rail lines and rail spurs;  
1129                               7. Port facilities;  
1130                               8. Highways, streets and other roadways;  
1131                               9. Fire suppression and prevention systems;  
1132                               10. Utility distribution systems, including,  
1133 but not limited to, water, electricity, natural gas, telephone and  
1134 other information and telecommunications facilities, whether by  
1135 wire, fiber or wireless means;  
1136                               11. Business, industrial and technology  
1137 parks; and the acquisition of land and acquisition or construction  
1138 of improvements to land connected with any of the preceding  
1139 purposes;  
1140                               (ii) County purposes authorized by or defined in  
1141 Sections 17-5-3 and 19-9-1 (except 19-9-1(f));  
1142                               (iii) Municipal purposes authorized by or defined  
1143 in Sections 17-5-3, 17-17-301 et seq., 21-27-23 and 21-33-301; and  
1144                               (iv) Refunding of bonds as authorized in Section  
1145 21-27-1 et seq.  
1146                               (k) "State" means the State of Mississippi.  
1147       SECTION 38. The MDA is authorized and empowered to  
1148 promulgate and put into effect all rules and regulations that it  
1149 may deem necessary to carry out the provisions of Sections 35  
1150 through 55 of this act.  
1151       SECTION 39. (1) Prior to imposing any tax authorized in  
1152 Sections 35 through 55 of this act and prior to issuing bonds to  
1153 finance any proposed project, the local government unit shall  
1154 submit an application to the MDA for a certificate of public

convenience and necessity. The application shall be in such form and content as the MDA shall from time to time prescribe.

(2) The MDA shall investigate, find and determine, upon application of any local government unit therefor, as to whether a certificate of public convenience and necessity shall be issued to such local government unit for a proposed project. When the MDA shall have determined favorably that an application for the proposed project is in satisfactory form and content, the MDA is authorized and empowered, having due regard to the promotion of the public policy and the general welfare herein declared, to issue or refuse to issue a certificate of public convenience and necessity for the proposed project to the local government unit. If and when such certificate is issued, it shall authorize the particular local government unit to acquire, to own, to operate, to sell, to convey, to let, to lease or to rent the project as approved (an approved project); but the certificate shall expire twelve (12) months from its date unless within that time the local government unit shall have published its resolution of intent to issue bonds and levy taxes, and, if required, conducted an election concerning whether to issue bonds and levy taxes. In no event shall the MDA authorize any local government unit actually to operate any approved project, unless the MDA shall further find and determine that the approved project is well conceived, has a reasonable prospect of success, will provide proper economic development or employment, will add materially to the general welfare of the local government unit, and will not become a burden upon the taxpayers of the local government unit.

(3) If and when a certificate is issued, the MDA therein shall fix and determine: (a) the time and manner in which the local government unit shall be authorized to publish its resolution of intent to levy taxes and to issue bonds, or, to hold an election upon the issuance of bonds and the levying of taxes, as the case may be, pursuant to Sections 35 through 55 of this

act; (b) the extent and the amount to which the local government unit may issue bonds or make expenditures for such approved project; (c) what property may be acquired therefor; (d) the terms upon which such acquisition may be had; (e) what expenditures may be made, and the construction of buildings, and of equipment with its installation; and (f) the method of operation of the approved project by the local government unit. If the governing authority of the local government unit fails or refuses to follow the requirements made by the MDA in the certificate, then the members of the governing authority of the local government unit voting for such failure or refusal shall be individually and personally liable, and liable upon their official bonds for any loss that the local government unit may sustain by reason of such failure or refusal to follow the requirements, and in addition may be compelled by injunction to comply with such requirements.

If the MDA refuses to issue a certificate of public convenience and necessity, the decision is final and shall not be subject to appeal.

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

(2) (a) Before levying any special sales tax for any of the purposes enumerated in Sections 35 through 55 of this act, the governing authority of the issuing local government unit shall adopt a resolution declaring its intention so to do, stating the amount of tax proposed to be levied and the purpose for which the tax is to be levied, the date upon which the governing authority proposes to direct the imposition of such taxes, and the date upon which the governing authority will hold an election on the question of the tax levy. Such resolution shall be published once a week for at least three (3) consecutive weeks in at least one

1221 (1) newspaper published in such local government unit. The first  
1222 publication of such resolution shall be made not less than thirty  
1223 (30) days prior to the date fixed in such resolution for the  
1224 election and the last publication shall be made not more than  
1225 seven (7) days prior to the date set for the election. If no  
1226 newspaper be published in such local government unit, then such  
1227 notice shall be given by publishing the resolution for the  
1228 required time in some newspaper having a general circulation in  
1229 such local government unit and, in addition, by posting a copy of  
1230 such resolution for at least thirty (30) days next preceding the  
1231 date fixed therein at three (3) public places in such local  
1232 government unit. Publication of the resolution by the local  
1233 government unit may be made as provided in Section 21-17-19.  
1234 Notice of the election shall be given, the election shall be held  
1235 and the result thereof determined in the same manner as other  
1236 elections in the local government unit. At such election, all  
1237 qualified electors of the local government unit may vote. The  
1238 ballots used in such election shall have printed thereon a brief  
1239 description of the special sales tax, the amount of the special  
1240 sales tax, a description of the projects for which the tax revenue  
1241 may be used, and the words "FOR THE SPECIAL SALES TAX" and  
1242 "AGAINST THE SPECIAL SALES TAX" and the voter shall vote by  
1243 placing a cross (X) or check mark (U) opposite his choice on the  
1244 proposition. When the results of the election have been canvassed  
1245 by the election commission of the local government unit and  
1246 certified by them to the governing authority, it shall be the duty  
1247 of such governing authority to determine and adjudicate whether or  
1248 not at least sixty percent (60%) of the qualified electors who  
1249 voted in such election voted in favor of the tax. If at least  
1250 sixty percent (60%) of the qualified electors who voted in such  
1251 election voted in favor of the tax, the governing authority of the  
1252 local government unit shall adopt a resolution declaring the levy  
1253 and collection of the special sales tax. A certified copy of this

1254 resolution together with the result of the election shall be  
1255 furnished the State Tax Commission not less than thirty (30) days  
1256 prior to the effective date of the levy.

1257           (b) Before issuing any general obligation bonds for any  
1258 of the purposes enumerated in Sections 35 through 55 of this act,  
1259 the governing authority of the issuing local government unit shall  
1260 adopt a resolution declaring its intention so to do, stating the  
1261 amount of bonds proposed to be issued, the purpose for which the  
1262 bonds are to be issued, the date upon which the governing  
1263 authority proposes to direct the issuance of such bonds, and the  
1264 date upon which the governing authority will hold an election on  
1265 the question of the issuance of the bonds. Such resolution shall  
1266 be published once a week for at least three (3) consecutive weeks  
1267 in at least one (1) newspaper published in such local government  
1268 unit. The first publication of such resolution shall be made not  
1269 less than thirty (30) days prior to the date fixed in such  
1270 resolution for the election and the last publication shall be made  
1271 not more than seven (7) days prior to the date set for the  
1272 election. If no newspaper be published in such local government  
1273 unit, then such notice shall be given by publishing the resolution  
1274 for the required time in some newspaper having a general  
1275 circulation in such local government unit and, in addition, by  
1276 posting a copy of such resolution for at least thirty (30) days  
1277 next preceding the date fixed therein at three (3) public places  
1278 in such local government unit. Publication of the resolution by  
1279 the local government unit may be made as provided in Section  
1280 21-17-19. Notice of the election shall be given, the election  
1281 shall be held and the result thereof determined in the same manner  
1282 as other elections in the local government unit. At such  
1283 election, all qualified electors of the local government unit may  
1284 vote. The ballots used in such election shall have printed  
1285 thereon a brief description of the amount and purpose of the  
1286 proposed bond issuance and the words "FOR THE BOND ISSUANCE" and

1287 "AGAINST THE BOND ISSUANCE" and the voter shall vote by placing a  
1288 cross (X) or check mark (U) opposite his choice on the  
1289 proposition. When the results of the election have been canvassed  
1290 by the election commission of the local government unit and  
1291 certified by them to the governing authority, it shall be the duty  
1292 of such governing authority to determine and adjudicate whether or  
1293 not at least sixty percent (60%) of the qualified electors who  
1294 voted in such election voted in favor of the issuance of the  
1295 bonds. If at least sixty percent (60%) of the qualified electors  
1296 who voted in the election voted in favor of the issuance of the  
1297 bonds, the governing authority of the local government unit may  
1298 issue such bonds, either in whole or in part, within two (2) years  
1299 from the date of such election or within two (2) years after the  
1300 favorable termination of any litigation affecting the issuance of  
1301 such bonds as such governing authority shall deem best. Nothing  
1302 in this section shall require an election to issue general  
1303 obligation bonds for any of the purposes set forth in Section  
1304 19-9-1 et seq. Or Section 21-33-301 et seq., where such an  
1305 election is not otherwise required by Section 19-9-1 et seq. or  
1306 Section 21-33-301.

1307 (c) Before issuing any tax increment financing bonds or  
1308 special assessment bonds and levying any tax increment tax or  
1309 special assessment tax for any of the purposes enumerated in  
1310 Sections 35 through 55 of this act, the governing authority of the  
1311 issuing local government unit shall adopt a resolution declaring  
1312 its intention so to do, stating the amount of taxes proposed to be  
1313 levied and the purpose for which the taxes are to be levied, and  
1314 the date upon which the governing authority proposes to direct the  
1315 imposition of such taxes. Such resolution shall be published once  
1316 a week for at least three (3) consecutive weeks in at least one  
1317 (1) newspaper published in such local government unit. The first  
1318 publication of such resolution shall be made not less than thirty  
1319 (30) days prior to the date fixed in such resolution and the last

1320 publication shall be made not more than seven (7) days prior to  
1321 the date set for public hearing to determine whether the proposed  
1322 tax shall be imposed. If no newspaper be published in such local  
1323 government unit, then such notice shall be given by publishing the  
1324 resolution for the required time in some newspaper having a  
1325 general circulation in such local government unit and, in  
1326 addition, by posting a copy of such resolution for at least thirty  
1327 (30) days next preceding the date fixed therein at three (3)  
1328 public places in such local government unit. Publication of the  
1329 resolution by the local government unit may be made as provided in  
1330 Section 21-17-19. If ten percent (10%) of the qualified electors  
1331 of the local government unit, or fifteen hundred (1500), whichever  
1332 is the lesser, shall file a written protest against the imposition  
1333 of the tax on or before the date specified in such resolution,  
1334 then an election on the question of the tax shall be called and  
1335 held in the same manner as other elections in the local government  
1336 unit and the proposition voted upon shall be approved only upon  
1337 receipt of a majority of the votes cast in the election. Notice  
1338 of such election shall be signed by the clerk of the local  
1339 government unit and shall be published once a week for at least  
1340 three (3) consecutive weeks in at least one (1) newspaper  
1341 published in such local government unit. The first publication of  
1342 such notice shall be made not less than twenty-one (21) days prior  
1343 to the date fixed for such election, and the last publication  
1344 shall be made not more than seven (7) days prior to such date. If  
1345 no newspaper is published in such local government unit, then such  
1346 notice shall be given by publishing the same for the required time  
1347 in some newspaper having a general circulation in such local  
1348 government unit and published in the same or an adjoining county  
1349 and, in addition, by posting a copy of such notice for at least  
1350 twenty-one (21) days next preceding such election at three (3)  
1351 public places in such local government unit. If no protest be  
1352 filed, then the tax may be imposed without an election on the

question of the imposition thereof, at any time within a period of two (2) years after the date specified in the above-mentioned resolution. However, the governing authority of any local government unit in its discretion may nevertheless call an election on such question, in which event it shall not be necessary to publish the resolution declaring its intention to impose the tax as herein provided.

SECTION 41. (1) The resolution required in Section 40 of this act on the proposal to issue tax increment financing bonds or special assessment bonds to finance an approved project shall be sufficient publication for all bond issuance purposes without further publication or act, if the following information is provided in the resolution: (a) the maximum aggregate principal amount of the bonds; (b) the latest maturity date of any bond; (c) the maximum annual debt service amount for the bonds; (d) the purpose for which the bonds are to be issued; and (e) the date upon which the governing authority proposes to direct the issuance of such bonds. If a petition containing proper signatures in sufficient quantity shall be filed with the governing authority of the local government unit at or prior to the hearing called for in the resolution required in Sections 35 through 55 of this act, then no tax increment financing bonds or special assessment bonds shall be issued until the election required by Sections 35 through 55 of this act shall have been held and the proposition(s) voted upon shall have received a majority of the votes cast in the election.

(2) The resolution required in Section 40 of this act on the proposal to levy a sales tax or to issue general obligation bonds shall be sufficient publication and notice for all bond issuance purposes without further publication or act, if the following information is provided in the resolution: (a) the maximum aggregate principal amount of the bonds; (b) the latest maturity date of any bond; (c) the maximum annual debt service amount for

the bonds; (d) the purpose for which the bonds are to be issued; and (e) the date upon which the governing authority proposes to direct the issuance of such bonds.

SECTION 42. (1) After receiving a certificate of public convenience and necessity from the MDA, the local government unit shall adopt a resolution of intent and publish as required in Sections 35 through 55 of this act.

(2) After the governing authority shall have found and determined that no petition has been timely filed containing proper signatures in sufficient quantity to require the governing authority to call an election; or if such a petition shall have been timely filed, then after an election approving the issuance of tax increment financing bonds or special assessment bonds, shall have occurred and the propositions voted upon therein have been approved, the governing authority of the local government unit shall be authorized to impose either a tax increment tax or a special assessment tax as provided in Sections 35 through 55 of this act.

(3) After an election approving the imposition of a special sales tax and the issuance of bonds, if any, shall have occurred and the propositions voted upon therein have been approved, the governing authority of the local government unit shall be authorized to impose either a special sales tax or an ad valorem tax, or both, as provided in Sections 35 through 55 of this act.

(4) Any taxes imposed pursuant to the provisions of Sections 35 through 55 of this act shall be in addition to all other taxes imposed by the local government unit at or after the time the proposed project is approved by the MDA.

(5) Any tax imposed pursuant to Sections 35 through 55 of this act shall be discontinued by the governing authority of the local government unit on the first day of the month immediately succeeding the date any indebtedness incurred pursuant to Sections 35 through 55 of this act, including interest, is retired, or in

the event the local government unit incurs no indebtedness, the first day of the month after all obligations for acquiring, constructing, equipping, renovating, improving, and, if pertinent, demolishing and removing the approved project have been paid. Any amount remaining in the separate fund containing the proceeds of the tax not necessary to retire the debt or pay any other obligations, shall be transferred to the local government unit's general fund.

SECTION 43. After satisfying the requirements of Sections 39 through 42 of this act, the governing authority of any local government unit may impose upon all persons as a privilege for engaging or continuing in business or doing business within such local government unit, a special sales tax at the rate of not more than one and one-half percent (1-1/2%) of the gross proceeds of sales or gross income of the business, as the case may be, derived from any of the activities taxed at the rate of seven percent (7%) or more under the Mississippi Sales Tax Law, Section 27-65-1 et seq., as provided hereinafter. The tax levied by this section shall apply to every person making sales, delivery or installations of tangible personal property or services within any local government unit which has adopted the levy herein authorized but shall not apply to sales exempted by Sections 27-65-19, 27-65-101, 27-65-103, 27-65-105, 27-65-107, 27-65-109 and 27-65-111 of the Mississippi Sales Tax Law.

SECTION 44. (1) After satisfying the requirements of Sections 39 through 42 of this act, a local government unit may finance all or part of an approved project through the issuance of tax increment financing bonds. Any bonds so issued shall first satisfy the procedural requirements set forth in the Tax Increment Financing Act, Section 21-45-1 et seq., and shall be issued according to the procedures set forth in those statutes.

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

approved project.

(3) To the extent that there is any conflict between the provisions of Section 21-45-1 et seq. and Sections 35 through 55 of this act, the provisions of Sections 35 through 55 of this act shall control.

SECTION 45. (1) After satisfying the requirements of Sections 39 through 42 of this act, a local government unit may finance all or part of an approved project by issuing general obligation bonds of the local government unit.

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

(3) Any general obligation bonds issued by a municipality shall first satisfy the procedural requirements of Section 21-33-301 et seq., and shall be issued according to the procedures set forth in those statutes.

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

(5) To the extent that there is any conflict between the provisions of Section 19-9-1 et seq. or Section 21-33-301 et seq. and Sections 35 through 55 of this act, the provisions of Sections 35 through 55 of this act shall control.

SECTION 46. (1) After satisfying the requirements of Sections 39 through 42 of this act, a local government unit may finance all or part of an approved project by issuing special assessment bonds. Any bonds so issued shall first satisfy the procedural requirements set forth in Section 21-41-1 et seq., and shall be issued according to the procedures set forth in those statutes.

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

1485 bonds.

1486           (3) To the extent that there is any conflict between the  
1487 provisions of Section 21-41-1 et seq. and Sections 35 through 55  
1488 of this act, the provisions of Sections 35 through 55 of this act  
1489 shall control.

1490           SECTION 47. (1) After satisfying the requirements of  
1491 Sections 39 through 42 of this act, a local government unit may  
1492 finance all or part of an approved project by issuing revenue  
1493 bonds. Any bonds so issued by a county shall first satisfy the  
1494 procedural requirements set forth in Sections 19-5-183, 19-5-185  
1495 and 31-19-25, and shall be issued according to the procedures set  
1496 forth in those statutes. Any bonds so issued by a municipality  
1497 shall first satisfy the procedural requirements set forth in  
1498 Sections 21-27-45 and 31-19-25, and shall be issued according to  
1499 the procedures set forth in those statutes.

1500           (2) To the extent that there is any conflict between the  
1501 provisions of Sections 19-5-183, 19-5-185, 21-27-45, and 31-19-25  
1502 and Sections 35 through 55 of this act, the provisions of Sections  
1503 35 through 55 of this act shall control.

1504           SECTION 48. (1) The special sales tax authorized by  
1505 Sections 35 through 55 of this act shall be collected by the State  
1506 Tax Commission, shall be accounted for separately from the amount  
1507 of sales tax collected for the state in the local government unit  
1508 and shall be paid to the local government unit in which collected.  
1509 The proceeds of the tax, less three percent (3%) to be retained  
1510 by the State Tax Commission to defray the costs of collection,  
1511 shall be paid by the State Tax Commission to the local government  
1512 unit on or before the fifteenth day of the month following the  
1513 month in which the tax was collected.

1514           (2) The proceeds of the special sales tax shall be placed  
1515 into a separate fund apart from the local government unit general  
1516 fund and any other funds of the local government unit, and shall  
1517 be expended by the local government unit solely for the purpose of

1518 paying any indebtedness or other obligation the local government  
1519 unit may incur for an approved project.

1520 (3) All provisions of the Mississippi Sales Tax Law  
1521 applicable to filing of returns, discounts to the taxpayer,  
1522 remittances to the State Tax Commission, enforced collection,  
1523 rights of taxpayers, recovery of improper taxes, refunds of  
1524 overpaid taxes or other provisions of law providing for imposition  
1525 and collection of the state sales tax shall apply to the special  
1526 sales tax authorized by Sections 35 through 55 of this act, except  
1527 where there is a conflict, in which case the provisions of  
1528 Sections 35 through 55 of this act shall control. Any damages,  
1529 penalties or interest collected for the nonpayment of taxes  
1530 imposed hereunder, or for noncompliance with the provisions of  
1531 Sections 35 through 55 of this act, shall be paid to the local  
1532 government unit in which such damages were collected on the same  
1533 basis and in the same manner as the tax proceeds. Any overpayment  
1534 of tax for any reason that has been disbursed to any local  
1535 government unit or any payment of the tax to any local government  
1536 unit in error may be adjusted by the State Tax Commission on any  
1537 subsequent payment to the local government unit involved pursuant  
1538 to the provisions of the Mississippi Sales Tax Law. The State Tax  
1539 Commission may, from time to time, make such rules and regulations  
1540 not inconsistent with Sections 35 through 55 of this act as may be  
1541 deemed necessary to carry out its provisions, and such rules and  
1542 regulations shall have the full force and effect of law.

1543 SECTION 49. (1) The governing authority of any local  
1544 government unit that levies a special sales tax or a special  
1545 assessment tax or that finances an approved project by issuing tax  
1546 increment financing bonds or revenue bonds pursuant to Sections 35  
1547 through 55 of this act may incur indebtedness of the local  
1548 government unit in an aggregate principal amount that is not in  
1549 excess of an amount whose debt service is capable of being funded  
1550 by the proceeds of the special tax levied pursuant to Sections 35

through 55 of this act or by the revenues generated from the tax increment or from the revenues pledged to pay the local government unit's revenue bonds. The indebtedness authorized by this section shall not be considered when computing any limitation of indebtedness of the local government unit established by law.

(2) The governing authority of any local government unit that levies a special tax pursuant to Sections 35 through 55 of this act may combine the proceeds of the special tax with the proceeds of any general obligation, special assessment, tax increment, and revenue bonds authorized under Sections 35 through 55 of this act or under laws other than Sections 35 through 55 of this act to finance the approved project. Any bonds authorized under laws other than Sections 35 through 55 of this act shall not be issued in excess of the limitation of indebtedness of the local government unit established by law. To the extent that the debt service on any indebtedness incurred in connection with an approved project is paid with proceeds of the special sales tax levied pursuant to Sections 35 through 55 of this act, with proceeds of ad valorem taxes or sales taxes pledged to pay tax increment bonds, with proceeds of special assessments levied pursuant to Sections 35 through 55 of this act, or with revenues pledged to pay revenue bonds issued pursuant to Sections 35 through 55 of this act, the indebtedness connected with financing the approved project shall not be considered when computing any limitation of indebtedness of the local government unit.

SECTION 50. Each of the local government units in a regional economic development alliance created under Sections 5 through 18 of this act electing to finance an approved project pursuant to Sections 35 through 55 of this act shall comply with the requirements of Sections 35 through 55 of this act.

SECTION 51. (1) Sections 35 through 55 of this act shall be construed as cumulative authority to other existing laws relating to the power of local government units. Insofar as Sections 35

through 55 of this act are inconsistent with any other law,  
Sections 35 through 55 of this act shall be controlling.

(2) A regional economic development alliance created pursuant to Sections 5 through 18 of this act and each local government unit that is a member thereof is authorized to finance an approved project pursuant to any financing option provided in Sections 35 through 55 of this act. However, the requirements of Sections 35 through 55 of this act shall be satisfied prior to the imposition of any taxes or the issuance of any bonds.

(3) Any local government unit may accept grants or other financial assistance from the state or federal government, or any other entity, to defray the cost, in whole or in part, of any activity consistent with the purposes of Sections 35 through 55 of this act.

SECTION 52. All laws in regard to purchases, auditing, depositories and expenditures in general which limit the authority of the local governing units shall also apply to any purchases and receipts connected with an approved project.

SECTION 53. Bonds issued by a local government unit may be secured by an indenture by and between the local government unit and a corporate trustee which may be any bank or other corporation having the power of a trust company or any trust company within or without this state. Such indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the local government unit in relation to the exercise of its powers and the custody, safekeeping and application of all money. The local government unit may provide in the indenture for the payment of the proceeds of the bonds and revenues to the trustee under the indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as the local government unit may determine. If the bonds shall be secured by

an indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.

SECTION 54. The local government unit shall have the power to contract with the holders of any of its bonds issued under Sections 35 through 55 of this act as to the custody, collection, securing, investment and payment of any money of the local government unit, and of any money held in trust or otherwise for the payment of bonds, and to carry out such contract. Money held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of money may be secured in the same manner as money of the local government unit, and all banks and trust companies are authorized to give security for the deposits.

SECTION 55. Any pledge made by the local government unit as security for bonds shall be valid and binding from the time when the pledge was made. The revenues or properties so pledged and thereafter received by the local government unit shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise

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

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

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

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

1650                   (c) Purchasing or constructing, repairing, improving  
1651 and equipping buildings for public libraries and for purchasing  
1652 land, equipment and books therefor, whether the title to same be  
1653 vested in the county issuing such bonds or in some subdivision of  
1654 the state government other than the county, or jointly in such  
1655 county and other such subdivision;

1656                   (d) Establishing county farms for convicts, purchasing  
1657 land therefor, and erecting, remodeling, and equipping necessary  
1658 buildings therefor;

1659                   (e) Constructing, reconstructing, and repairing roads,  
1660 highways and bridges, and acquiring the necessary land, including  
1661 land for road-building materials, acquiring rights-of-way  
1662 therefor; and the purchase of heavy construction equipment and  
1663 accessories thereto reasonably required to construct, repair and  
1664 renovate roads, highways and bridges and approaches thereto within  
1665 the county;

1666                   (f) Erecting, repairing, equipping, remodeling or  
1667 enlarging or assisting or cooperating with another county or other  
1668 counties in erecting, repairing, equipping, remodeling, or  
1669 enlarging buildings, and related facilities for an agricultural  
1670 high school, or agricultural high school-junior college, including  
1671 gymnasiums, auditoriums, lunchrooms, vocational training  
1672 buildings, libraries, teachers' homes, school barns, garages for  
1673 transportation vehicles, and purchasing land therefor;

1674                   (g) Purchasing or renting voting machines and any other  
1675 election equipment to be used in elections held within the county;

1676                   (h) Constructing, reconstructing or repairing boat  
1677 landing ramps and wharves fronting on the Mississippi Sound or the  
1678 Gulf of Mexico and on the banks or shores of the inland waters,  
1679 levees, bays and bayous of any county bordering on the Gulf of  
1680 Mexico or fronting on the Mississippi Sound, having two (2)  
1681 municipalities located therein, each with a population in excess  
1682 of twenty thousand (20,000) in accordance with the then last

1683 preceding federal census;

1684           (i) Assisting the Board of Trustees of State  
1685 Institutions of Higher Learning, the Office of General Services or  
1686 any other state agency in acquiring a site for constructing  
1687 suitable buildings and runways and equipping an airport for any  
1688 state university or other state-supported four-year college now or  
1689 hereafter in existence in such county;

1690           (j) Aiding and cooperating in the planning,  
1691 undertaking, construction or operation of airports and air  
1692 navigation facilities, including lending or donating money,  
1693 pursuant to the provisions of the airport authorities law, being  
1694 Sections 61-3-1 through Section 61-3-83, Mississippi Code of 1972,  
1695 regardless of whether such airports or air navigation facilities  
1696 are located in the county or counties issuing such bonds;

1697           (k) Establishing rubbish and garbage disposal systems  
1698 in accordance with the provisions of Sections 19-5-17 through  
1699 19-5-27;

1700           (l) Defraying the expenses of projects of the county  
1701 cooperative service district in which it is a participating  
1702 county, regardless of whether the project is located in the county  
1703 issuing such bonds;

1704           (m) Purchasing machinery and equipment which have an  
1705 expected useful life in excess of ten (10) years. The life of  
1706 such bonds shall not exceed the expected useful life of such  
1707 machinery and equipment. Machinery and equipment shall not  
1708 include any motor vehicle weighing less than twelve thousand  
1709 (12,000) pounds;

1710           (n) Purchasing fire fighting equipment and apparatus,  
1711 and providing housing for the same and purchasing land necessary  
1712 therefor;

1713           (o) An approved project for which a certificate of  
1714 public convenience and necessity has been obtained by the county  
1715 pursuant to the Local Advantage Financing Act, Sections 35 through

55 of Senate Bill No. 2001, 2000 Second Extraordinary Session.

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

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

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

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

Provided further, in computing such indebtedness, there may be deducted all bonds or other evidences of indebtedness heretofore or hereafter issued, for the construction of hospitals, ports or other capital improvements which are payable primarily from the net revenue to be generated from such hospital, port or other capital improvement, which revenue shall be pledged to the retirement of such bonds or other evidences of indebtedness, together with the full faith and credit of the county. However,

1749 in no case shall any county contract any indebtedness payable in  
1750 whole or in part from proceeds of ad valorem taxes which, when  
1751 added to all of the outstanding general obligation indebtedness,  
1752 both bonded and floating, shall exceed either (a) twenty percent  
1753 (20%) of the assessed value of all taxable property within such  
1754 county according to the last completed assessment for taxation, or  
1755 (b) fifteen percent (15%) of the assessment upon which taxes were  
1756 levied for its fiscal year ending September 30, 1984, whichever is  
1757 greater. Nothing herein contained shall be construed to apply to  
1758 contract obligations in any form heretofore or hereafter incurred  
1759 by any county which are subject to annual appropriations therefor,  
1760 or to bonds heretofore or hereafter issued by any county for  
1761 school purposes, or to bonds issued by any county under the  
1762 provisions of Sections 57-1-1 through 57-1-51 or to any  
1763 indebtedness incurred pursuant to the Local Advantage Financing  
1764 Act, Sections 35 through 55 of Senate Bill No. 2001, 2000 Second  
1765 Extraordinary Session, pursuant to any financing option provided  
1766 therein other than the issuance of general obligation bonds paid  
1767 for by revenues from general ad valorem taxes levied upon all  
1768 taxable property within the local government unit.

1769 SECTION 58. Section 19-9-11, Mississippi Code of 1972, is  
1770 amended as follows:[LH5]

1771 19-9-11. Before issuing any bonds for any of the purposes  
1772 enumerated in Sections 19-9-1 through 19-9-3, the board of  
1773 supervisors shall adopt a resolution declaring its intention so to  
1774 do, stating the amount of bonds proposed to be issued and the  
1775 purpose for which the bonds are to be issued, and the date upon  
1776 which the board proposes to direct the issuance of such bonds.  
1777 Such resolution shall be published once a week for at least three  
1778 (3) consecutive weeks in at least one (1) newspaper published in  
1779 such county. The first publication of such resolution shall be  
1780 made not less than twenty-one (21) days prior to the date fixed in  
1781 such resolution for the issuance of the bonds, and the last

publication shall be made not more than seven (7) days prior to such date. If no newspaper be published in such county, then such notice shall be given by publishing the resolution for the required time in some newspaper having a general circulation in such county and, in addition, by posting a copy of such resolution for at least twenty-one (21) days next preceding the date fixed therein at three (3) public places in such county. If twenty percent (20%), or fifteen hundred (1500), whichever is less, of the qualified electors of the county, supervisors district, or road district, as the case may be, shall file a written protest against the issuance of such bonds on or before the date specified in such resolution, then an election on the question of the issuance of such bonds shall be called and held as is provided in Sections 19-9-13 through 19-9-15. If no such protest be filed, then such bonds may be issued without an election on the question of the issuance thereof, at any time within a period of two (2) years after the date specified in the above mentioned resolution. However, the board of supervisors, in its discretion, may nevertheless call an election on such question, in which event it shall not be necessary to publish the resolution declaring its intention to issue such bonds as herein provided.

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

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

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

(a) Erecting municipal buildings, armories, auditoriums, community centers, gymnasiums and athletic stadiums, preparing and equipping athletic fields, and purchasing buildings or land therefor, and for repairing, improving, adorning and

1815 equipping the same, and for erecting, equipping and furnishing of  
1816 buildings to be used as a municipal or civic arts center;

1817           (b) Erecting or purchasing waterworks, gas, electric  
1818 and other public utility plants or distribution systems or  
1819 franchises, and repairing, improving and extending the same;

1820           (c) Purchasing or constructing, repairing, improving  
1821 and equipping buildings for public libraries and for purchasing  
1822 land, equipment and books therefor, whether the title to same be  
1823 vested in the municipality issuing such bonds or in some  
1824 subdivision of the state government other than the municipality,  
1825 or jointly in such municipality and other such subdivision;

1826           (d) Establishing sanitary, storm, drainage or sewerage  
1827 systems, and repairing, improving and extending the same;

1828           (e) Protecting a municipality, its streets and  
1829 sidewalks from overflow, caving banks and other like dangers;

1830           (f) Constructing, improving or paving streets,  
1831 sidewalks, driveways, parkways, walkways or public parking  
1832 facilities, and purchasing land therefor;

1833           (g) Purchasing land for parks, cemeteries and public  
1834 playgrounds, and improving, equipping and adorning the same,  
1835 including the constructing, repairing and equipping of swimming  
1836 pools and other recreational facilities;

1837           (h) Constructing bridges and culverts;

1838           (i) Constructing, repairing and improving wharves,  
1839 docks, harbors and appurtenant facilities, and purchasing land  
1840 therefor;

1841           (j) Constructing, repairing and improving public  
1842 slaughterhouses, markets, pest houses, workhouses, hospitals,  
1843 houses of correction, reformatories and jails in the corporate  
1844 limits, or within three (3) miles of the corporate limits, and  
1845 purchasing land therefor;

1846           (k) Altering or changing the channels of streams and  
1847 water courses to control, deflect or guide the current thereof;

1848                   (1) Purchasing fire-fighting equipment and apparatus,  
1849 and providing housing for same, and purchasing land therefor;  
1850                   (m) Purchasing or renting voting machines and any other  
1851 election equipment needed in elections held in the municipality;  
1852                   (n) Assisting the Board of Trustees of State  
1853 Institutions of Higher Learning, the Bureau of Building, Grounds  
1854 and Real Property Management of the Governor's Office of General  
1855 Services, or any other state agency in acquiring a site for,  
1856 constructing suitable buildings and runways and equipping an  
1857 airport for the university or other state-supported four-year  
1858 college, now or hereafter in existence, in or near which the  
1859 municipality is located, within not more than ten (10) miles of  
1860 the municipality;  
1861                   (o) Acquiring and improving existing mass transit  
1862 system; however, no municipal governing authorities shall  
1863 authorize any bonds to be issued for the acquiring and improving  
1864 of an existing mass transit system unless an election be conducted  
1865 in said municipality in the same manner provided for general and  
1866 special elections, and a majority of the qualified electors of the  
1867 municipality participating in said election approve the bond  
1868 issuance for the acquiring and improving of an existing mass  
1869 transit system;  
1870                   (p) Purchasing machinery and equipment which have an  
1871 expected useful life in excess of ten (10) years. The life of  
1872 such bonds shall not exceed the expected useful life of such  
1873 machinery and equipment. Machinery and equipment shall not  
1874 include any motor vehicle weighing less than twelve thousand  
1875 (12,000) pounds;  
1876                   (q) An approved project for which a certificate of  
1877 public convenience and necessity has been obtained by the  
1878 municipality pursuant to the Local Advantage Financing Act,  
1879 Sections 35 through 55 of Senate Bill No. 2001, 2000 Second  
1880 Extraordinary Session.

1881           The word "bonds" as used in this article shall be deemed to  
1882 mean and include bonds, notes or certificates of indebtedness.

1883           SECTION 60. Section 21-33-303, Mississippi Code of 1972, is  
1884 amended as follows:

1885           21-33-303. No municipality shall hereafter issue bonds  
1886 secured by a pledge of its full faith and credit for the purposes  
1887 authorized by law in an amount which, when added to the then  
1888 outstanding bonded indebtedness of such municipality, shall exceed  
1889 either (a) fifteen percent (15%) of the assessed value of the  
1890 taxable property within such municipality, according to the last  
1891 completed assessment for taxation, or (b) ten percent (10%) of the  
1892 assessment upon which taxes were levied for its fiscal year ending  
1893 September 30, 1984, whichever is greater. In computing such  
1894 indebtedness, there may be deducted all bonds or other evidences  
1895 of indebtedness, heretofore or hereafter issued, for school,  
1896 water, sewerage systems, gas, and light and power purposes and for  
1897 the construction of special improvements primarily chargeable to  
1898 the property benefited, or for the purpose of paying the  
1899 municipality's proportion of any betterment program, a portion of  
1900 which is primarily chargeable to the property benefited. However,  
1901 in no case shall any municipality contract any indebtedness which,  
1902 when added to all of the outstanding general obligation  
1903 indebtedness, both bonded and floating, shall exceed either (a)  
1904 twenty percent (20%) of the assessed value of all taxable property  
1905 within such municipality according to the last completed  
1906 assessment for taxation or (b) fifteen percent (15%) of the  
1907 assessment upon which taxes were levied for its fiscal year ending  
1908 September 30, 1984, whichever is greater. Nothing herein  
1909 contained shall be construed to apply to contract obligations in  
1910 any form heretofore or hereafter incurred by any municipality  
1911 which are subject to annual appropriations therefor, or to bonds  
1912 heretofore issued by any municipality for school purposes, or to  
1913 contract obligations in any form heretofore or hereafter incurred

by any municipality which are payable exclusively from the revenues of any municipally-owned utility, or to bonds issued by any municipality under the provisions of Sections 57-1-1 through 57-1-51, or to any special assessment improvement bonds issued by any municipality under the provisions of Sections 21-41-1 through 21-41-53, or to any indebtedness incurred pursuant to the Local Advantage Financing Act, Sections 35 through 55 of Senate Bill No. 2001, 2000 Second Extraordinary Session, pursuant to any financing option provided therein other than the issuance of general obligation bonds paid for by revenues from general ad valorem taxes levied upon all taxable property within the local government unit.

All bonds issued prior to July 1, 1990, pursuant to this chapter by any municipality for the purpose of the constructing, replacing, renovating or improving wastewater collection and treatment facilities in order to comply with an administrative order of the Mississippi Department of Natural Resources issued pursuant to the Federal Water Pollution Control Act and amendments thereto, are hereby exempt from the limitation imposed by this section if the governing body of the municipality adopts an order, resolution or ordinance to the effect that the rates paid by the users of such facilities shall be increased to the extent necessary to provide sufficient funds for the payment of the principal of and interest on such bonds as each respectively becomes due and payable as well as the necessary expenses in connection with the operation and maintenance of such facilities.

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

21-33-307. Before issuing any bonds for any of the purposes enumerated in Section 21-33-301, the governing authority of the issuing municipality shall adopt a resolution declaring its intention so to do, stating the amount of bonds proposed to be issued and the purpose for which the bonds are to be issued, and the date upon which the aforesaid authority proposes to direct the

1947 issuance of such bonds. Such resolution shall be published once a  
1948 week for at least three (3) consecutive weeks in at least one (1)  
1949 newspaper published in such municipality. The first publication  
1950 of such resolution shall be made not less than twenty-one (21)  
1951 days prior to the date fixed in such resolution for the issuance  
1952 of the bonds, and the last publication shall be made not more than  
1953 seven (7) days prior to such date. If no newspaper be published  
1954 in such municipality, then such notice shall be given by  
1955 publishing the resolution for the required time in some newspaper  
1956 having a general circulation in such municipality and, in  
1957 addition, by posting a copy of such resolution for at least  
1958 twenty-one (21) days next preceding the date fixed therein at  
1959 three (3) public places in such municipality. The publication of  
1960 the resolution may be made as provided in Section 21-17-19. If  
1961 ten percent (10%) of the qualified electors of the municipality,  
1962 or fifteen hundred (1500), whichever is the lesser, shall file a  
1963 written protest against the issuance of such bonds on or before  
1964 the date specified in such resolution, then an election on the  
1965 question of the bonds shall be called and held as is provided in  
1966 Section 21-33-309. Notice of such election shall be signed by the  
1967 clerk of the municipality and shall be published once a week for  
1968 at least three (3) consecutive weeks in at least one (1) newspaper  
1969 published in such municipality. The first publication of such  
1970 notice shall be made not less than twenty-one (21) days prior to  
1971 the date fixed for such election, and the last publication shall  
1972 be made not more than seven (7) days prior to such date. If no  
1973 newspaper is published in such municipality, then such notice  
1974 shall be given by publishing the same for the required time in  
1975 some newspaper having a general circulation in such municipality  
1976 and published in the same or an adjoining county and, in addition,  
1977 by posting a copy of such notice for at least twenty-one (21) days  
1978 next preceding such election at three (3) public places in such  
1979 municipality. If no protest be filed, then such bonds may be

issued without an election on the question of the issuance thereof, at any time within a period of two (2) years after the date specified in the above-mentioned resolution. However, the governing authority of any municipality in its discretion may nevertheless call an election on such question, in which event it shall not be necessary to publish the resolution declaring its intention to issue such bonds as herein provided.

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

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

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

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

(a) Streets, highways, boulevards, avenues, squares, lanes, alleys and parks, or any part thereof may be opened, reopened, widened, graded, regraded, paved, repaved, surfaced, resurfaced, and curbs and gutters may be constructed or reconstructed therein.

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

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

(d) An approved project for which a certificate of public convenience and necessity has been obtained by the municipality pursuant to the Local Advantage Financing Act, Sections 35 through 55 of Senate Bill No. 2001, 2000 Second Extraordinary Session.

SECTION 63. Section 21-41-5, Mississippi Code of 1972, is

2013 amended as follows:[LH9]

2014           21-41-5. When the governing authorities of any municipality  
2015 shall determine to make any local or special improvement, the cost  
2016 of which or any part thereof is to be assessed against the  
2017 property benefited, they shall adopt a resolution declaring  
2018 necessary the proposed improvement describing the nature and  
2019 extent of the work, the general character of the material to be  
2020 used, and the location and terminal points of the streets,  
2021 highways, boulevards, avenues, squares, alleys or parks, or parts  
2022 thereof, or clearly define the boundary of areas in which said  
2023 improvements are to be made. In publishing said resolution  
2024 declaring the work necessary, the plans and specifications of said  
2025 work need not be published but may be referred to as being on file  
2026 in the office of the city clerk or city engineer. The publication  
2027 of the resolution may be made as provided in Section 21-17-19.  
2028 Said resolution shall fix a date when the governing authorities of  
2029 said municipality shall meet, which shall be not less than fifteen  
2030 (15) days after the date of the first publication of the notice  
2031 herein provided for, to hear any objections or remonstrances that  
2032 may be made to said improvements. The notice herein provided for  
2033 shall be published once each week for three (3) successive  
2034 publications in a public newspaper having a general circulation in  
2035 the municipality, and if no newspaper is published therein it  
2036 shall be sufficient to post said notice in three (3) public places  
2037 of the municipality for not less than fifteen (15) days before  
2038 said meeting, one which shall be posted at the town or city hall  
2039 of said municipality. Moreover, the clerk of the municipality  
2040 shall send a copy of the notice, by certified mail, postage  
2041 prepaid, within five (5) days after the first publication of the  
2042 notice herein provided for, to the last-known address of owners of  
2043 property affected by the resolution. However, failure of the  
2044 clerk to mail such notice or failure of the owner to receive such  
2045 notice shall not invalidate any proceeding in this chapter, where

such notice has been published as provided herein. Notice declaring the work necessary shall be notice to the property owners that the work has been declared necessary.

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

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

21-41-43. All obligations issued pursuant to Section 21-41-41 shall mature not longer than twenty (20) years from the date thereof, and shall be divided into approximately equal payments, with one (1) payment falling due each year. The obligations shall bear interest at a rate not exceeding that allowed in Section 75-17-101, payable annually or semiannually, and principal and interest on same shall be payable at such place within or without the state as may be designated by the issuing authorities at the time the obligations are issued. The full faith, credit and resources of the issuing municipality shall be pledged for the payment of the principal and interest on the obligations and the governing authorities of the municipality shall annually levy a tax on all taxable property in the municipality sufficient for such purposes, and where the obligations are issued for the purpose of making any of the special improvements set forth in this chapter, the cost of which is to be paid from assessments levied against the property abutting on the special improvement to be made under this chapter, the assessments shall also be pledged for the payment of the obligations. The funds derived from the taxes levied to pay the obligations shall be kept in a special fund to be known as the "Special Improvement Bond Fund," and shall be used only for the purpose of paying principal and interest on the obligations. All funds derived from special assessments levied against the property

abutting on the special improvements shall likewise be placed into the Special Improvement Bond Fund and shall be used only for the purpose of paying principal and interest on the obligations.

However, funds derived from a special assessment tax levied under the Local Advantage Financing Act may be used as provided therein.

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

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

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

(a) "Project area" includes:

(i) Areas in which there is a significant amount of buildings or improvements which, by reason of dilapidation, deterioration, age, obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and are detrimental to the public health, safety, morals or welfare;

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

(iii) Areas which by reason of a significant amount of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site improvements, diversity of ownership, tax delinquency, defective or unusual conditions of title, improper subdivision or obsolete

2112 platting or the existence of conditions which endanger life or  
2113 property by fire or other causes, or any combination of such  
2114 factors, substantially impair or arrest the sound growth of the  
2115 community, retard the provision of housing accommodations or  
2116 constitute an economic or social liability and are a menace to the  
2117 public health, safety, morals or welfare in their present  
2118 condition and use; \* \* \*

2119 (iv) Areas in which the construction, renovation,  
2120 repair or rehabilitation of property for residential, commercial  
2121 or other uses is in the public interest; or

2122 (v) An approved project for which a certificate of  
2123 public convenience and necessity has been obtained by the  
2124 municipality pursuant to the Local Advantage Financing Act,  
2125 Sections 35 through 55 of Senate Bill No. 2001, 2000 Second  
2126 Extraordinary Session.

2127 (b) A "redevelopment project" may include any work or  
2128 undertaking by a municipality:

2129 (i) To acquire project areas or portions thereof,  
2130 including lands, structures or improvements the acquisition of  
2131 which is necessary or incidental to the proper clearance,  
2132 development or redevelopment of such areas or to the prevention of  
2133 the spread or recurrence of slum conditions or conditions of  
2134 blight;

2135 (ii) To clear any project areas by demolition or  
2136 removal of existing buildings, structures, streets, utilities or  
2137 other improvements thereon and to install, construct or  
2138 reconstruct streets, utilities, bulkheads, boat docks and site  
2139 improvements essential to the preparation of sites for uses in  
2140 accordance with the redevelopment plan and public improvements to  
2141 encourage private redevelopment in accordance with the  
2142 redevelopment plan; or

2143 (iii) To sell or lease property acquired by a  
2144 municipality as part of a redevelopment project for not less than

2145 its fair value for uses in accordance with such redevelopment plan  
2146 to retain property or public improvements for public use in  
2147 accordance with the redevelopment plan.

2148 "Redevelopment project" may also include the preparation of a  
2149 redevelopment plan, the planning, survey and other work incident  
2150 to a redevelopment project and the preparation of all plans and  
2151 arrangements for carrying out a redevelopment project, relocation  
2152 of businesses and families required under applicable law, and upon  
2153 a determination, by resolution of the governing body of the  
2154 municipality in which such land is located, that the acquisition  
2155 and development of additional real property not within a project  
2156 area is essential to the proper clearance or redevelopment of a  
2157 project area or a necessary part of the general slum clearance  
2158 program of the municipality, the acquisition, planning,  
2159 preparation for development or disposal of such land shall  
2160 constitute a redevelopment project.

2161 (c) "Redevelopment plan" means a plan for the  
2162 acquisition, clearance, reconstruction, rehabilitation or future  
2163 use of a redevelopment project area which shall be sufficiently  
2164 complete:

2165 (i) To indicate its relationship to definite local  
2166 objectives as to appropriate land uses and improved traffic,  
2167 public transportation, public utilities, recreational,  
2168 residential, commercial and community facilities and other public  
2169 improvements; and

2170 (ii) To indicate proposed land uses, waterfront  
2171 uses, if any, and building requirements in the area.

2172 A redevelopment plan may include interlocal cooperation  
2173 agreements between a municipality and a county whereby both agree  
2174 to pledge revenues payable to them to fund the debt of service of  
2175 any indebtedness incurred pursuant to this chapter.

2176 (d) "Governing body" means the governing body of any  
2177 municipality or the board of supervisors of any county.

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

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

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

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

21-45-9. Any governing body may issue tax increment bonds, the final maturity of which shall not extend beyond thirty (30) years, for the purpose of financing all or a portion of the cost of a redevelopment project within the boundaries of the municipality, funding any reserve which the governing body may deem advisable in connection with the retirement of the proposed indebtedness and funding any other incidental expenses involved in incurring such indebtedness. The debt service of indebtedness incurred pursuant to this section shall be provided from the added increments of municipal and county ad valorem tax revenues or any portion of the sales taxes, or both, to result from any such redevelopment project and shall never constitute an indebtedness of the municipality within the meaning of any state constitutional provision or statutory limitation and shall never constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers.

Said bonds may be authorized by resolution or resolutions of the governing body, and may be issued in one or more series, may bear such date or dates, mature at such time or times, bear interest at such rate or rates, payable at such times, be in such denominations, be in such form, be registered, be executed in such

2211 manner, be payable in such medium of payment, at such place or  
2212 places, be subject to such terms of redemption, with or without  
2213 premium, carry such conversion or registration privileges and be  
2214 declared or become due before the maturity date thereof, as such  
2215 resolution or resolutions may provide; however, such bonds shall  
2216 not bear a greater interest rate to maturity than that allowed  
2217 under Section 75-17-101. Said bonds shall be sold for not less  
2218 than par value plus accrued interest at public sale in the manner  
2219 provided by Section 31-19-25 or at private sale, in the discretion  
2220 of the governing body. The lowest interest rate specified for any  
2221 bonds issued shall not be less than seventy percent (70%) of the  
2222 highest interest rate specified for the same bond issue. Said  
2223 bonds may be repurchased by the municipality out of any available  
2224 funds at a price not to exceed the principal amount thereof and  
2225 accrued interest, and all bonds so repurchased shall be cancelled.

2226 In connection with the issuance of said bonds, the municipality  
2227 shall have the power to enter into contracts for rating of the  
2228 bonds by national rating agencies; obtaining bond insurance or  
2229 guarantees for such bonds and complying with the terms and  
2230 conditions of such insurance or guarantees; make provision for  
2231 payment in advance of maturity at the option of the owner or  
2232 holder of the bonds; covenant for the security and better  
2233 marketability of the bonds, including without limitation the  
2234 establishment of a debt service reserve fund and sinking funds to  
2235 secure or pay such bonds; and make any other provisions deemed  
2236 desirable by the municipality in connection with the issuance of  
2237 said bonds.

2238 If a governing body desires to issue tax increment financing  
2239 bonds under the Local Advantage Financing Act, the governing body  
2240 also shall comply with the requirements provided therein.

2241 In connection with the issuance of said bonds, the  
2242 municipality may arrange for lines of credit with any bank, firm  
2243 or person for the purpose of providing an additional source of

2244 repayment for such bonds and amounts drawn on such lines of credit  
2245 may be evidenced by bonds, notes or other evidences of  
2246 indebtedness containing such terms and conditions as the  
2247 municipality may determine; provided, however, that such bonds,  
2248 notes or evidences of indebtedness shall be secured by and payable  
2249 from the same sources as are pledged to the payment of said bonds  
2250 which are additionally secured by such line of credit, and that  
2251 said bonds, notes or other evidences of indebtedness shall be  
2252 deemed to be bonds for all purposes of this chapter. Pending the  
2253 preparation or execution of definitive bonds, interim receipts or  
2254 certificates, or temporary bonds may be delivered to the purchaser  
2255 or purchasers of said bonds. Any provision of law to the contrary  
2256 notwithstanding, any bonds, if any, issued pursuant to this  
2257 chapter shall possess all of the qualities of negotiable  
2258 instruments.

2259       The municipality may also issue refunding bonds for the  
2260 purpose of paying any of its bonds at or prior to maturity or upon  
2261 acceleration or redemption. Refunding bonds may be issued at such  
2262 time prior to the maturity or redemption of the refunded bonds as  
2263 the municipality may determine. The refunding bonds may be issued  
2264 in sufficient amounts to pay or provide the principal of the bonds  
2265 being refunded, together with any redemption premium thereon, any  
2266 interest accrued or to accrue to the date of payment of such  
2267 bonds, the expenses of issuing the refunding bonds, the expenses  
2268 of redeeming the bonds being refunded, and such reserves for debt  
2269 service or other capital or current expenses from the proceeds of  
2270 such refunding bonds as may be required by any of the  
2271 municipality's resolutions, trust indenture or other security  
2272 instruments. The issuance of refunding bonds, the maturities and  
2273 other details thereof, the security therefor, the rights of the  
2274 holders and the rights, duties and obligations of the municipality  
2275 in respect of the same shall be governed by the provisions of this  
2276 chapter relating to the issuance of bonds other than refunding

2277 bonds, insofar as the same may be applicable.

2278         Before incurring any debt pertaining to a redevelopment  
2279 project incorporating a tax increment financing plan the governing  
2280 body may, but shall not be required to, secure an agreement from  
2281 one or more developers obligating such developer or developers:

2282                 (a) To effect the completion of all or any portion of  
2283 the buildings or other facilities or improvements, as described in  
2284 the redevelopment project, at no cost to the municipality;

2285                 (b) To pay all or any portion of the real property  
2286 taxes due on the project in a timely manner; and

2287                 (c) To maintain and operate all or any portion of the  
2288 buildings or other facilities or improvements of the project in  
2289 such a manner as to preserve property values.

2290         No breach of any such agreement shall impose any pecuniary  
2291 liability upon a municipality or any charge upon its general  
2292 credit or against its taxing powers.

2293         Additionally, the municipality may enter into an agreement  
2294 with the developer under which the developer may construct all or  
2295 any part of the redevelopment project with private funds in  
2296 advance of issuance of the bonds and may be reimbursed by the  
2297 municipality for actual costs incurred by the developer upon  
2298 issuance and delivery of the bonds and receipt of the proceeds,  
2299 conditioned upon dedication of redevelopment project by the  
2300 developer to the municipality to assure public use and access.

2301         SECTION 67. Section 21-45-13, Mississippi Code of 1972, is  
2302 amended as follows:[LH13]

2303         21-45-13. The principal, interest and premium, if any, on  
2304 any tax increment bond shall be secured by a pledge of the  
2305 revenues payable to the municipality pursuant to the tax increment  
2306 financing plan and may also be secured, in the discretion of the  
2307 municipality, by a lien on all or any part of the redevelopment  
2308 project and any security by any developer pursuant to and secured  
2309 by a security agreement. The proceedings under which any

2310 indebtedness is authorized or any security agreement may contain  
2311 any agreement or provisions customarily contained in instruments  
2312 securing such obligations, without limiting the generality of the  
2313 foregoing provisions respecting the construction, maintenance and  
2314 operation of buildings or other facilities or improvements of the  
2315 project, the creation and maintenance of special funds, the rights  
2316 and remedies available in the event of default to the debt holders  
2317 or to the trustee, all as the governing body shall deem advisable;  
2318 provided, however, that in making any such agreements or  
2319 provisions, no municipality shall have the power to obligate  
2320 itself except with respect to:

2321           (a) The proceeds of the bonds and any property  
2322 purchased with the proceeds of the bonds;

2323           (b) Any security pledged, mortgaged or otherwise made  
2324 available by a developer for the securing of bonds or other  
2325 indebtedness; and

2326           (c) No municipality shall have the power to obligate  
2327 itself except with respect to the application of the revenues from  
2328 the tax increments; nor shall any municipality have the power to  
2329 incur a pecuniary liability or charge upon its general credit or  
2330 against its taxing powers.

2331           Tax increment financing bonds issued under the Local  
2332 Advantage Financing Act may also be secured as provided therein.

2333           The proceedings authorizing any bonds and any security  
2334 agreement securing bonds may provide that in the event of default  
2335 in payment of the principal of or interest on such bonds, or in  
2336 the performance of any agreement contained in such proceedings or  
2337 security agreement, such payment and performance may be enforced  
2338 by mandamus or by appointment of a receiver in equity with such  
2339 powers as may be necessary to enforce the obligations thereof. No  
2340 breach of any such agreement shall impose any pecuniary liability  
2341 upon any municipality or any charge upon its general credit or  
2342 against its taxing powers.

2343           The trustee under any security agreement or any depository  
2344 specified by such security agreement may be such persons or  
2345 corporation as the governing body shall designate; provided, that  
2346 they may be residents of Mississippi or nonresidents of  
2347 Mississippi or incorporated under the laws of the United States or  
2348 the laws of other states of the United States.

2349           SECTION 68. Section 57-61-36, Mississippi Code of 1972, is  
2350 amended as follows:[WAN14]

2351           57-61-36. (1) (a) Notwithstanding any provision of this  
2352 chapter to the contrary, the Department of Economic and Community  
2353 Development shall utilize not more than Ten Million Five Hundred  
2354 Thousand Dollars (\$10,500,000.00) out of the proceeds of bonds  
2355 authorized to be issued in this chapter for the purpose of making  
2356 grants to municipalities through a development infrastructure  
2357 grant fund to complete infrastructure related to new or expanded  
2358 industry.

2359           (b) The Mississippi Development Authority shall use not  
2360 less than One Million Dollars (\$1,000,000.00) of the funds  
2361 authorized in paragraph (a) of this subsection (1) for the purpose  
2362 of making grants to small municipalities and limited population  
2363 counties through a development infrastructure grant fund to be  
2364 administered by the Mississippi Development Authority to assist  
2365 such municipalities and counties in completing infrastructure  
2366 projects regardless of whether the infrastructure is related to  
2367 new or expanded industry. For the purposes of this paragraph (b),  
2368 the term "small municipality" means a municipality in the State of  
2369 Mississippi with a population of ten thousand (10,000) or less  
2370 according to the most recent federal decennial census, and the  
2371 term "limited population county" means a county in the State of  
2372 Mississippi with a population of thirty thousand (30,000) or less  
2373 according to the most recent federal decennial census.

2374           (2) Notwithstanding any provision of this chapter to the  
2375 contrary, the Department of Economic and Community Development may

2376 utilize not more than Seven Million Dollars (\$7,000,000.00) out of  
2377 the proceeds of bonds authorized to be issued in this chapter for  
2378 the purpose of making interest-bearing loans to any agency,  
2379 department, institution, instrumentality or political subdivision  
2380 of the state; or any agency, department, institution or  
2381 instrumentality of any political subdivision of the state; or any  
2382 business, organization, corporation, association or other legal  
2383 entity meeting criteria established by the department, through a  
2384 housing development revolving loan fund, to construct or repair  
2385 housing for low or moderate income earners; provided, however,  
2386 that the department may not utilize any bond proceeds authorized  
2387 under this chapter for the purpose of making any loans to the  
2388 Mississippi Home Corporation for any purpose whatsoever. No more  
2389 than forty percent (40%) of the additional bonds authorized by  
2390 this section in House Bill No. 1694, 1998 Regular Session [Laws,  
2391 1998, Chapter 559], may be used for multiple family housing  
2392 activities. Funds authorized under this subsection may be  
2393 deposited in the Mississippi Affordable Housing Development Fund  
2394 authorized in Section 43-33-759 and used for purposes authorized  
2395 by that section. This subsection (2) shall be repealed from and  
2396 after July 1, 2001.

2397       (3) Notwithstanding any provision of this chapter to the  
2398 contrary, the Department of Economic and Community Development  
2399 shall utilize not more than Five Million Dollars (\$5,000,000.00)  
2400 out of the proceeds of bonds authorized to be issued in this  
2401 chapter for the purpose of making grants to municipalities through  
2402 an equipment and public facilities grant fund to aid in  
2403 infrastructure-related improvements as determined by the  
2404 Department of Economic and Community Development, the purchase of  
2405 equipment and in the purchase, construction or repair and  
2406 renovation of public facilities. Any bonds previously issued for  
2407 the Development Infrastructure Revolving Loan Program which have  
2408 not been loaned or applied for are eligible to be administered as

2409 grants.

2410       The requirements of Section 57-61-9 shall not apply to any  
2411 grant made under this subsection. The Department of Economic and  
2412 Community Development may establish criteria and guidelines to  
2413 govern grants made pursuant to this subsection.

2414       (4) Notwithstanding any provision of this chapter to the  
2415 contrary, the Department of Economic and Community Development may  
2416 utilize not more than Seven Hundred Fifty Thousand Dollars  
2417 (\$750,000.00) out of the proceeds of bonds authorized to be issued  
2418 in this chapter in order to match federal funds available from the  
2419 United States Department of Agriculture for the purpose of  
2420 establishing an intermediary relending program to be administered  
2421 by the Department of Economic and Community Development. The  
2422 Department of Economic and Community Development may establish  
2423 criteria and guidelines to govern loans made under such program.

2424       SECTION 69. Section 57-73-21, Mississippi Code of 1972, is  
2425 amended as follows:[CR15]

2426       57-73-21. (1) Annually by December 31, using the most  
2427 current data available from the University Research Center,  
2428 Mississippi State Employment Security Commission and the United  
2429 States Department of Commerce, the State Tax Commission shall rank  
2430 and designate the state's counties as provided in this section.  
2431 The twenty-eight (28) counties in this state having a combination  
2432 of the highest unemployment rate and lowest per capita income for  
2433 the most recent thirty-six-month period, with equal weight being  
2434 given to each category, are designated Tier Three areas. The  
2435 twenty-seven (27) counties in the state with a combination of the  
2436 next highest unemployment rate and next lowest per capita income  
2437 for the most recent thirty-six-month period, with equal weight  
2438 being given to each category, are designated Tier Two areas. The  
2439 twenty-seven (27) counties in the state with a combination of the  
2440 lowest unemployment rate and the highest per capita income for the  
2441 most recent thirty-six-month period, with equal weight being given

2442 to each category, are designated Tier One areas. Counties  
2443 designated by the Tax Commission qualify for the appropriate tax  
2444 credit for jobs as provided in subsections (2), (3) and (4) of  
2445 this section. The designation by the Tax Commission is effective  
2446 for the tax years of permanent business enterprises which begin  
2447 after the date of designation. For companies which plan an  
2448 expansion in their labor forces, the Tax Commission shall  
2449 prescribe certification procedures to ensure that the companies  
2450 can claim credits in future years without regard to whether or not  
2451 a particular county is removed from the list of Tier Three or Tier  
2452 Two areas.

2453 (2) Permanent business enterprises primarily engaged in  
2454 manufacturing, processing, warehousing, distribution, wholesaling  
2455 and research and development, or permanent business enterprises  
2456 designated by rule and regulation of the Mississippi Development  
2457 Authority as air transportation and maintenance facilities, final  
2458 destination or resort hotels having a minimum of one hundred fifty  
2459 (150) guest rooms, recreational facilities that impact tourism,  
2460 movie industry studios, \* \* \* telecommunications enterprises, data  
2461 or information processing enterprises or computer software  
2462 development enterprises or any technology intensive facility or  
2463 enterprise, in counties designated by the Tax Commission as Tier  
2464 Three areas are allowed a job tax credit for taxes imposed by  
2465 Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually  
2466 for each net new full-time employee job for five (5) years  
2467 beginning with years two (2) through six (6) after the creation of  
2468 the job. The number of new full-time jobs must be determined by  
2469 comparing the monthly average number of full-time employees  
2470 subject to the Mississippi income tax withholding for the taxable  
2471 year with the corresponding period of the prior taxable year.  
2472 Only those permanent businesses that increase employment by ten  
2473 (10) or more in a Tier Three area are eligible for the credit.  
2474 Credit is not allowed during any of the five (5) years if the net

2475 employment increase falls below ten (10). The Tax Commission  
2476 shall adjust the credit allowed each year for the net new  
2477 employment fluctuations above the minimum level of ten (10).

2478 (3) Permanent business enterprises primarily engaged in  
2479 manufacturing, processing, warehousing, distribution, wholesaling  
2480 and research and development, or permanent business enterprises  
2481 designated by rule and regulation of the Mississippi Development  
2482 Authority as air transportation and maintenance facilities, final  
2483 destination or resort hotels having a minimum of one hundred fifty  
2484 (150) guest rooms, recreational facilities that impact tourism,  
2485 movie industry studios, \* \* \* telecommunications enterprises, data  
2486 or information processing enterprises or computer software  
2487 development enterprises or any technology intensive facility or  
2488 enterprise, in counties that have been designated by the Tax  
2489 Commission as Tier Two areas are allowed a job tax credit for  
2490 taxes imposed by Section 27-7-5 equal to One Thousand Dollars  
2491 (\$1,000.00) annually for each net new full-time employee job for  
2492 five (5) years beginning with years two (2) through six (6) after  
2493 the creation of the job. The number of new full-time jobs must be  
2494 determined by comparing the monthly average number of full-time  
2495 employees subject to Mississippi income tax withholding for the  
2496 taxable year with the corresponding period of the prior taxable  
2497 year. Only those permanent businesses that increase employment by  
2498 fifteen (15) or more in Tier Two areas \* \* \* are eligible for the  
2499 credit. The credit is not allowed during any of the five (5)  
2500 years if the net employment increase falls below fifteen (15).  
2501 The Tax Commission shall adjust the credit allowed each year for  
2502 the net new employment fluctuations above the minimum level of  
2503 fifteen (15).

2504 (4) Permanent business enterprises primarily engaged in  
2505 manufacturing, processing, warehousing, distribution, wholesaling  
2506 and research and development, or permanent business enterprises  
2507 designated by rule and regulation of the Mississippi Development

2508 Authority as air transportation and maintenance facilities, final  
2509 destination or resort hotels having a minimum of one hundred fifty  
2510 (150) guest rooms, recreational facilities that impact tourism,  
2511 movie industry studios, \* \* \* telecommunications enterprises, data  
2512 or information processing enterprises or computer software  
2513 development enterprises or any technology intensive facility or  
2514 enterprise, in counties designated by the Tax Commission as Tier  
2515 One areas are allowed a job tax credit for taxes imposed by  
2516 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually  
2517 for each net new full-time employee job for five (5) years  
2518 beginning with years two (2) through six (6) after the creation of  
2519 the job. The number of new full-time jobs must be determined by  
2520 comparing the monthly average number of full-time employees  
2521 subject to Mississippi income tax withholding for the taxable year  
2522 with the corresponding period of the prior taxable year. Only  
2523 those permanent businesses that increase employment by twenty (20)  
2524 or more in Tier One areas are eligible for the credit. The credit  
2525 is not allowed during any of the five (5) years if the net  
2526 employment increase falls below twenty (20). The Tax Commission  
2527 shall adjust the credit allowed each year for the net new  
2528 employment fluctuations above the minimum level of twenty (20).

2529 (5) In addition to the credits authorized in subsections  
2530 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)  
2531 credit for each net new full-time employee or an additional One  
2532 Thousand Dollars (\$1,000.00) credit for each net new full-time  
2533 employee who is paid a salary, excluding benefits which are not  
2534 subject to Mississippi income taxation, of at least one hundred  
2535 twenty-five percent (125%) of the average annual wage of the state  
2536 or an additional Two Thousand Dollars (\$2,000.00) credit for each  
2537 net new full-time employee who is paid a salary, excluding  
2538 benefits which are not subject to Mississippi income taxation, of  
2539 at least two hundred percent (200%) of the average annual wage of  
2540 the state, shall be allowed for any company establishing or

2541 transferring its national or regional headquarters from within or  
2542 outside the State of Mississippi. A minimum of thirty-five (35)  
2543 jobs must be created to qualify for the additional credit. The  
2544 State Tax Commission shall establish criteria and prescribe  
2545 procedures to determine if a company qualifies as a national or  
2546 regional headquarters for purposes of receiving the credit awarded  
2547 in this subsection. As used in this subsection, the average  
2548 annual wage of the state is the average annual wage as determined  
2549 by the Mississippi Employment Security Commission.

2550 (6) In addition to the credits authorized in subsections  
2551 (2), (3), (4) and (5), any job requiring research and development  
2552 skills (chemist, engineer, etc.) shall qualify for an additional  
2553 One Thousand Dollars (\$1,000.00) credit for each net new full-time  
2554 employee.

2555 (7) Tax credits for five (5) years for the taxes imposed by  
2556 Section 27-7-5 shall be awarded for additional net new full-time  
2557 jobs created by business enterprises qualified under subsections  
2558 (2), (3), (4), (5) and (6) of this section. The Tax Commission  
2559 shall adjust the credit allowed in the event of employment  
2560 fluctuations during the additional five (5) years of credit.

2561 (8) The sale, merger, acquisition, reorganization,  
2562 bankruptcy or relocation from one county to another county within  
2563 the state of any business enterprise may not create new  
2564 eligibility in any succeeding business entity, but any unused job  
2565 tax credit may be transferred and continued by any transferee of  
2566 the business enterprise. The Tax Commission shall determine  
2567 whether or not qualifying net increases or decreases have occurred  
2568 or proper transfers of credit have been made and may require  
2569 reports, promulgate regulations, and hold hearings as needed for  
2570 substantiation and qualification.

2571 (9) Any tax credit claimed under this section but not used  
2572 in any taxable year may be carried forward for five (5) years from  
2573 the close of the tax year in which the qualified jobs were

2574 established but the credit established by this section taken in  
2575 any one (1) tax year must be limited to an amount not greater than  
2576 fifty percent (50%) of the taxpayer's state income tax liability  
2577 which is attributable to income derived from operations in the  
2578 state for that year.

2579 (10) No business enterprise for the transportation,  
2580 handling, storage, processing or disposal of hazardous waste is  
2581 eligible to receive the tax credits provided in this section.

2582 (11) The credits allowed under this section shall not be  
2583 used by any business enterprise or corporation other than the  
2584 business enterprise actually qualifying for the credits.

2585 (12) The tax credits provided for in this section shall be  
2586 in addition to any tax credits described in Sections 57-51-13(b),  
2587 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official  
2588 action by the Department of Economic Development prior to July 1,  
2589 1989, to any business enterprise determined prior to July 1, 1989,  
2590 by the Department of Economic Development to be a qualified  
2591 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or  
2592 a qualified company as described in Section 57-53-1, as the case  
2593 may be; however, from and after July 1, 1989, tax credits shall be  
2594 allowed only under either this section or Sections 57-51-13(b),  
2595 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time  
2596 employee.

2597 (13) As used in this section, the term "telecommunications  
2598 enterprises" means entities engaged in the creation, display,  
2599 management, storage, processing, transmission or distribution for  
2600 compensation of images, text, voice, video or data by wire or by  
2601 wireless means, or entities engaged in the construction, design,  
2602 development, manufacture, maintenance or distribution for  
2603 compensation of devices, products, software or structures used in  
2604 the above activities. Companies organized to do business as  
2605 commercial broadcast radio stations, television stations or news  
2606 organizations primarily serving in-state markets shall not be

2607 included within the definition of the term "telecommunications  
2608 enterprises."

2609 SECTION 70. Section 57-73-25, Mississippi Code of 1972, is  
2610 amended as follows:[RDD16]

2611 57-73-25. (1) A fifty percent (50%) income tax credit shall  
2612 be granted to any employer (as defined in subsection (4) of this  
2613 section) sponsoring basic skills training. The fifty percent  
2614 (50%) credit shall be granted to employers that participate in  
2615 employer-sponsored retraining programs through a community/junior  
2616 college in the district within which the employer is located or  
2617 training approved by such community/junior college. The  
2618 retraining must be designed to increase opportunities for employee  
2619 advancement or retention with the employer. The credit is applied  
2620 to qualified training or retraining expenses, which are expenses  
2621 related to instructors, instructional materials and equipment, and  
2622 the construction and maintenance of facilities by such employer  
2623 designated for training purposes which is attributable to training  
2624 or retraining provided through such community/junior college or  
2625 training approved by such community/junior college. The credits  
2626 allowed under this section shall only be used by the actual  
2627 employer qualifying for the credits. The credit shall not exceed  
2628 fifty percent (50%) of the income tax liability in a tax year and  
2629 may be carried forward for the five (5) successive years if the  
2630 amount allowable as credit exceeds the income tax liability in a  
2631 tax year; however, thereafter, if the amount allowable as a credit  
2632 exceeds the tax liability, the amount of excess shall not be  
2633 refundable or carried forward to any other taxable year. Nothing  
2634 in this section shall be interpreted in any manner as to prevent  
2635 the continuing operation of state-supported university programs.

2636 (2) Employer-sponsored training shall include an evaluation  
2637 by the State Board for Community and Junior Colleges to ensure  
2638 that the training provided is job related and conforms to the  
2639 definitions of "basic skills training" and "retraining programs"

2640 as hereinafter defined.

2641 (3) Employers shall be certified as eligible for the tax  
2642 credit by the State Board for Community and Junior Colleges and  
2643 the State Tax Commission.

2644 (4) For the purposes of this section:

2645 (a) "Basic skills training" means any  
2646 employer-sponsored training by the appropriate community/junior  
2647 college or training approved by such community/junior college that  
2648 enhances reading, writing or math skills, up to the twelfth grade  
2649 level, of employees who are unable to function effectively on the  
2650 job due to deficiencies in these areas or who would be displaced  
2651 because such skill deficiencies will inhibit their training for  
2652 new technology.

2653 (b) "Retraining programs" means employer-sponsored  
2654 training by the appropriate community/junior college or training  
2655 approved by such community/junior college for hourly paid  
2656 employees of an employer that, upon successful completion,  
2657 increases the employee's opportunity for consideration for  
2658 promotion or retention with the employer.

2659 (c) "Employer-sponsored training" means training  
2660 purchased by the employer from the appropriate community/junior  
2661 college in the district within which the employer is located or  
2662 training approved by such community/junior college.

2663 (d) "Employer" means those permanent business  
2664 enterprises as defined and set out in Section 57-73-21 (2), (3),  
2665 (4) and (5).

2666 (5) The tax credits provided for in this section shall be in  
2667 addition to all other tax credits heretofore granted by the laws  
2668 of the state.

2669 (6) The Board for Community and Junior Colleges shall make a  
2670 report to the Legislature by January 30 of each year summarizing  
2671 the number of participants, the junior or community college  
2672 through which said training was offered and the type training

2673 offered.

2674 \* \* \*

2675 SECTION 71. Section 57-1-5, Mississippi Code of 1972, is  
2676 brought forward as follows:

2677 57-1-5. (1) The Governor shall, with the advice and consent  
2678 of the Senate, appoint an executive director who:

2679 (a) Shall have at least a bachelor's degree, and

2680 (b) Shall be an experienced administrator and have at  
2681 least five (5) years' experience in at least one (1) of the  
2682 following areas:

2683 (i) Industrial development, or

2684 (ii) Economic development.

2685 (2) The executive director shall be the executive officer of  
2686 the department in the execution of any and all provisions of this  
2687 chapter, and his salary shall be fixed by the Governor.

2688 (3) The executive director shall have the following powers  
2689 and duties:

2690 (a) To formulate the policy of the department regarding  
2691 the economic and tourist development of the state.

2692 (b) To use and expend any funds from state, federal or  
2693 private sources coming into the department for the purposes herein  
2694 provided. State funds appropriated for the department shall be  
2695 expended in accordance with the regulations governing the  
2696 expenditures of other state funds.

2697 (c) To implement the duties assigned to the department  
2698 and consistent with specific requirements of law, including but  
2699 not limited to:

2700 (i) Support services to include legal, finance,  
2701 data processing, personnel, communications and advertising,  
2702 purchasing and accounting;

2703 (ii) Research and planning;

2704 (iii) Outreach, agency liaison and community  
2705 development;

2706 (iv) Tourism, business travel, and film;  
2707 (v) Programs and assistance for existing state  
2708 business and industry;  
2709 (vi) Recruiting new business and industry into the  
2710 state;  
2711 (vii) Fostering and promoting of entrepreneurship  
2712 and the creation of new business in the state;  
2713 (viii) Programs aimed at competing effectively in  
2714 the international economy by increasing exports of state products  
2715 and services and by promoting, developing and creating the  
2716 conditions and programs that will bring about significant  
2717 increases in investment in the state from other countries;  
2718 (ix) Programs relating to the development of  
2719 ports;  
2720 (x) Such other areas as are within the  
2721 jurisdiction and authority of the department and will foster and  
2722 promote the economic development of this state;  
2723 (xi) Salaries of the associate directors, deputy  
2724 directors and bureau directors may be set by the executive  
2725 director of the department. The positions of associate directors,  
2726 deputy directors and bureau directors shall not be state service  
2727 positions.

2728 SECTION 72. Section 57-1-55, Mississippi Code of 1972, is  
2729 brought forward as follows:[CR17]

2730 57-1-55. (1) The Department of Economic and Community  
2731 Development shall have the following general powers and duties:  
2732 To develop and manage programs which enhance the climate for  
2733 economic growth through assistance to private sector businesses,  
2734 local communities and individuals, and through an extensive  
2735 national and international marketing effort.

2736 (2) The Department of Economic and Community Development  
2737 shall have the following general powers and duties with respect to  
2738 economic development:

2739           (a) To plan, supervise and direct an active program of  
2740 solicitation of industries to locate within the state;

2741           (b) To prepare, maintain and disseminate information  
2742 which is needed by companies in evaluating site locations;

2743           (c) To consult with, advise and assist prospective  
2744 industries wishing to locate within the state;

2745           (d) To encourage new or expanding industries, which  
2746 will add to the economy, to locate within the state;

2747           (e) To maintain a coordinated liaison function with  
2748 other development groups, including state and federal agencies,  
2749 and planning and development districts, utility companies,  
2750 chambers of commerce and railroads;

2751           (f) To assist communities and counties within the state  
2752 in preparation for economic growth;

2753           (g) To assist new and existing business and industry  
2754 and encourage their development and expansion;

2755           (h) To plan and conduct a nationwide advertising  
2756 program promoting the state to prospective industry. Any contract  
2757 entered into for such purposes shall be advertised, bid and  
2758 accepted in accordance with the same procedure as prescribed for  
2759 the advertisement and acceptance of bids for the purchase of  
2760 commodities and contracts for public purchases under Chapter 7,  
2761 Title 31, Mississippi Code of 1972;

2762           (i) To work with economic development agencies of the  
2763 federal government in areas of industrial development and provide  
2764 information to industrial prospects regarding the availability of  
2765 federal funds and assistance;

2766           (j) To work with the Department of Corrections,  
2767 pursuant to the provisions of Section 47-5-501 et seq., in  
2768 identifying and evaluating acceptable industries and businesses  
2769 and in acting as an agent of the Department of Corrections by  
2770 communicating with such concerns and aggressively soliciting their  
2771 participation in the Correctional Industries Work Program;

2772                   (k) To perform related work as required;

2773                   (l) To disseminate information about financial and  
2774 other programs of the Department of Economic and Community  
2775 Development that will assist in the creation or expansion of  
2776 industries processing wood products in this state;

2777                   (m) To market processed and raw agricultural products  
2778 domestically and abroad;

2779                   (n) To aid in the establishment of business incubation  
2780 centers by private business interests, not for profit  
2781 corporations, and/or governmental entities. The department may  
2782 provide funds by contract for the establishment of business  
2783 incubation centers and may contract for space in which business  
2784 incubation centers will be located. Business incubation centers  
2785 are defined as facilities and support services that encourage the  
2786 establishment of successful small businesses by providing a  
2787 short-term sheltered environment. The department may solicit and  
2788 accept grants and other financial aid or support from private or  
2789 public sources to aid in the development of business incubation  
2790 centers. In addition, advice and assistance to established  
2791 business incubation centers may be provided by the department; and

2792                   (o) To employ licensed real estate brokers and  
2793 appraisers necessary for the industrial development of any real  
2794 estate under the ownership or control of the Department of  
2795 Economic and Community Development. Any contract entered into for  
2796 such purposes shall be advertised, bid and accepted in accordance  
2797 with the same procedure as prescribed for the advertisement and  
2798 acceptance of bids for the purchase of commodities and contracts  
2799 for public purchases under Chapter 7, Title 31, Mississippi Code  
2800 of 1972.

2801           SECTION 73. Section 37-4-11, Mississippi Code of 1972, is  
2802 brought forward as follows:

2803           37-4-11. (1) The purpose of this section is to insure the  
2804 uniform management, oversight and accountability of the

2805 state-funded Industrial Training Programs, and postsecondary Adult  
2806 Short-term Training Programs and Workforce Education Programs  
2807 administered by the State Board for Community and Junior Colleges  
2808 for adults provided to the citizens of Mississippi.

2809       (2) Effective July 1, 1999, all state-funded Industrial  
2810 Training Programs and postsecondary Adult Short-term Training  
2811 Programs administered by and through the State Department of  
2812 Education on June 30, 1999, shall be transferred to the Workforce  
2813 Education Program of the State Board for Community and Junior  
2814 Colleges. The Legislature shall appropriate annually to the State  
2815 Board for Community and Junior Colleges funds necessary to  
2816 administer these programs.

2817       (3) Effective July 1, 1999, all funds, unexpended balances,  
2818 assets, liabilities and property of the State Department of  
2819 Education which are used in the delivery of postsecondary Adult  
2820 Short-term Training Programs and Industrial Training Programs,  
2821 excluding funds, unexpended balances, assets, liabilities and  
2822 property associated with the Research and Curriculum Unit at  
2823 Mississippi State University, shall be transferred to the  
2824 Workforce Education Program funds of the State Board for Community  
2825 and Junior Colleges. The State Department of Education also shall  
2826 transfer to the State Board for Community and Junior Colleges all  
2827 positions and funds employed by the State Department of Education  
2828 and community colleges which render industrial training,  
2829 postsecondary adult short-term training or workforce education  
2830 services, including the seven (7) administrative and support  
2831 positions providing support to these programs. Sufficient staff  
2832 positions shall be transferred from the State Department of  
2833 Education, which will have a reduction in training and educational  
2834 responsibilities by virtue of this act, to the State Board for  
2835 Community and Junior Colleges to assure that the transferred  
2836 responsibilities will be properly managed and administered. Any  
2837 funds available to the State Department of Education for

Industrial Training Programs and state-funded postsecondary Adult Short-term Training Programs which are subject to carryover shall be transferred to the Work Force Carryover Fund established by Chapter 498, Laws of 1995, for use by the State Board for Community and Junior Colleges, on or before August 15, 1999.

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

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

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

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

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

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

(5) This section shall be repealed on July 1, 2003.[CR18]

SECTION 74. Section 37-153-13, Mississippi Code of 1972, is brought forward as follows:[LH19]

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

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

(b) To provide the career centers consistent standards and benchmarks to guide development of the local work force

2871 development system and to provide a means by which the outcomes of  
2872 local services can be measured;

2873           (c) To develop the staff capacity to provide, broker or  
2874 contract for the provision of technical assistance to the career  
2875 centers, including, but not limited to:

2876               (i) Training local staff in methods of recruiting,  
2877 assessment and career counseling;

2878               (ii) Establishing rigorous and comprehensive local  
2879 pre-employment training programs;

2880               (iii) Developing local institutional capacity to  
2881 deliver Total Quality Management training;

2882               (iv) Developing local institutional capacity to  
2883 transfer new technologists into the marketplace;

2884               (v) Expanding the Skills Enhancement Program and  
2885 improving the quality of adult literacy programs; and

2886               (vi) Developing data for strategic planning;

2887           (d) To collaborate with the Department of Economic and  
2888 Community Development and other economic development organizations  
2889 to increase the community college systems' economic development  
2890 potential;

2891           (e) To administer presented and approved certification  
2892 programs by the community colleges for tax credits and partnership  
2893 funding for corporate training;

2894           (f) To create and maintain an evaluation team that  
2895 examines which kinds of curricula and programs and what forms of  
2896 quality control of training are most productive so that the  
2897 knowledge developed at one (1) institution of education can be  
2898 transferred to others;

2899           (g) To develop internal capacity to provide services  
2900 and to contract for services from universities and other providers  
2901 directly to local institutions;

2902           (h) To develop and administer an incentive  
2903 certification program; and

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

SECTION 75. Section 57-75-5, Mississippi Code of 1972, is amended as follows:[CR20]

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

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

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

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

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

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

2937                   (f) "Project" means:

2938                   (i) Any industrial, commercial, research and

2939 development, warehousing, distribution, transportation,

2940 processing, mining, United States government or tourism enterprise

2941 together with all real property required for construction,

2942 maintenance and operation of the enterprise with an initial

2943 capital investment of not less than Three Hundred Million Dollars

2944 (\$300,000,000.00) from private or United States government sources

2945 together with all buildings, and other supporting land and

2946 facilities, structures or improvements of whatever kind required

2947 or useful for construction, maintenance and operation of the

2948 enterprise; or with an initial capital investment of not less than

2949 One Hundred Fifty Million Dollars (\$150,000,000.00) from private

2950 or United States government sources together with all buildings

2951 and other supporting land and facilities, structures or

2952 improvements of whatever kind required or useful for construction,

2953 maintenance and operation of the enterprise and which creates at

2954 least one thousand (1,000) net new full-time jobs; or which

2955 creates at least one thousand (1,000) net new full-time jobs which

2956 provides an average salary, excluding benefits which are not

2957 subject to Mississippi income taxation, of at least one hundred

2958 twenty-five percent (125%) of the average annual wage of the state

2959 as determined by the Mississippi Employment Security Commission.

2960 "Project" shall \* \* \* include any addition to or expansion of an

2961 existing enterprise if such addition or expansion has an initial

2962 capital investment of not less than Three Hundred Million Dollars

2963 (\$300,000,000.00) from private or United States government

2964 sources, or has an initial capital investment of not less than One

2965 Hundred Fifty Million Dollars (\$150,000,000.00) from private or

2966 United States government sources together with all buildings and

2967 other supporting land and facilities, structures or improvements

2968 of whatever kind required or useful for construction, maintenance

2969 and operation of the enterprise and which creates at least one

2970 thousand (1,000) net new full-time jobs; or which creates at least  
2971 one thousand (1,000) net new full-time jobs which provides an  
2972 average salary, excluding benefits which are not subject to  
2973 Mississippi income taxation, of at least one hundred twenty-five  
2974 percent (125%) of the average annual wage of the state as  
2975 determined by the Mississippi Employment Security Commission.  
2976 "Project" shall also include any ancillary development or business  
2977 resulting from the enterprise, of which the authority is notified,  
2978 within three (3) years from the date that the enterprise entered  
2979 into commercial production, that the project area has been  
2980 selected as the site for the ancillary development or business.

2981                   (ii) Any enterprise that directly will employ and  
2982 maintain a minimum of three thousand five hundred (3,500) people  
2983 within a three-year period with an initial capital investment from  
2984 any source of not less than Fifty Million Dollars  
2985 (\$50,000,000.00). The provisions of this subparagraph (ii) shall  
2986 be repealed from and after July 1, 1996.

2987                   (iii) Any major capital project designed to  
2988 improve, expand or otherwise enhance any active duty United States  
2989 Air Force or Navy training bases or naval stations, their support  
2990 areas or their military operations, upon designation by the  
2991 authority that any such base was or is at risk to be recommended  
2992 for closure or realignment pursuant to the Defense Base Closure  
2993 and Realignment Act of 1990; or any major development project  
2994 determined by the authority to be necessary to acquire base  
2995 properties and to provide employment opportunities through  
2996 construction of projects as defined in Section 57-3-5, which shall  
2997 be located on or provide direct support service or access to such  
2998 military installation property as such property exists on July 1,  
2999 1993, in the event of closure or reduction of military operations  
3000 at the installation. From and after July 1, 1997, projects  
3001 described in this subparagraph (iii) shall not be considered to be  
3002 within the meaning of the term "project" for purposes of this

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

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

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

(vi) Any major capital project designed to construct the corporate headquarters and initial factory, to be located in the Golden Triangle Region of the state, for any Mississippi corporation that develops, constructs and operates automated robotic systems to improve the quality of, and reduce the costs of, manufacturing wire harness assemblies for certain

3036 industries, or manufactures thin film polymer lithium-ion  
3037 rechargeable batteries which project has a ten-year strategic plan  
3038 of supporting one thousand (1,000) direct project-related jobs for  
3039 each group of wire harness contracts amounting to Thirty-five  
3040 Million Dollars (\$35,000,000.00), or which has a ten-year  
3041 strategic plan of supporting one thousand five hundred (1,500)  
3042 direct project-related jobs for each group of polymer lithium-ion  
3043 rechargeable battery contracts amounting to Forty Million Dollars  
3044 (\$40,000,000.00).

3045 (vii) Any real property owned or controlled by the  
3046 National Aeronautics and Space Administration, the United States  
3047 Government, or any agency thereof, which is legally conveyed to  
3048 the State of Mississippi or to the State of Mississippi for the  
3049 benefit of the Mississippi Major Economic Impact Authority, its  
3050 successors and assigns pursuant to Section 212 of Public Law  
3051 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

3052 (viii) Any major capital project designed to  
3053 manufacture, produce and transmit electrical power using natural  
3054 gas as its primary raw material to be constructed and maintained  
3055 in Panola County, Mississippi, with an initial capital investment  
3056 of not less than Two Hundred Fifty Million Dollars  
3057 (\$250,000,000.00).

3058 (g) "Project area" means the project site, together  
3059 with any area or territory within the state lying within  
3060 sixty-five (65) miles of any portion of the project site whether  
3061 or not such area or territory be contiguous. The project area  
3062 shall also include all territory within a county if any portion of  
3063 such county lies within sixty-five (65) miles of any portion of  
3064 the project site. "Project site" means the real property on which  
3065 the principal facilities of the enterprise will operate.

3066 (h) "Public agency" means:

3067 (i) Any department, board, commission, institution  
3068 or other agency or instrumentality of the state;

3069                   (ii) Any city, town, county, political  
3070 subdivision, school district or other district created or existing  
3071 under the laws of the state or any public agency of any such city,  
3072 town, county, political subdivision or district;

3073                   (iii) Any department, commission, agency or  
3074 instrumentality of the United States of America; and

3075                   (iv) Any other state of the United States of  
3076 America which may be cooperating with respect to location of the  
3077 project within the state, or any agency thereof.

3078                   (i) "State" means State of Mississippi.

3079                   (j) "Fee-in-lieu" means a negotiated fee to be paid by  
3080 the project in lieu of any franchise taxes imposed on the project  
3081 by Chapter 13, Title 27, Mississippi Code of 1972. The  
3082 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
3083 (\$25,000.00) annually.

3084           SECTION 76. Section 57-75-9, Mississippi Code of 1972, is  
3085 amended as follows:[CR21]

3086           57-75-9. The authority is hereby designated and empowered to  
3087 act on behalf of the state in submitting a siting proposal for any  
3088 project eligible for assistance under this act. The authority is  
3089 empowered to take all steps appropriate or necessary to effect the  
3090 siting, development, and operation of the project within the  
3091 state, including the negotiation of a fee-in-lieu. If the state  
3092 is selected as the preferred site for the project, the authority  
3093 is hereby designated and empowered to act on behalf of the state  
3094 and to represent the state in the planning, financing,  
3095 development, construction and operation of the project or any  
3096 facility related to the project, with the concurrence of the  
3097 affected public agency. The authority may take affirmative steps  
3098 to coordinate fully all aspects of the submission of a siting  
3099 proposal for the project and, if the state is selected as the  
3100 preferred site, to coordinate fully, with the concurrence of the  
3101 affected public agency, the development of the project or any

3102 facility related to the project with private business, the United  
3103 States government and other public agencies. All public agencies  
3104 are encouraged to cooperate to the fullest extent possible to  
3105 effectuate the duties of the authority; however, the development  
3106 of the project or any facility related to the project by the  
3107 authority may be done only with the concurrence of the affected  
3108 public agency.

3109 SECTION 77. Section 57-75-11, Mississippi Code of 1972, is  
3110 amended as follows:[CR22]

3111 **[Through June 30, 2001, this section shall read as follows:]**

3112 57-75-11. The authority, in addition to any and all powers  
3113 now or hereafter granted to it, is empowered and shall exercise  
3114 discretion and the use of these powers depending on the  
3115 circumstances of the project or projects:

3116 (a) To maintain an office at a place or places within  
3117 the state.

3118 (b) To employ or contract with architects, engineers,  
3119 attorneys, accountants, construction and financial experts and  
3120 such other advisors, consultants and agents as may be necessary in  
3121 its judgment and to fix and pay their compensation.

3122 (c) To make such applications and enter into such  
3123 contracts for financial assistance as may be appropriate under  
3124 applicable federal or state law.

3125 (d) To apply for, accept and utilize grants, gifts and  
3126 other funds or aid from any source for any purpose contemplated by  
3127 the act, and to comply, subject to the provisions of this act,  
3128 with the terms and conditions thereof.

3129 (e) To acquire by purchase, lease, gift, or in other  
3130 manner, including quick-take eminent domain, or obtain options to  
3131 acquire, and to own, maintain, use, operate and convey any and all  
3132 property of any kind, real, personal, or mixed, or any interest or  
3133 estate therein, within the project area, necessary for the project  
3134 or any facility related to the project. The provisions of this

3135 paragraph that allow the acquisition of property by quick-take  
3136 eminent domain shall be repealed by operation of law on July 1,  
3137 1994.

3138           (f) To acquire by purchase or lease any public lands  
3139 and public property, including sixteenth section lands and lieu  
3140 lands, within the project area, which are necessary for the  
3141 project. Sixteenth section lands or lieu lands acquired under  
3142 this act shall be deemed to be acquired for the purposes of  
3143 industrial development thereon and such acquisition will serve a  
3144 higher public interest in accordance with the purposes of this  
3145 act.

3146           (g) If the authority identifies any land owned by the  
3147 state as being necessary, for the location or use of the project,  
3148 or any facility related to the project, to recommend to the  
3149 Legislature the conveyance of such land or any interest therein,  
3150 as the Legislature deems appropriate.

3151           (h) To make or cause to be made such examinations and  
3152 surveys as may be necessary to the planning, design, construction  
3153 and operation of the project.

3154           (i) From and after the date of notification to the  
3155 authority by the enterprise that the state has been finally  
3156 selected as the site of the project, to acquire by condemnation  
3157 and to own, maintain, use, operate and convey or otherwise dispose  
3158 of any and all property of any kind, real, personal or mixed, or  
3159 any interest or estate therein, within the project area, necessary  
3160 for the project or any facility related to the project, with the  
3161 concurrence of the affected public agency, and the exercise of the  
3162 powers granted by this act, according to the procedures provided  
3163 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
3164 modified by this act.

3165           (i) In acquiring lands by condemnation, the  
3166 authority shall not acquire minerals or royalties in minerals  
3167 unless a competent registered professional engineer shall have

3168 certified that the acquisition of such minerals and royalties in  
3169 minerals is necessary for purposes of the project; provided that  
3170 limestone, clay, chalk, sand and gravel shall not be considered as  
3171 minerals within the meaning of this section; and

3172                   (ii) Unless minerals or royalties in minerals have  
3173 been acquired by condemnation or otherwise, no person or persons  
3174 owning the drilling rights or the right to share in production of  
3175 minerals shall be prevented from exploring, developing, or  
3176 producing oil or gas with necessary rights-of-way for ingress and  
3177 egress, pipelines and other means of transporting interests on any  
3178 land or interest therein of the authority held or used for the  
3179 purposes of this act; but any such activities shall be under such  
3180 reasonable regulation by the authority as will adequately protect  
3181 the project contemplated by this act as provided in subparagraph  
3182 (t) of this section.

3183                   (j) To negotiate the necessary relocation or rerouting  
3184 of roads and highways, railroad, telephone and telegraph lines and  
3185 properties, electric power lines, pipelines and related  
3186 facilities, or to require the anchoring or other protection of any  
3187 of these, provided due compensation is paid to the owners thereof  
3188 or agreement is had with such owners regarding the payment of the  
3189 cost of such relocation, and to acquire by condemnation or  
3190 otherwise easements or rights-of-way for such relocation or  
3191 rerouting and to convey the same to the owners of the facilities  
3192 being relocated or rerouted in connection with the purposes of  
3193 this act.

3194                   (k) To negotiate the necessary relocation of cemeteries  
3195 and to pay all reasonable costs thereof.

3196                   (l) To perform or have performed any and all acts and  
3197 make all payments necessary to comply with all applicable federal  
3198 laws, rules or regulations including but not limited to the  
3199 Uniform Relocation Assistance and Real Property Acquisition  
3200 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651

3201 to 4655) and relocation rules and regulations promulgated by any  
3202 agency or department of the federal government.

3203 (m) To construct, extend, improve, maintain, and  
3204 reconstruct, to cause to be constructed, extended, improved,  
3205 maintained, and reconstructed, and to use and operate any and all  
3206 components of the project or any facility related to the project,  
3207 with the concurrence of the affected public agency, within the  
3208 project area, necessary to the project and to the exercise of such  
3209 powers, rights, and privileges granted the authority.

3210 (n) To incur or defray any designated portion of the  
3211 cost of any component of the project or any facility related to  
3212 the project acquired or constructed by any public agency.

3213 (o) To lease, sell or convey any or all property  
3214 acquired by the authority under the provisions of this act to the  
3215 enterprise, its successors or assigns, and in connection therewith  
3216 to pay the costs of title search, perfection of title, title  
3217 insurance and recording fees as may be required. The authority  
3218 may provide in the instrument conveying such property a provision  
3219 that such property shall revert to the authority if, as and when  
3220 the property is declared by the enterprise to be no longer needed.

3221 (p) To enter into contracts with any person or public  
3222 agency including, but not limited to, contracts authorized by  
3223 Section 75-57-17, in furtherance of any of the purposes authorized  
3224 by this act upon such consideration as the authority and such  
3225 person or public agency may agree. Any such contract may extend  
3226 over any period of time, notwithstanding any rule of law to the  
3227 contrary, may be upon such terms as the parties thereto shall  
3228 agree, and may provide that it shall continue in effect until  
3229 bonds specified therein, refunding bonds issued in lieu of such  
3230 bonds, and all other obligations specified therein are paid or  
3231 terminated. Any such contract shall be binding upon the parties  
3232 thereto according to its terms. Such contracts may include an  
3233 agreement to reimburse the enterprise, its successors and assigns

3234 for any assistance provided by the enterprise in the acquisition  
3235 of real property for the project or any facility related to the  
3236 project.

3237           (q) To establish and maintain reasonable rates and  
3238 charges for the use of any facility within the project area owned  
3239 or operated by the authority, and from time to time to adjust such  
3240 rates and to impose penalties for failure to pay such rates and  
3241 charges when due.

3242           (r) To adopt and enforce with the concurrence of the  
3243 affected public agency all necessary and reasonable rules and  
3244 regulations to carry out and effectuate the implementation of the  
3245 project and any land use plan or zoning classification adopted for  
3246 the project area, including but not limited to rules, regulations,  
3247 and restrictions concerning mining, construction, excavation or  
3248 any other activity the occurrence of which may endanger the  
3249 structure or operation of the project. Such rules may be enforced  
3250 within the project area and without the project area as necessary  
3251 to protect the structure and operation of the project. The  
3252 authority is authorized to plan or replan, zone or rezone, and  
3253 make exceptions to any regulations, whether local or state, with  
3254 the concurrence of the affected public agency which are  
3255 inconsistent with the design, planning, construction or operation  
3256 of the project and facilities related to the project.

3257           (s) To plan, design, coordinate and implement measures  
3258 and programs to mitigate impacts on the natural environment caused  
3259 by the project or any facility related to the project.

3260           (t) To develop plans for technology transfer activities  
3261 to ensure private sector conduits for exchange of information,  
3262 technology and expertise related to the project to generate  
3263 opportunities for commercial development within the state.

3264           (u) To consult with the State Department of Education  
3265 and other public agencies for the purpose of improving public  
3266 schools and curricula within the project area.

3267                   (v) To consult with the State Board of Health and other  
3268 public agencies for the purpose of improving medical centers,  
3269 hospitals and public health centers in order to provide  
3270 appropriate health care facilities within the project area.

3271                   (w) To consult with the Office of Minority Business  
3272 Enterprise Development and other public agencies for the purpose  
3273 of developing plans for technical assistance and loan programs to  
3274 maximize the economic impact related to the project for minority  
3275 business enterprises within the State of Mississippi.

3276                   (x) To deposit into the "Yellow Creek Project Area  
3277 Fund" created pursuant to Section 57-75-31:

3278                   (i) Any funds or aid received as authorized in  
3279 this section for the project described in Section 57-75-5(f)(vii),  
3280 and

3281                   (ii) Any funds received from the sale or lease of  
3282 property from the project described in Section 57-75-5(f)(vii)  
3283 pursuant to the powers exercised under this section.

3284                   (y) To manage and develop the project described in  
3285 Section 57-75-5(f)(vii) subject to the provisions of Section  
3286 57-75-29.

3287                   (z) To promulgate rules and regulations necessary to  
3288 effectuate the purposes of this act.

3289                   (aa) To negotiate a fee-in-lieu with the owners of the  
3290 project.

3291                   **[From and after July 1, 2001, this section shall read as**  
3292 **follows:]**

3293                   57-75-11. The authority, in addition to any and all powers  
3294 now or hereafter granted to it, is empowered and shall exercise  
3295 discretion and the use of these powers depending on the  
3296 circumstances of the project or projects:

3297                   (a) To maintain an office at a place or places within  
3298 the state.

3299                   (b) To employ or contract with architects, engineers,

3300 attorneys, accountants, construction and financial experts and  
3301 such other advisors, consultants and agents as may be necessary in  
3302 its judgment and to fix and pay their compensation.

3303           (c) To make such applications and enter into such  
3304 contracts for financial assistance as may be appropriate under  
3305 applicable federal or state law.

3306           (d) To apply for, accept and utilize grants, gifts and  
3307 other funds or aid from any source for any purpose contemplated by  
3308 the act, and to comply, subject to the provisions of this act,  
3309 with the terms and conditions thereof.

3310           (e) To acquire by purchase, lease, gift, or in other  
3311 manner, including quick-take eminent domain, or obtain options to  
3312 acquire, and to own, maintain, use, operate and convey any and all  
3313 property of any kind, real, personal, or mixed, or any interest or  
3314 estate therein, within the project area, necessary for the project  
3315 or any facility related to the project. The provisions of this  
3316 paragraph that allow the acquisition of property by quick-take  
3317 eminent domain shall be repealed by operation of law on July 1,  
3318 1994.

3319           (f) To acquire by purchase or lease any public lands  
3320 and public property, including sixteenth section lands and lieu  
3321 lands, within the project area, which are necessary for the  
3322 project. Sixteenth section lands or lieu lands acquired under  
3323 this act shall be deemed to be acquired for the purposes of  
3324 industrial development thereon and such acquisition will serve a  
3325 higher public interest in accordance with the purposes of this  
3326 act.

3327           (g) If the authority identifies any land owned by the  
3328 state as being necessary, for the location or use of the project,  
3329 or any facility related to the project, to recommend to the  
3330 Legislature the conveyance of such land or any interest therein,  
3331 as the Legislature deems appropriate.

3332           (h) To make or cause to be made such examinations and

3333 surveys as may be necessary to the planning, design, construction  
3334 and operation of the project.

3335           (i) From and after the date of notification to the  
3336 authority by the enterprise that the state has been finally  
3337 selected as the site of the project, to acquire by condemnation  
3338 and to own, maintain, use, operate and convey or otherwise dispose  
3339 of any and all property of any kind, real, personal or mixed, or  
3340 any interest or estate therein, within the project area, necessary  
3341 for the project or any facility related to the project, with the  
3342 concurrence of the affected public agency, and the exercise of the  
3343 powers granted by this act, according to the procedures provided  
3344 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
3345 modified by this act.

3346           (i) In acquiring lands by condemnation, the  
3347 authority shall not acquire minerals or royalties in minerals  
3348 unless a competent registered professional engineer shall have  
3349 certified that the acquisition of such minerals and royalties in  
3350 minerals is necessary for purposes of the project; provided that  
3351 limestone, clay, chalk, sand and gravel shall not be considered as  
3352 minerals within the meaning of this section; and

3353           (ii) Unless minerals or royalties in minerals have  
3354 been acquired by condemnation or otherwise, no person or persons  
3355 owning the drilling rights or the right to share in production of  
3356 minerals shall be prevented from exploring, developing, or  
3357 producing oil or gas with necessary rights-of-way for ingress and  
3358 egress, pipelines and other means of transporting interests on any  
3359 land or interest therein of the authority held or used for the  
3360 purposes of this act; but any such activities shall be under such  
3361 reasonable regulation by the authority as will adequately protect  
3362 the project contemplated by this act as provided in subparagraph  
3363 (t) of this section.

3364           (j) To negotiate the necessary relocation or rerouting  
3365 of roads and highways, railroad, telephone and telegraph lines and

3366 properties, electric power lines, pipelines and related  
3367 facilities, or to require the anchoring or other protection of any  
3368 of these, provided due compensation is paid to the owners thereof  
3369 or agreement is had with such owners regarding the payment of the  
3370 cost of such relocation, and to acquire by condemnation or  
3371 otherwise easements or rights-of-way for such relocation or  
3372 rerouting and to convey the same to the owners of the facilities  
3373 being relocated or rerouted in connection with the purposes of  
3374 this act.

3375           (k) To negotiate the necessary relocation of cemeteries  
3376 and to pay all reasonable costs thereof.

3377           (l) To perform or have performed any and all acts and  
3378 make all payments necessary to comply with all applicable federal  
3379 laws, rules or regulations including but not limited to the  
3380 Uniform Relocation Assistance and Real Property Acquisition  
3381 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651  
3382 to 4655) and relocation rules and regulations promulgated by any  
3383 agency or department of the federal government.

3384           (m) To construct, extend, improve, maintain, and  
3385 reconstruct, to cause to be constructed, extended, improved,  
3386 maintained, and reconstructed, and to use and operate any and all  
3387 components of the project or any facility related to the project,  
3388 with the concurrence of the affected public agency, within the  
3389 project area, necessary to the project and to the exercise of such  
3390 powers, rights, and privileges granted the authority.

3391           (n) To incur or defray any designated portion of the  
3392 cost of any component of the project or any facility related to  
3393 the project acquired or constructed by any public agency.

3394           (o) To lease, sell or convey any or all property  
3395 acquired by the authority under the provisions of this act to the  
3396 enterprise, its successors or assigns, and in connection therewith  
3397 to pay the costs of title search, perfection of title, title  
3398 insurance and recording fees as may be required. The authority

3399 may provide in the instrument conveying such property a provision  
3400 that such property shall revert to the authority if, as and when  
3401 the property is declared by the enterprise to be no longer needed.

3402           (p) To enter into contracts with any person or public  
3403 agency including, but not limited to, contracts authorized by  
3404 Section 75-57-17, in furtherance of any of the purposes authorized  
3405 by this act upon such consideration as the authority and such  
3406 person or public agency may agree. Any such contract may extend  
3407 over any period of time, notwithstanding any rule of law to the  
3408 contrary, may be upon such terms as the parties thereto shall  
3409 agree, and may provide that it shall continue in effect until  
3410 bonds specified therein, refunding bonds issued in lieu of such  
3411 bonds, and all other obligations specified therein are paid or  
3412 terminated. Any such contract shall be binding upon the parties  
3413 thereto according to its terms. Such contracts may include an  
3414 agreement to reimburse the enterprise, its successors and assigns  
3415 for any assistance provided by the enterprise in the acquisition  
3416 of real property for the project or any facility related to the  
3417 project.

3418           (q) To establish and maintain reasonable rates and  
3419 charges for the use of any facility within the project area owned  
3420 or operated by the authority, and from time to time to adjust such  
3421 rates and to impose penalties for failure to pay such rates and  
3422 charges when due.

3423           (r) To adopt and enforce with the concurrence of the  
3424 affected public agency all necessary and reasonable rules and  
3425 regulations to carry out and effectuate the implementation of the  
3426 project and any land use plan or zoning classification adopted for  
3427 the project area, including but not limited to rules, regulations,  
3428 and restrictions concerning mining, construction, excavation or  
3429 any other activity the occurrence of which may endanger the  
3430 structure or operation of the project. Such rules may be enforced  
3431 within the project area and without the project area as necessary

to protect the structure and operation of the project. The authority is authorized to plan or replan, zone or rezone, and make exceptions to any regulations, whether local or state, with the concurrence of the affected public agency which are inconsistent with the design, planning, construction or operation of the project and facilities related to the project.

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

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

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

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

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

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

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

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

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

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

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

SECTION 78. Section 57-75-15, Mississippi Code of 1972, is  
amended as follows:[CR23]

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

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

(3) (a) Bonds issued under the authority of this section  
for projects as defined in Section 57-75-5(f)(i) shall not exceed  
an aggregate principal amount in the sum of Sixty-four Million Two  
Hundred Fifty Thousand Dollars (\$64,250,000.00).

3498           (b) Bonds issued under the authority of this section  
3499 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
3500 Ninety Million Dollars (\$90,000,000.00). The provisions of this  
3501 paragraph (b) shall be repealed from and after July 1, 1996.

3502           (c) Bonds issued under the authority of this section  
3503 for projects as defined in Section 57-75-5(f)(iii) shall not  
3504 exceed Fifty Million Dollars (\$50,000,000.00), nor shall the bonds  
3505 issued for projects related to any single military installation  
3506 exceed Sixteen Million Six Hundred Sixty-seven Thousand Dollars  
3507 (\$16,667,000.00). If any proceeds of bonds issued for projects  
3508 related to the Meridian Naval Auxiliary Air Station ("NAAS") are  
3509 used for the development of a water and sewer service system by  
3510 the City of Meridian, Mississippi, to serve the NAAS and if the  
3511 City of Meridian annexes any of the territory served by the water  
3512 and sewer service system, the city shall repay the State of  
3513 Mississippi the amount of all bond proceeds expended on any  
3514 portion of the water and sewer service system project; and if  
3515 there are any monetary proceeds derived from the disposition of  
3516 any improvements located on real property in Kemper County  
3517 purchased pursuant to this act for projects related to the NAAS  
3518 and if there are any monetary proceeds derived from the  
3519 disposition of any timber located on real property in Kemper  
3520 County purchased pursuant to this act for projects related to the  
3521 NAAS, all of such proceeds (both from the disposition of  
3522 improvements and the disposition of timber) commencing July 1,  
3523 1996, through June 30, 2010, shall be paid to the Board of  
3524 Education of Kemper County, Mississippi, for expenditure by such  
3525 board of education to benefit the public schools of Kemper County.  
3526 No bonds shall be issued under this paragraph (c) until the State  
3527 Bond Commission by resolution adopts a finding that the issuance  
3528 of such bonds will improve, expand or otherwise enhance the  
3529 military installation, its support areas or military operations,  
3530 or will provide employment opportunities to replace those lost by

3531 closure or reductions in operations at the military installation.

3532 From and after July 1, 1997, bonds shall not be issued for any  
3533 projects, as defined in Section 57-75-5(f)(iii), which are not  
3534 commenced before July 1, 1997. The proceeds of any bonds issued  
3535 for projects commenced before July 1, 1997, shall be used for the  
3536 purposes for which the bonds were issued until completion of the  
3537 projects.

3538 (d) Bonds issued under the authority of this section  
3539 for projects as defined in Section 57-75-5(f)(iv) shall not exceed  
3540 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
3541 under this paragraph after December 31, 1996.

3542 (e) Bonds issued under the authority of this section  
3543 for projects defined in Section 57-75-5(f)(v) shall not exceed One  
3544 Hundred Ten Million Dollars (\$110,000,000.00). No bonds shall be  
3545 issued under this paragraph after June 30, 2001.

3546 (f) Bonds issued under the authority of this section  
3547 for the project defined in Section 57-75-5(f)(vi) shall not exceed  
3548 Twenty Million Three Hundred Seventy Thousand Dollars  
3549 (\$20,370,000.00). No bonds shall be issued under this paragraph  
3550 (f) until the State Bond Commission by resolution adopts a finding  
3551 that the project has secured wire harness contracts or contracts  
3552 to manufacture thin film polymer lithium-ion rechargeable  
3553 batteries, or any combination of such contracts, in the aggregate  
3554 amount of Twenty Million Dollars (\$20,000,000.00), either from the  
3555 United States Government or the private sector. No bonds shall be  
3556 issued under this paragraph after June 30, 2001.

3557 (g) Bonds issued under the authority of this section  
3558 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
3559 Twenty-six Million Dollars (\$26,000,000.00). No bonds shall be  
3560 issued after June 30, 2001.

3561 (4) The proceeds from the sale of the bonds issued under  
3562 this section may be applied for the purposes of: (a) defraying  
3563 all or any designated portion of the costs incurred with respect

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

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates; be in such denomination or denominations; bear interest at such rate or rates; be payable at such place or places within or without the state; mature absolutely at such time or times; be redeemable before maturity at such time or times and upon such terms, with or without premium; bear such registration

3597 privileges; and be substantially in such form; all as shall be  
3598 determined by resolution of the State Bond Commission except that  
3599 such bonds shall mature or otherwise be retired in annual  
3600 installments beginning not more than five (5) years from the date  
3601 thereof and extending not more than twenty-five (25) years from  
3602 the date thereof. The bonds shall be signed by the Chairman of  
3603 the State Bond Commission, or by his facsimile signature, and the  
3604 official seal of the State Bond Commission shall be imprinted on  
3605 or affixed thereto, attested by the manual or facsimile signature  
3606 of the Secretary of the State Bond Commission. Whenever any such  
3607 bonds have been signed by the officials herein designated to sign  
3608 the bonds, who were in office at the time of such signing but who  
3609 may have ceased to be such officers before the sale and delivery  
3610 of such bonds, or who may not have been in office on the date such  
3611 bonds may bear, the signatures of such officers upon such bonds  
3612 shall nevertheless be valid and sufficient for all purposes and  
3613 have the same effect as if the person so officially signing such  
3614 bonds had remained in office until the delivery of the same to the  
3615 purchaser, or had been in office on the date such bonds may bear.

3616       (6) All bonds issued under the provisions of this section  
3617 shall be and are hereby declared to have all the qualities and  
3618 incidents of negotiable instruments under the provisions of the  
3619 Uniform Commercial Code and in exercising the powers granted by  
3620 this chapter, the State Bond Commission shall not be required to  
3621 and need not comply with the provisions of the Uniform Commercial  
3622 Code.

3623       (7) The State Bond Commission shall sell the bonds on sealed  
3624 bids at public sale, and for such price as it may determine to be  
3625 for the best interest of the State of Mississippi, but no such  
3626 sale shall be made at a price less than par plus accrued interest  
3627 to date of delivery of the bonds to the purchaser. The bonds  
3628 shall bear interest at such rate or rates not exceeding the limits  
3629 set forth in Section 75-17-101 as shall be fixed by the State Bond

3630 Commission. All interest accruing on such bonds so issued shall  
3631 be payable semiannually or annually; provided that the first  
3632 interest payment may be for any period of not more than one (1)  
3633 year.

3634 Notice of the sale of any bonds shall be published at least  
3635 one (1) time, the first of which shall be made not less than ten  
3636 (10) days prior to the date of sale, and shall be so published in  
3637 one or more newspapers having a general circulation in the City of  
3638 Jackson and in one or more other newspapers or financial journals  
3639 with a large national circulation, to be selected by the State  
3640 Bond Commission.

3641 The State Bond Commission, when issuing any bonds under the  
3642 authority of this section, may provide that the bonds, at the  
3643 option of the state, may be called in for payment and redemption  
3644 at the call price named therein and accrued interest on such date  
3645 or dates named therein.

3646 (8) State bonds issued under the provisions of this section  
3647 shall be the general obligations of the state and backed by the  
3648 full faith and credit of the state. The Legislature shall  
3649 appropriate annually an amount sufficient to pay the principal of  
3650 and the interest on such bonds as they become due. All bonds  
3651 shall contain recitals on their faces substantially covering the  
3652 foregoing provisions of this section.

3653 (9) The State Treasurer is authorized to certify to the  
3654 Department of Finance and Administration the necessity for  
3655 warrants, and the Department of Finance and Administration is  
3656 authorized and directed to issue such warrants payable out of any  
3657 funds appropriated by the Legislature under this section for such  
3658 purpose, in such amounts as may be necessary to pay when due the  
3659 principal of and interest on all bonds issued under the provisions  
3660 of this section. The State Treasurer shall forward the necessary  
3661 amount to the designated place or places of payment of such bonds  
3662 in ample time to discharge such bonds, or the interest thereon, on

3663 the due dates thereof.

3664       (10) The bonds may be issued without any other proceedings  
3665 or the happening of any other conditions or things other than  
3666 those proceedings, conditions and things which are specified or  
3667 required by this chapter. Any resolution providing for the  
3668 issuance of general obligation bonds under the provisions of this  
3669 section shall become effective immediately upon its adoption by  
3670 the State Bond Commission, and any such resolution may be adopted  
3671 at any regular or special meeting of the State Bond Commission by  
3672 a majority of its members.

3673       (11) In anticipation of the issuance of bonds hereunder, the  
3674 State Bond Commission is authorized to negotiate and enter into  
3675 any purchase, loan, credit or other agreement with any bank, trust  
3676 company or other lending institution or to issue and sell interim  
3677 notes for the purpose of making any payments authorized under this  
3678 section. All borrowings made under this provision shall be  
3679 evidenced by notes of the state which shall be issued from time to  
3680 time, for such amounts not exceeding the amount of bonds  
3681 authorized herein, in such form and in such denomination and  
3682 subject to such terms and conditions of sale and issuance,  
3683 prepayment or redemption and maturity, rate or rates of interest  
3684 not to exceed the maximum rate authorized herein for bonds, and  
3685 time of payment of interest as the State Bond Commission shall  
3686 agree to in such agreement. Such notes shall constitute general  
3687 obligations of the state and shall be backed by the full faith and  
3688 credit of the state. Such notes may also be issued for the  
3689 purpose of refunding previously issued notes; except that no notes  
3690 shall mature more than three (3) years following the date of  
3691 issuance of the first note hereunder and provided further, that  
3692 all outstanding notes shall be retired from the proceeds of the  
3693 first issuance of bonds hereunder. The State Bond Commission is  
3694 authorized to provide for the compensation of any purchaser of the  
3695 notes by payment of a fixed fee or commission and for all other

3696 costs and expenses of issuance and service, including paying agent  
3697 costs. Such costs and expenses may be paid from the proceeds of  
3698 the notes.

3699 (12) The bonds and interim notes authorized under the  
3700 authority of this section may be validated in the First Judicial  
3701 District of the Chancery Court of Hinds County, Mississippi, in  
3702 the manner and with the force and effect provided now or hereafter  
3703 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
3704 validation of county, municipal, school district and other bonds.

3705 The necessary papers for such validation proceedings shall be  
3706 transmitted to the state bond attorney, and the required notice  
3707 shall be published in a newspaper published in the City of  
3708 Jackson, Mississippi.

3709 (13) Any bonds or interim notes issued under the provisions  
3710 of this chapter, a transaction relating to the sale or securing of  
3711 such bonds or interim notes, their transfer and the income  
3712 therefrom shall at all times be free from taxation by the state or  
3713 any local unit or political subdivision or other instrumentality  
3714 of the state, excepting inheritance and gift taxes.

3715 (14) All bonds issued under this chapter shall be legal  
3716 investments for trustees, other fiduciaries, savings banks, trust  
3717 companies and insurance companies organized under the laws of the  
3718 State of Mississippi; and such bonds shall be legal securities  
3719 which may be deposited with and shall be received by all public  
3720 officers and bodies of the state and all municipalities and other  
3721 political subdivisions thereof for the purpose of securing the  
3722 deposit of public funds.

3723 (15) The Attorney General of the State of Mississippi shall  
3724 represent the State Bond Commission in issuing, selling and  
3725 validating bonds herein provided for, and the bond commission is  
3726 hereby authorized and empowered to expend from the proceeds  
3727 derived from the sale of the bonds authorized hereunder all  
3728 necessary administrative, legal and other expenses incidental and

3729 related to the issuance of bonds authorized under this chapter.

3730       (16) There is hereby created a special fund in the State  
3731 Treasury to be known as the Mississippi Major Economic Impact  
3732 Authority Fund wherein shall be deposited the proceeds of the  
3733 bonds issued under this chapter and all monies received by the  
3734 authority to carry out the purposes of this chapter. Expenditures  
3735 authorized herein shall be paid by the State Treasurer upon  
3736 warrants drawn from the fund, and the Department of Finance and  
3737 Administration shall issue warrants upon requisitions signed by  
3738 the director of the authority.

3739       (17) (a) There is hereby created the Mississippi Economic  
3740 Impact Authority Sinking Fund from which the principal of and  
3741 interest on such bonds shall be paid by appropriation. All monies  
3742 paid into the sinking fund not appropriated to pay accruing bonds  
3743 and interest shall be invested by the State Treasurer in such  
3744 securities as are provided by law for the investment of the  
3745 sinking funds of the state.

3746       (b) In the event that all or any part of the bonds and  
3747 notes are purchased, they shall be canceled and returned to the  
3748 loan and transfer agent as canceled and paid bonds and notes and  
3749 thereafter all payments of interest thereon shall cease and the  
3750 canceled bonds, notes and coupons, together with any other  
3751 canceled bonds, notes and coupons, shall be destroyed as promptly  
3752 as possible after cancellation but not later than two (2) years  
3753 after cancellation. A certificate evidencing the destruction of  
3754 the canceled bonds, notes and coupons shall be provided by the  
3755 loan and transfer agent to the seller.

3756       (c) The State Treasurer shall determine and report to  
3757 the Department of Finance and Administration and Legislative  
3758 Budget Office by September 1 of each year the amount of money  
3759 necessary for the payment of the principal of and interest on  
3760 outstanding obligations for the following fiscal year and the  
3761 times and amounts of the payments. It shall be the duty of the

3762 Governor to include in every executive budget submitted to the  
3763 Legislature full information relating to the issuance of bonds and  
3764 notes under the provisions of this chapter and the status of the  
3765 sinking fund for the payment of the principal of and interest on  
3766 the bonds and notes.

3767 SECTION 79. Section 27-13-5, Mississippi Code of 1972, is  
3768 amended as follows:[CR24]

3769 27-13-5. (1) Franchise tax levy. Except as otherwise  
3770 provided in subsections (3) and (4) of this section, there is  
3771 hereby imposed, to be paid and collected as hereinafter provided,  
3772 a franchise or excise tax upon every corporation, association or  
3773 joint stock company or partnership treated as a corporation under  
3774 the income tax laws or regulations, organized or created for  
3775 pecuniary gain, having privileges not possessed by individuals,  
3776 and having authorized capital stock now existing in this state, or  
3777 hereafter organized, created or established, under and by virtue  
3778 of the laws of the State of Mississippi, equal to Two Dollars and  
3779 Fifty Cents (\$2.50) for each One Thousand Dollars (\$1,000.00), or  
3780 fraction thereof, of the value of the capital used, invested or  
3781 employed in the exercise of any power, privilege or right enjoyed  
3782 by such organization within this state, except as hereinafter  
3783 provided. In no case shall the franchise tax due for the  
3784 accounting period be less than Twenty-five Dollars (\$25.00). It  
3785 is the purpose of this section to require the payment to the State  
3786 of Mississippi of this tax for the right granted by the laws of  
3787 this state to exist as such organization, and to enjoy, under the  
3788 protection of the laws of this state, the powers, rights,  
3789 privileges and immunities derived from the state by the form of  
3790 such existence.

3791 (2) Annual report of domestic corporations. Each domestic  
3792 corporation shall file, within the time prescribed by Section  
3793 79-3-251, an annual report as required by the provisions of  
3794 Section 79-3-249.

3795       (3) A corporation that has negotiated a fee-in-lieu as  
3796 defined in Section 57-75-5 shall not be subject to the tax levied  
3797 by this section; provided, however, that the fee-in-lieu payment  
3798 shall be otherwise treated in the same manner as the payment of  
3799 franchise taxes.

3800       (4) An approved business enterprise as defined in Sections  
3801 29 through 34 of Senate Bill No. 2001, 2000 Second Extraordinary  
3802 Session shall not be subject to the tax levied by this section on  
3803 the value of capital used, invested or employed by the approved  
3804 business enterprise in a growth and prosperity county as provided  
3805 in Sections 29 through 34 of Senate Bill No. 2001, 2000 Second  
3806 Extraordinary Session.

3807       SECTION 80. Section 27-13-7, Mississippi Code of 1972, is  
3808 amended as follows:[CR25]

3809       27-13-7. (1) Franchise tax levy. Except as otherwise  
3810 provided in subsections (3) and (4) of this section, there is  
3811 hereby imposed, levied and assessed upon every corporation,  
3812 association or joint stock company, or partnership treated as a  
3813 corporation under the Income Tax Laws or regulations as  
3814 hereinbefore defined, organized and existing under and by virtue  
3815 of the laws of some other state, territory or country, or  
3816 organized and existing without any specific statutory authority,  
3817 now or hereafter doing business or exercising any power, privilege  
3818 or right within this state, as hereinbefore defined, a franchise  
3819 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each  
3820 One Thousand Dollars (\$1,000.00), or fraction thereof, of the  
3821 value of capital used, invested or employed within this state,  
3822 except as hereinafter provided. In no case shall the franchise  
3823 tax due for the accounting period be less than Twenty-five Dollars  
3824 (\$25.00). It is the purpose of this section to require the  
3825 payment of a tax by all organizations not organized under the laws  
3826 of this state, measured by the amount of capital or its  
3827 equivalent, for which such organization receives the benefit and

protection of the government and laws of the state.

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

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

(4) An approved business enterprise as defined in Sections 29 through 34 of Senate Bill No. 2001, 2000 Second Extraordinary Session, shall not be subject to the tax levied by this section on the value of capital used, invested or employed by the approved business enterprise in a growth and prosperity county as provided in Sections 29 through 34 of Senate Bill No. 2001, 2000 Second Extraordinary Session.

SECTION 81. Section 27-65-101, Mississippi Code of 1972, is amended as follows:[CR26]

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

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

3861           (a) Sales of boxes, crates, cartons, cans, bottles and  
3862 other packaging materials to manufacturers and wholesalers for use  
3863 as containers or shipping materials to accompany goods sold by  
3864 said manufacturers or wholesalers where possession thereof will  
3865 pass to the customer at the time of sale of the goods contained  
3866 therein and sales to anyone of containers or shipping materials  
3867 for use in ships engaged in international commerce.

3868           (b) Sales of raw materials, catalysts, processing  
3869 chemicals, welding gases or other industrial processing gases  
3870 (except natural gas) to a manufacturer for use directly in  
3871 manufacturing or processing a product for sale or rental or  
3872 repairing or reconditioning vessels or barges of fifty (50) tons  
3873 load displacement and over. This exemption shall not apply to any  
3874 property used as fuel except to the extent that such fuel  
3875 comprises by-products which have no market value.

3876           (c) The gross proceeds of sales of dry docks, offshore  
3877 drilling equipment for use in oil exploitation or production,  
3878 vessels or barges of fifty (50) tons load displacement and over,  
3879 when sold by the manufacturer or builder thereof.

3880           (d) Sales to commercial fishermen of commercial fishing  
3881 boats of over five (5) tons load displacement and not more than  
3882 fifty (50) tons load displacement as registered with the United  
3883 States Coast Guard and licensed by the Mississippi Commission on  
3884 Marine Resources.

3885           (e) The gross income from repairs to vessels and barges  
3886 engaged in foreign trade or interstate transportation.

3887           (f) Sales of petroleum products to vessels or barges  
3888 for consumption in marine international commerce or interstate  
3889 transportation businesses.

3890           (g) Sales and rentals of rail rolling stock (and  
3891 component parts thereof) for ultimate use in interstate commerce  
3892 and gross income from services with respect to manufacturing,  
3893 repairing, cleaning, altering, reconditioning or improving such

3894 rail rolling stock (and component parts thereof).

3895           (h) Sales of raw materials, catalysts, processing  
3896 chemicals, welding gases or other industrial processing gases  
3897 (except natural gas) used or consumed directly in manufacturing,  
3898 repairing, cleaning, altering, reconditioning or improving such  
3899 rail rolling stock (and component parts thereof). This exemption  
3900 shall not apply to any property used as fuel.

3901           (i) Machinery or tools or repair parts therefor or  
3902 replacements thereof, fuel or supplies used directly in  
3903 manufacturing, converting or repairing ships of three thousand  
3904 (3,000) tons load displacement and over, but not to include office  
3905 and plant supplies or other equipment not directly used on the  
3906 ship being built, converted or repaired.

3907           (j) Sales of tangible personal property to persons  
3908 operating ships in international commerce for use or consumption  
3909 on board such ships. This exemption shall be limited to cases in  
3910 which procedures satisfactory to the commissioner, ensuring  
3911 against use in this state other than on such ships, are  
3912 established.

3913           (k) Sales of materials used in the construction of a  
3914 building, or any addition or improvement thereon, and sales of any  
3915 machinery and equipment not later than three (3) months after the  
3916 completion of construction of the building, or any addition  
3917 thereon, to be used therein, to qualified businesses, as defined  
3918 in Section 57-51-5, which are located in a county or portion  
3919 thereof designated as an enterprise zone pursuant to Sections  
3920 57-51-1 through 57-51-15.

3921           (l) Sales of materials used in the construction of a  
3922 building, or any addition or improvement thereon, and sales of any  
3923 machinery and equipment not later than three (3) months after the  
3924 completion of construction of the building, or any addition  
3925 thereon, to be used therein, to qualified businesses, as defined  
3926 in Section 57-54-5.

3927                   (m) Income from storage and handling of perishable  
3928 goods by a public storage warehouse.

3929                   (n) The value of natural gas lawfully injected into the  
3930 earth for cycling, repressuring or lifting of oil, or lawfully  
3931 vented or flared in connection with the production of oil;  
3932 however, if any gas so injected into the earth is sold for such  
3933 purposes, then the gas so sold shall not be exempt.

3934                   (o) The gross collections from self-service commercial  
3935 laundering, drying, cleaning and pressing equipment.

3936                   (p) Sales of materials used in the construction of a  
3937 building, or any addition or improvement thereon, and sales of any  
3938 machinery and equipment not later than three (3) months after the  
3939 completion of construction of the building, or any addition  
3940 thereon, to be used therein, to qualified companies, certified as  
3941 such by the Mississippi Development Authority under Section  
3942 57-53-1.

3943                   (q) Sales of component materials used in the  
3944 construction of a building, or any addition or improvement  
3945 thereon, sales of machinery and equipment to be used therein, and  
3946 sales of manufacturing or processing machinery and equipment which  
3947 is permanently attached to the ground or to a permanent foundation  
3948 and which is not by its nature intended to be housed within a  
3949 building structure, not later than three (3) months after the  
3950 initial start-up date, to permanent business enterprises engaging  
3951 in manufacturing or processing in Tier Three areas (as such term  
3952 is defined in Section 57-73-21), which businesses are certified by  
3953 the State Tax Commission as being eligible for the exemption  
3954 granted in this paragraph (q).

3955                   (r) Sales of component materials used in the  
3956 construction of a building, or any addition or improvement  
3957 thereon, and sales of any machinery and equipment not later than  
3958 three (3) months after the completion of the building, addition or  
3959 improvement thereon, to be used therein, for any company

3960 establishing or transferring its national or regional headquarters  
3961 from within or outside the State of Mississippi and creating a  
3962 minimum of thirty-five (35) jobs at the new headquarters in this  
3963 state. The Tax Commission shall establish criteria and prescribe  
3964 procedures to determine if a company qualifies as a national or  
3965 regional headquarters for the purpose of receiving the exemption  
3966 provided in this paragraph.

3967           (s) The gross proceeds from the sale of semitrailers,  
3968 trailers, boats, travel trailers, motorcycles and all-terrain  
3969 cycles if exported from this state within forty-eight (48) hours  
3970 and registered and first used in another state.

3971           (t) Gross income from the storage and handling of  
3972 natural gas in underground salt domes and in other underground  
3973 reservoirs, caverns, structures and formations suitable for such  
3974 storage.

3975           (u) Sales of machinery and equipment to nonprofit  
3976 organizations if the organization: (i) is tax-exempt pursuant to  
3977 Section 501(c)(4) of the Internal Revenue Code of 1986, as  
3978 amended; (ii) assists in the implementation of the national  
3979 contingency plan or area contingency plan, and which is created in  
3980 response to the requirements of Title IV, Subtitle B of the Oil  
3981 Pollution Act of 1990, P.L. 101-380; and (iii) engages primarily  
3982 in programs to contain, clean up and otherwise mitigate spills of  
3983 oil or other substances occurring in the United States coastal and  
3984 tidal waters. For purposes of this exemption, "machinery and  
3985 equipment" means any ocean-going vessels, barges, booms, skimmers  
3986 and other capital equipment used primarily in the operations of  
3987 nonprofit organizations referred to herein.

3988           (v) Sales of component materials and equipment to  
3989 approved business enterprises as provided under Sections 29  
3990 through 34 of Senate Bill No. 2001, 2000 Second Extraordinary  
3991 Session.

3992           (2) Sales of component materials used in the construction of

3993 a building, or any addition or improvement thereon, sales of  
3994 machinery and equipment to be used therein, and sales of  
3995 manufacturing or processing machinery and equipment which is  
3996 permanently attached to the ground or to a permanent foundation  
3997 and which is not by its nature intended to be housed within a  
3998 building structure, not later than three (3) months after the  
3999 initial start-up date, to permanent business enterprises engaging  
4000 in manufacturing or processing in Tier Two areas and Tier One  
4001 areas (as such areas are designated in accordance with Section  
4002 57-73-21), which businesses are certified by the State Tax  
4003 Commission as being eligible for the exemption granted in this  
4004 paragraph, shall be exempt from one-half (1/2) of the taxes  
4005 imposed on such transactions under this chapter.

4006 SECTION 82. The Attorney General of the State of Mississippi  
4007 shall submit Section 11 and Sections 35 through 67 of this act,  
4008 immediately upon approval by the Governor, or upon approval by the  
4009 Legislature subsequent to a veto, to the Attorney General of the  
4010 United States or to the United States District Court for the  
4011 District of Columbia in accordance with the provisions of the  
4012 Voting Rights Act of 1965, as amended and extended.

4013 SECTION 83. Section 11 and Sections 35 through 67 of this  
4014 act shall take effect and be in force from and after the date it  
4015 is effectuated under Section 5 of the Voting Rights Act of 1965,  
4016 as amended and extended. The remainder of this act shall take  
4017 effect and be in force from and after its passage.