

By: Senator(s) Chaney

To: Finance

SENATE BILL NO. 2731

1 AN ACT TO AMEND SECTION 57-1-52, MISSISSIPPI CODE OF 1972, TO
 2 CREATE THE MISSISSIPPI DEVELOPMENT COUNCIL TO PROVIDE THE POLICY
 3 DIRECTION FOR THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO PROVIDE
 4 FOR THE MEMBERSHIP AND APPOINTMENT OF THE COUNCIL; TO PROVIDE THAT
 5 THE EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE COUNCIL WITH THE
 6 ADVICE AND CONSENT OF THE SENATE; TO AMEND SECTION 57-1-5,
 7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE EXECUTIVE DIRECTOR
 8 SHALL SERVE AS SECRETARY AND EXECUTIVE OFFICER TO THE COUNCIL AND
 9 SHALL BE VESTED WITH ALL THE AUTHORITY OF THE COUNCIL WHEN IT IS
 10 NOT IN SESSION; TO PROVIDE THAT THE EXECUTIVE DIRECTOR SHALL BE
 11 RESPONSIBLE TO THE COUNCIL FOR THE PROPER ADMINISTRATION OF ALL
 12 PROGRAMS UNDER THE JURISDICTION OF THE COUNCIL; TO AMEND SECTIONS
 13 25-3-31, 43-35-504, 57-1-2, 57-1-7, 57-1-11, 57-1-13, 57-1-17,
 14 57-1-19, 57-1-21, 57-1-25, 57-1-27, 57-1-29, 57-1-33, 57-1-45,
 15 57-1-54, 57-57-5 AND 54-61-5, MISSISSIPPI CODE OF 1972, IN
 16 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 57-1-52, Mississippi Code of 1972, is
 19 amended as follows:

20 57-1-52. (1) There is hereby created the Mississippi
 21 Development Authority, whose principal offices shall be located in
 22 Jackson, Mississippi which shall be under the policy direction of
 23 the Mississippi Development Council created in subsection (2) of
 24 this section.

25 (2) (a) There is created the Mississippi Development
 26 Council, which shall consist of nine (9) members, with six (6)
 27 members appointed by the Governor and three (3) members appointed
 28 by the Lieutenant Governor. All initial and subsequent
 29 appointments to the council shall be with the advice and consent
 30 of the Senate.

31 (b) Of the Governor's appointments, one (1) member of
 32 the council shall be appointed from each of the four (4)
 33 congressional districts as constituted on July 1, 2002, and two
 34 (2) members of the council shall be appointed from the state at



35 large. Of the Lieutenant Governor's appointments, one (1) member
36 of the council shall be appointed from each of the three (3)
37 Supreme Court districts as constituted on July 1, 2002.

38 (c) The initial members of the council shall be
39 appointed for staggered terms, as follows: Of the Governor's
40 appointments, two (2) members shall be appointed for terms that
41 end on June 30, 2003; one (1) member shall be appointed for a term
42 that ends on June 30, 2004; two (2) members shall be appointed for
43 terms that end on June 30, 2005; and one (1) member shall be
44 appointed for a term that ends on June 30, 2006. Of the
45 Lieutenant Governor's appointments, one (1) member shall be
46 appointed for a term that ends on June 30, 2004; one (1) member
47 shall be appointed for a term that ends on June 30, 2005; and one
48 (1) member shall be appointed for a term that ends on June 30,
49 2006. All subsequent appointments to the council shall be made by
50 the original appointing officer for terms of four (4) years from
51 the expiration date of the previous term. No person shall be
52 appointed to the council for more than two (2) consecutive terms.

53 (d) Any vacancy on the council before the expiration of
54 a term shall be filled by appointment of the original appointing
55 officer, with the advice and consent of the Senate. The person
56 appointed to fill the vacancy shall serve for the remainder of the
57 unexpired term.

58 (e) The members of the council shall elect one (1)
59 member to serve as chairman of the council at the first meeting.
60 The council shall elect a chairman once every two (2) years, and
61 any person who has previously served as chairman may be reelected
62 as chairman.

63 (f) Five (5) members of the council shall constitute a
64 quorum for the transaction of any business of the council. The
65 council shall hold regular monthly meetings, and other meetings as
66 may be necessary for the purpose of conducting such business as
67 may be required. All meetings shall be called by the chairman or



68 by a majority of the members of the council, except the first
69 meeting, which shall be called by the Governor. Any member who
70 does not attend three (3) consecutive regular meetings of the
71 council, except for illness, shall be subject to removal by a
72 majority vote of the members of the council.

73 (g) Members of the council shall receive the per diem
74 authorized under Section 25-3-69 for each day actually engaged in
75 the discharge of their official duties, and shall receive
76 reimbursement for mileage and necessary travel expenses incurred,
77 as provided in Section 25-3-41.

78 (3) The Mississippi Development Authority shall be organized
79 into the following offices:

- 80 (a) Office of Economic Development;
- 81 (b) Office of Community Development;
- 82 (c) Office of Support Services.

83 (4) The authority shall be headed by an executive director,
84 who shall be appointed by and serve at the pleasure of the
85 council. The appointment of the executive director shall be made
86 with the advice and consent of the Senate. The executive
87 director, with the approval of the council, may assign to the
88 appropriate offices such powers and duties as deemed appropriate
89 to carry out the authority's lawful functions.

90 (5) The executive director, with the approval of the
91 council, shall appoint heads of offices, who shall serve at the
92 pleasure of the executive director. The executive director, with
93 the approval of the council, shall have the authority to organize
94 the offices established by subsection (2) of this section as
95 deemed appropriate to carry out the responsibilities of the
96 authority. The organization charts of the authority shall be
97 presented annually with the budget request of the authority for
98 review by the Legislature.

99 **SECTION 2.** Section 57-1-5, Mississippi Code of 1972, is
100 amended as follows:



101 57-1-5. (1) The council shall, with the advice and consent
102 of the Senate, appoint an executive director who:

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

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

107 (i) Industrial development, or

108 (ii) Economic development.

109 (2) The executive director shall serve as secretary and
110 executive officer of the council and shall be the executive
111 officer of the authority in the execution of any and all
112 provisions of this chapter. The executive director shall be
113 vested with all the authority of the council when it is not in
114 session, and shall be subject to such rules and regulations as may
115 be prescribed by the council. The executive director shall be
116 responsible to the council for the proper administration of all
117 programs under the jurisdiction of the authority. The salary of
118 the executive director shall be fixed by the council not to exceed
119 any maximum amount set by the Legislature.

120 (3) The executive director shall, with the approval of the
121 council, have the following powers and duties:

122 (a) To formulate the policy of the authority regarding
123 the economic and tourist development of the state.

124 (b) To use and expend any funds from state, federal or
125 private sources coming into the authority for the purposes herein
126 provided. State funds appropriated for the authority shall be
127 expended in accordance with the regulations governing the
128 expenditures of other state funds.

129 (c) To implement the duties assigned to the authority
130 and consistent with specific requirements of law, including but
131 not limited to:



132 (i) Support services to include legal, finance,
133 data processing, personnel, communications and advertising,
134 purchasing and accounting;

135 (ii) Research and planning;

136 (iii) Outreach, agency liaison and community
137 development;

138 (iv) Tourism, business travel, and film;

139 (v) Programs and assistance for existing state
140 business and industry;

141 (vi) Recruiting new business and industry into the
142 state;

143 (vii) Fostering and promoting of entrepreneurship
144 and the creation of new business in the state;

145 (viii) Programs aimed at competing effectively in
146 the international economy by increasing exports of state products
147 and services and by promoting, developing and creating the
148 conditions and programs that will bring about significant
149 increases in investment in the state from other countries;

150 (ix) Programs relating to the development of
151 ports;

152 (x) Such other areas as are within the
153 jurisdiction and authority of the authority and will foster and
154 promote the economic development of this state;

155 (xi) Salaries of the associate directors, deputy
156 directors and bureau directors may be set by the executive
157 director of the authority. The positions of associate directors,
158 deputy directors and bureau directors shall not be state service
159 positions.

160 **SECTION 3.** Section 25-3-39, Mississippi Code of 1972, is
161 amended as follows:

162 25-3-39. (1) No public officer, public employee,
163 administrator, or executive head of any arm or agency of the
164 state, in the executive branch of government, shall be paid a



165 salary or compensation, directly or indirectly, in excess of the
166 salary fixed in Section 25-3-31 for the Governor. All academic
167 officials, members of the teaching staffs and employees of the
168 state institutions of higher learning, the State Board for
169 Community and Junior Colleges, and community and junior colleges,
170 and licensed physicians who are public employees, shall be exempt
171 from this subsection. In addition, the Executive Director of the
172 Mississippi Development Authority and the Chief of Staff of the
173 Governor's Office shall be exempt from this subsection. The
174 Governor shall fix the annual salary of the * * * Chief of Staff
175 of the Governor's Office, which salary shall be completely paid by
176 the state and may not be supplemented with any funds from any
177 source, including federal or private funds. Provided, however,
178 that the salary of the Executive Director of the Mississippi
179 Development Authority and the Governor's Chief of Staff shall not
180 be greater than fifty percent (50%) in excess of the salary of the
181 Governor.

182 (2) No public officer, employee or administrator shall be
183 paid a salary or compensation, directly or indirectly, in excess
184 of the salary of the executive head of the state agency or
185 department in which he is employed. The State Personnel Board,
186 based upon its findings of fact, may exempt physicians and
187 actuaries from this subsection when the acquisition of such
188 professional services is precluded based on the prevailing wage in
189 the relevant labor market.

190 **SECTION 4.** Section 43-35-504, Mississippi Code of 1972, is
191 amended as follows:

192 43-35-504. (1) (a) Except as provided in subsection (2) of
193 this section, the Executive Director of the Mississippi
194 Development Authority shall not award a community development
195 block grant to any county or municipality for the purpose of
196 making improvements, including expansions, rehabilitation or
197 repair, to an existing public water system, unless that system is



198 determined to be viable. The Mississippi Development Authority
199 may require any applicant for which a determination of viability
200 is required under this section to submit information deemed
201 necessary by the executive director for that determination. A
202 preliminary determination of viability shall be made by the
203 Executive Director of the Mississippi Development Authority
204 following receipt of a written recommendation on viability from
205 the State Health Officer and the Executive Director of the Public
206 Utilities Staff. The recommendation of the State Health Officer
207 and the Executive Director of the Public Utilities Staff shall be
208 based on information received from the Mississippi Development
209 Authority and any other information available to the State
210 Department of Health or Public Utilities Staff, as applicable.
211 The State Department of Health and the Public Utilities Staff
212 shall assist the Mississippi Development Authority in developing
213 appropriate forms as required for implementation of this section.

214 (b) Within five (5) days following a preliminary
215 determination that a public water system is not viable by the
216 Executive Director of the Mississippi Development Authority, the
217 executive director shall provide written notice by certified mail,
218 return receipt requested, to the owner or president of the board
219 of the system and the governing authority of the applicant. The
220 notice shall contain the reasons for the determination of
221 nonviability. The owner or president of the board of the system
222 may appeal the preliminary determination to the * * * Mississippi
223 Development Council, which shall make a final determination.

224 (2) The Executive Director of the Mississippi Development
225 Authority may award a community development block grant to any
226 county or municipality for the purpose of making improvements,
227 including expansions, rehabilitation or repair, to an existing
228 public water system, if after receipt of a written recommendation
229 from the State Health Officer and the Executive Director of the
230 Public Utilities Staff, the Executive Director of the Mississippi



231 Development Authority makes a final determination that the public
232 water system may become viable as the result of the grant award.
233 The Executive Director of the Mississippi Development Authority
234 may also award a grant if an extreme emergency exists. In making
235 a grant award, the Executive Director of the Mississippi
236 Development Authority may impose any conditions on the grant
237 deemed necessary after consultation with the State Health Officer
238 and the Executive Director of the Public Utilities Staff,
239 including, but not limited to, interconnection with another
240 existing system or satellite or contract management.

241 (3) This section shall be repealed from and after July 1,
242 2002.

243 **SECTION 5.** Section 57-1-2, Mississippi Code of 1972, is
244 amended as follows:

245 57-1-2. For the purposes of this chapter, the following
246 words shall have the meanings ascribed herein, unless the context
247 otherwise requires:

248 (a) "Department" means the Mississippi Development
249 Authority.

250 (b) "Office" means an administrative subdivision of the
251 authority.

252 (c) "Executive director" means the executive officer of
253 the authority.

254 (d) "Agricultural and Industrial Board," "Department of
255 Economic Development," "Board of Economic Development,"
256 "Department of Economic and Community Development" and
257 "Mississippi Department of Economic and Community Development"
258 wherever they appear in the laws of the State of Mississippi,
259 means the "Mississippi Development Authority," operating through
260 its executive director.

261 (e) "Authority" means Mississippi Development
262 Authority.

263 (f) "Council" means Mississippi Development Council.



264 **SECTION 6.** Section 57-1-7, Mississippi Code of 1972, is
265 amended as follows:

266 57-1-7. The authority may carry on each motor vehicle of the
267 authority property damage insurance and uninsured and underinsured
268 motorists coverage for any physical damage which is sustained by
269 such motor vehicles while such motor vehicles are being operated
270 by a duly authorized authority employee in the performance of his
271 official duties. The coverage authorized in this section shall be
272 purchased in a policy or policies written by the agent or agents
273 of an insurance company authorized to do, and doing business, in
274 this state, and the amount of coverage purchased shall be
275 determined by the executive director. Premiums on such policies
276 shall be paid as are other expenses of the authority.

277 **SECTION 7.** Section 57-1-11, Mississippi Code of 1972, is
278 amended as follows:

279 57-1-11. The executive director, with the approval of the
280 council, is hereby authorized and empowered to promulgate and put
281 into effect all reasonable rules and regulations that he may deem
282 necessary to carry out the provisions of Sections 57-1-1 through
283 57-1-51, not inconsistent herewith.

284 **SECTION 8.** Section 57-1-13, Mississippi Code of 1972, is
285 amended as follows:

286 57-1-13. It shall be the duty of the executive director,
287 with the approval of the council, to prepare and perfect plans for
288 the advertisement and development of the state in such manner and
289 through such means as he may deem proper and within such
290 appropriations as shall be made for expenditure.

291 **SECTION 9.** Section 57-1-17, Mississippi Code of 1972, is
292 amended as follows:

293 57-1-17. It shall be the duty of the executive director and
294 he is hereby authorized to prepare and execute, with the approval
295 of the council, a program of publicity and advertising that will
296 bring into favorable notice the industrial, commercial,



297 recreational, educational and social advantages, opportunities,
298 possibilities, resources, farm and dairy products, and facilities
299 of the state, and in the preparation and execution of such program
300 he may use any funds which may be appropriated or otherwise made
301 available for the purpose of carrying out the provisions of
302 Sections 57-1-1 through 57-1-51. The authority may erect, equip,
303 maintain and operate a research laboratory for the purpose of
304 finding new and additional uses for Mississippi products and is
305 authorized and empowered to receive, use and expend any funds from
306 state, federal or private sources which it may receive for that
307 purpose.

308 **SECTION 10.** Section 57-1-19, Mississippi Code of 1972, is
309 amended as follows:

310 57-1-19. The authority is charged with the duty of making
311 effective the declared public policy of the state and
312 municipalities as hereinabove set forth, and for that purpose is
313 hereby authorized and empowered to determine whether the public
314 convenience and necessity require that any municipality shall have
315 the right to acquire lands, and thereon to erect enterprises, and
316 expansions thereof and thereto, conditioned, however, that the
317 municipality, if so required by the authority, shall take security
318 upon the existing building or buildings at the time of entering
319 into contract for the expansion of existing buildings and
320 facilities, and to operate them and to dispose of or rent, let or
321 lease such lands and enterprises. Each municipality within this
322 state shall have the right to apply to the council for a
323 certificate of public convenience and necessity as to whether the
324 general welfare requires that such municipality enter into a given
325 enterprise. In determining whether such certificate shall be
326 issued, the council may hold public hearings or private hearings,
327 make such investigations as it may consider necessary; and it
328 shall have power to summon witnesses, administer oaths, hear
329 testimony and make a record of all things had and done at such



330 hearing or investigation, and may issue such certificates of
331 convenience and necessity as he deems advisable.

332 **SECTION 11.** Section 57-1-21, Mississippi Code of 1972, is
333 amended as follows:

334 57-1-21. The council shall investigate, find and determine
335 upon application of any municipality therefor, as to whether a
336 certificate of public convenience and necessity shall be issued to
337 such municipality to engage in any of the enterprises deemed
338 essential under the above declared public policy for the economic
339 development and advancement of such municipality; and in
340 considering and determining whether or not such certificate shall
341 issue, the council shall find and determine affirmatively the
342 following:

343 (a) That there are sufficient natural resources readily
344 and economically available for the operation of the particular
345 enterprise for at least ten (10) years, but in no event less than
346 the period of time for which any bonds may be issued for acquiring
347 or constructing such enterprise.

348 (b) That there is available a labor supply to furnish
349 at least one and one-half workers between the ages of eighteen
350 (18) and fifty (50) for each operative job in such enterprise
351 within an area of twenty-five (25) miles from the proposed
352 location.

353 (c) That there are adequate property values and
354 suitable financial conditions so that the total bonded
355 indebtedness of the municipality, solely for the purposes
356 authorized by Sections 57-1-1 through 57-1-51, shall not exceed
357 twenty percent (20%) of the total assessed valuation of all the
358 property in the municipality.

359 When the council has determined the foregoing facts
360 favorably, it is authorized and empowered, having due regard to
361 the promotion of the public policy and the general welfare herein
362 declared, to issue or refuse to issue a certificate of public



363 convenience and necessity to the municipality to engage in such
364 enterprise. If and when such certificate is issued, it shall
365 authorize the particular municipality to acquire, to own, to
366 operate, to sell, to convey, to let, to lease or to rent the
367 particular enterprise found suited to the general welfare of that
368 municipality; but the certificate shall expire in twelve (12)
369 months from its date unless within that time such enterprise shall
370 have been established, subject, however, to any delays
371 necessitated by any legislation or acts of God, delaying the
372 establishment of the enterprise. In no event shall the council
373 authorize any municipality actually to operate any enterprise,
374 unless it shall further find and determine that the enterprise is
375 well conceived, has a reasonable prospect of success, will provide
376 proper economic development and employment, will add materially to
377 the general welfare of the municipality, and will not become a
378 burden upon the taxpayers of the municipality.

379 If and when a certificate is issued, the council therein
380 shall fix and determine: (a) the extent and the amount to which
381 the municipality may issue bonds or make expenditures for such
382 enterprise; (b) what property may be acquired therefor; (c) the
383 terms upon which such acquisition may be had; (d) what
384 expenditures may be made, and the construction of buildings, and
385 of equipment with its installation; and (e) the method of
386 operation of the enterprise by the municipality. If the governing
387 board of the municipality fails or refuses to follow the
388 requirements made by the council in the certificate, then the
389 members of the governing board of the municipality voting for such
390 failure or refusal shall be individually and personally liable,
391 and liable upon their official bonds for any loss that the
392 municipality may sustain by reason of such failure or refusal to
393 follow the requirements, and in addition may be compelled by
394 injunction to comply with such requirements.

395 * * *



396 **SECTION 12.** Section 57-1-25, Mississippi Code of 1972, is
397 amended as follows:

398 57-1-25. The governing board of any municipality desiring to
399 enter into the plan herein authorized, after receiving a
400 certificate of public convenience and necessity from the council,
401 as provided by Sections 57-1-19 and 57-1-21, by resolution spread
402 upon its minutes, shall declare its intention of entering into
403 such plan, and shall call an election to be held in the manner now
404 provided by law for holding county or municipal elections, and
405 shall fix in such resolution a date upon which such an election
406 shall be held in the municipality, of which not less than three
407 (3) weeks' notice shall be given by the clerk of such board, by a
408 notice in a newspaper published in the municipality once each week
409 for three (3) consecutive weeks preceding the same, or if no
410 newspaper is published in the municipality, then by posting a
411 notice for three (3) weeks preceding the election at three (3)
412 public places in the municipality. At such election, all
413 qualified electors of the municipality may vote, and the ballots
414 used shall have printed thereon a brief statement of the purpose
415 of the board to enter into the plan hereby authorized and to issue
416 bonds therefor or to expend other municipal funds available
417 together with the words "For the Proposed Enterprise," and the
418 words "Against the Proposed Enterprise," and the voter shall vote
419 by placing a cross (X) opposite his choice of the proposition.
420 Should the election provided for herein result in favor of the
421 proposed plan and bond issue or expenditure by at least sixty
422 percent (60%) of those voting in favor of the plan, provided that
423 the total number of votes cast in the election shall be not less
424 than thirty percent (30%) of the qualified electors of the
425 territory included in the proposal, then the governing board may
426 proceed to exercise the authority granted under the provisions of
427 Sections 57-1-1 through 57-1-51 within three (3) years after the
428 date of such election or within three (3) years after final,



429 favorable determination of any litigation affecting the industrial
430 plan or bond issue. If such election results unfavorably to the
431 proposition, then no second or other election shall be ordered or
432 held until the board shall determine that such election may be
433 held.

434 Where the separate supervisors' district or districts of a
435 county indicate a desire to enter into the plan herein authorized,
436 but not to affect the remainder of the county, then the board of
437 supervisors shall direct the holding of such election only in the
438 supervisors' district or districts affected, and the board of
439 supervisors is hereby authorized to carry out the provisions of
440 Sections 57-1-1 through 57-1-51 for such separate supervisors'
441 district or districts.

442 In the event the proposal to be voted on at the election
443 required herein includes bonds to be issued covering a
444 supervisors' district or districts, but not the entire county,
445 includes a town or city of a population of more than five hundred,
446 (500) as well as territory outside the corporate limits of such
447 town or city and the proposed enterprise is to be located in such
448 town or city or within one (1) mile of the corporate limits
449 thereof, the qualified electors voting in the election residing
450 outside the corporate limits of the town or city shall vote
451 separately from those residing in such town or city.

452 All qualified electors shall vote at their usual voting
453 places and in event the usual voting place of electors residing
454 outside the corporate limits of such town or city is in such town
455 or city, such elector shall vote in a separate ballot box provided
456 for the purpose, and the officers holding the election shall make
457 separate returns of the results of the vote of those residing
458 within the town or city and those residing outside such town or
459 city.

460 Unless sixty percent (60%) of the qualified electors residing
461 in such town or city voting in the election and sixty percent



462 (60%) of the qualified electors residing outside such town or city
463 voting in such election shall vote for the proposed bond issue,
464 computed and declared separately, the proposed bond issue shall be
465 declared as disapproved.

466 It shall be the duty of the county election commissioners to
467 provide necessary ballot boxes, separate voting lists containing
468 the names of electors residing within and without the corporate
469 limits of towns and cities when such is required by the proposal
470 submitted, and records for the conduct of the election in
471 accordance with the requirements of this section.

472 And in event the proposal to be voted on at the election
473 required by this section includes bonds to be issued covering the
474 entire county and the proposed industry is to be located in a town
475 or city or within one (1) mile of the corporate limits thereof,
476 the qualified electors voting in the election residing outside the
477 corporate limits of the city or town, and whose regular voting
478 place is within the corporate limits of the city or town, shall
479 vote separately from those residing in such city or town, in
480 separate ballot boxes to be provided for such purposes, and the
481 votes so cast shall be counted separately.

482 At the election, unless sixty percent (60%) of the qualified
483 electors voting in the election and residing within the corporate
484 limits of the city or town in which the proposed enterprise is to
485 be located, or the town or city within one (1) mile of the
486 proposed location of the enterprise shall vote for the proposed
487 bond issue and sixty percent (60%) of all the other qualified
488 electors of the county voting in the election shall vote for the
489 proposed bond issue, computed and declared separately, the
490 proposed bond issue shall be declared as disapproved. All
491 qualified electors voting in such election shall vote at their
492 usual voting precincts, and the county election commissioners
493 shall provide necessary boxes, separate voting lists containing
494 the names of electors residing within and without the corporate



495 limits of the town or city wherein such enterprise is proposed to
496 be located, or such town or city within one (1) mile of the
497 proposed location of the enterprise, and records for the conduct
498 of the election in accordance with the requirements of this
499 section.

500 **SECTION 13.** Section 57-1-27, Mississippi Code of 1972, is
501 amended as follows:

502 57-1-27. Before any bonds shall be issued under Sections
503 57-1-1 through 57-1-51 by any municipality, or any contract shall
504 be made to dispose of any public property hereunder acquired, the
505 same must be approved in its entirety by the council, but such
506 approval shall not in any way render the State of Mississippi
507 liable.

508 **SECTION 14.** Section 57-1-29, Mississippi Code of 1972, is
509 amended as follows:

510 57-1-29. A municipality, having been authorized by the
511 council, as herein provided, may expend, for acquiring and
512 operating such municipal enterprise under rules and regulations
513 adopted by the council, any funds of the municipality then on hand
514 or available and not already appropriated or necessary for other
515 municipal purposes. A municipality, after the terms and
516 conditions have been fixed by the council and with his approval,
517 is hereby authorized from and after July 1, 1944, to issue bonds
518 of such municipality for the purpose of effectuating the
519 provisions of Sections 57-1-1 through 57-1-51 and promoting
520 thereby the public policy of this state in bringing about the
521 general welfare of its people. When, if and to the extent that a
522 bond issue shall be approved by the council, then the same may be
523 authorized by the governing authority of the municipality, and to
524 secure such bond issue the municipality may mortgage or pledge
525 property used and useful for the industrial enterprise; and the
526 income therefrom, and confer upon the holders of such bonds the
527 rights of a first mortgage bondholder. Such bond issue shall be



528 first approved by the council, and thereafter shall be authorized
529 by resolution or ordinance of the governing board of the
530 municipality in such form and with such provisions, terms and
531 conditions as may be fixed in the resolution or ordinance not
532 inconsistent with the provisions of Sections 57-1-1 through
533 57-1-51. Present limitations on the amount of other bonds that
534 may be issued by such municipality shall not apply to bonds issued
535 hereunder other than as herein otherwise provided. All such bonds
536 shall be lithographed or engraved, and printed in two (2) or more
537 colors to prevent counterfeiting, and shall be in sums not less
538 than One Thousand Dollars (\$1,000.00) or multiples thereof, and
539 shall be numbered in a regular series from one (1) upward, be
540 executed by the manual or facsimile signature of the president of
541 the board of supervisors and the clerk of such board; or by the
542 mayor and clerk of the municipality, and either of such clerks
543 shall impress the county or municipal seal, as the case may be,
544 upon each bond as it is issued. At least one (1) signature on
545 each bond shall be a manual signature, as specified in the issuing
546 resolution. The coupons may bear only the facsimile signatures of
547 such president and clerk of the board of supervisors or such mayor
548 and clerk, as the case may be. Every such bond shall specify on
549 its face the purpose for which it was issued, the total amount
550 authorized to be issued, and each shall be made payable to bearer,
551 and on request of any holder of such bonds the same may be
552 registered as to principal by the clerk of the issuing board. The
553 governing authorities shall annually levy a tax, or shall
554 otherwise provide funds sufficient for paying interest on such
555 bonds, and the bonds maturing within one (1) year and shall
556 provide a sinking fund for the redemption of the bonds issued.
557 Such bonds shall be issued maturing annually with all maturities
558 not longer than twenty (20) years with not less than one-fiftieth
559 (1/50) of the total issue to mature each year during the first
560 five (5) years of the life of the bonds, and not less than



561 one-twenty-fifth (1/25) of the total issue to mature annually
562 during the succeeding ten-year period of the life of the bonds,
563 and the remainder to be amortized, as to the principal and
564 interest, into approximately equal payments, one (1) payment to
565 mature during each year for the remaining life of the bonds. Such
566 bonds shall not bear a greater overall maximum rate of interest
567 than that allowed in Section 75-17-101, Mississippi Code of 1972.
568 No bond shall bear more than one (1) rate of interest; each bond
569 shall bear interest from its date to its stated maturity date at
570 the interest rate specified in the bid; all bonds of the same
571 maturity shall bear the same rate of interest from date to
572 maturity; all interest accruing on such bonds so issued shall be
573 payable semiannually or annually, except that the first interest
574 coupon attached to any such bond may be for any period not
575 exceeding one (1) year.

576 No interest payment shall be evidenced by more than one (1)
577 coupon and neither cancelled nor supplemental coupons shall be
578 permitted; the lowest interest rate specified for any bonds issued
579 shall not be less than seventy percent (70%) of the highest
580 interest rate specified for the same bond issue. The interest
581 rate of any one (1) interest coupon shall not exceed the maximum
582 interest rate allowed on such bonds.

583 Each interest rate specified in any bid must be in multiples
584 of one-eighth of one percent (1/8 of 1%) or in multiples of
585 one-tenth of one percent (1/10 of 1%).

586 The denomination, form and place of payment shall be fixed in
587 the authorization therefor, and for the payment thereof the full
588 faith, credit and resources of the municipality shall be pledged
589 and a tax levied on all taxable property in the municipality,
590 adequate to pay principal and interest on such bonds as the same
591 fall due. Proceeds of such bonds shall be placed in the municipal
592 treasury as a special fund and shall be used for no other purpose
593 than the purpose set forth in the original resolution, and any



594 officer diverting or assisting to divert any such fund to any
595 other purpose than the purpose originally set forth in the
596 resolution of the governing authority of the municipality shall be
597 guilty of a misdemeanor, shall be punished accordingly, and shall
598 also be liable both personally and on his official bond for such
599 diversion, together with the costs of collection and reasonable
600 attorney's fees. The Attorney General is authorized to proceed by
601 action for injunction or mandamus to require compliance with the
602 original resolution by any officer or municipal board.

603 **SECTION 15.** Section 57-1-33, Mississippi Code of 1972, is
604 amended as follows:

605 57-1-33. When the council authorizes any municipality to
606 issue bonds under the provisions of Sections 57-1-1 through
607 57-1-51, he shall find and determine the total amount of bonds to
608 be issued. He shall fix the maturity dates of the bonds
609 consistent with the provisions of the aforesaid sections. He
610 shall determine the amount of taxes necessary to be levied and
611 collected annually to retire the bonds and pay interest coupons
612 and to create a sinking fund for the payment of the bonds and
613 interest so that the annual tax levy shall be uniform throughout
614 the period for which the bonds are issued. He shall require the
615 municipality to report annually to him payments made on the bonds
616 and on interest, with the dates of payments, and to report the
617 amount passed to the sinking fund, together with a list and amount
618 of the bonds remaining outstanding for purposes of the aforesaid
619 sections, and a failure so to do shall make the members of the
620 governing board guilty of a misdemeanor and punishable
621 accordingly. All of such reports shall be permanent public
622 records of the authority.

623 **SECTION 16.** Section 57-1-45, Mississippi Code of 1972, is
624 amended as follows:

625 57-1-45. The several municipalities when and to the extent
626 authorized by the council pursuant hereto, are hereby authorized



627 and empowered, if they so desire, by and through their governing
628 board, to sell, lease or otherwise dispose of such enterprise or
629 enterprises, in whole or in part, on such terms and conditions and
630 with such safeguards as will best promote and protect the public
631 interest, and are authorized, acting with the approval of the
632 council by and through their respective governing boards, to
633 transfer title or possession to such industry or to any property
634 utilized therein, by warranty deed, lease, bill of sale, contract
635 or other customary business instrument, in the same manner and to
636 the same extent, when so thus authorized by the council, that any
637 private corporation, association or person may now contract, with
638 reference to such property of a similar nature, provided that such
639 disposition shall not be made except by the affirmative vote of at
640 least two-thirds (2/3) of the members elected to the governing
641 body of such municipality, and all votes shall be of record. All
642 income from any lease or contract for the operation or from the
643 disposition of such industrial enterprise shall be paid into the
644 bond sinking fund provided for the bonds issued under the
645 provisions of Sections 57-1-1 through 57-1-51 for the retirement
646 of such bonds and the interest thereon, and such income or
647 proceeds shall not be used by the municipality for any other
648 purpose except as to disposition of surplus income authorized
649 above, and shall be subject to all of the provisions hereof
650 relative to such sinking fund.

651 **SECTION 17.** Section 57-1-54, Mississippi Code of 1972, is
652 amended as follows:

653 57-1-54. The Mississippi Development Authority shall be the
654 Department of Economic and Community Development and shall retain
655 all powers and duties granted by law to the Mississippi Department
656 of Economic and Community Development and wherever the term
657 "Mississippi Department of Economic and Community Development,"
658 "Department of Economic and Community Development," "Mississippi
659 Department of Economic Development" or "Department of Economic



660 Development" appears in any law the same shall mean the
661 Mississippi Development Authority. The Mississippi Development
662 Authority may continue to refer to itself as the Mississippi
663 Department of Economic and Community Development for as long as it
664 may deem necessary. The Executive Director of the Mississippi
665 Development Authority may, with the approval of the council,
666 assign to the appropriate divisions such powers and duties as he
667 deems appropriate to carry out its lawful duties.

668 Nothing in the Mississippi Executive Reorganization Act of
669 1989 [Laws, 1989, Chapter 544] shall be construed to eliminate or
670 change in any manner the duties, functions or operations of the
671 planning and development districts heretofore created by executive
672 order of the Governor.

673 **SECTION 18.** Section 57-57-5, Mississippi Code of 1972, is
674 amended as follows:

675 57-57-5. For the purposes of this chapter, the following
676 terms shall have the meanings ascribed to them in this section,
677 unless the context clearly indicates otherwise:

678 (a) "Committee" means a committee, consisting of
679 Chairman of the Certified Development Company of Mississippi,
680 Inc., or his designee, two (2) bankers and two (2) Mississippi
681 businessmen who are members of the Certified Development Company
682 of Mississippi, Inc., created pursuant to Section 57-10-167, and
683 actively involved in exporting.

684 (b) "Company" means the Certified Development Company
685 of Mississippi, Inc., created pursuant to Section 57-10-167.

686 (c) "Bank" means any state or national bank doing
687 business in Mississippi, which is approved by the company.

688 (d) "Eligible export trade transaction" means a
689 transaction consisting of a loan from any Mississippi bank to
690 finance an international pre-export or export, which in the
691 judgment of the company will create or maintain employment in



692 Mississippi and shall contain at least fifty percent (50%) of
693 value added in goods or services at a location in Mississippi.

694 (e) "Guarantee" means additional security by the State
695 of Mississippi for the eligible export trade transaction of any
696 Mississippi business.

697 (f) "Business" means any person, corporation,
698 partnership, proprietorship, association, organization or agency
699 domiciled in the State of Mississippi.

700 (g) "Guarantee fee" means a fee charged by the
701 Certified Development Company of Mississippi, Inc., for processing
702 the guarantee.

703 (h) "Board" means the Mississippi Development
704 Council * * *.

705 (i) "Commercial loss" means failure of the buyer to pay
706 to the Mississippi business when due all or part of the gross
707 invoice value of an eligible export trade transaction due to the
708 insolvency of the buyer.

709 (j) "Political loss" means failure of the buyer to pay
710 to the Mississippi business when due all or part of the gross
711 invoice value of an eligible export trade transaction due to
712 dollar transfer delays, war, revolution, license revocation or
713 diversion of goods.

714 **SECTION 19.** Section 57-61-5, Mississippi Code of 1972, is
715 amended as follows:

716 57-61-5. The following words and phrases when used in this
717 chapter shall have the meanings given to them in this section
718 unless the context clearly indicates otherwise:

719 (a) "Department" means the Mississippi Development
720 Authority.

721 (b) "Board" means the Mississippi Development
722 Council * * *.

723 (c) "Improvements" means the construction,
724 rehabilitation or repair of drainage systems; energy facilities



725 (power generation and distribution); fire safety facilities
726 (excluding vehicles); sewer systems (pipe treatment);
727 transportation directly affecting the site of the proposed
728 investment, including roads, sidewalks, bridges, rail, port,
729 river, airport or pipeline (excluding vehicles); bulkheads;
730 buildings; and facilities necessary to accommodate a United States
731 Navy home port; and means land reclamation; waste disposal; water
732 supply (storage, treatment and distribution); land acquisition;
733 and the dredging of channels and basins.

734 (d) "Municipality" means any county or any incorporated
735 city, or town, acting individually or jointly, or any agency of
736 the State of Mississippi operating a state-owned port.

737 (e) "Private company" means any agricultural,
738 aquacultural, maricultural, industrial, manufacturing, service,
739 tourism, or research and development enterprise or enterprises.
740 The term "private company" shall not include any retail trade
741 enterprise except regional shopping malls having a minimum capital
742 investment of One Hundred Million Dollars (\$100,000,000.00). No
743 more than fifteen percent (15%) of the aggregate funds made
744 available under this chapter shall be used to fund aquacultural,
745 maricultural and tourism enterprises. The funds made available to
746 tourism enterprises under this chapter shall be limited to
747 infrastructure improvements and to the acquisition of land and
748 shall not be made available to fund tourism promotions or to fund
749 the construction, improvement or acquisition of hotels and/or
750 motels or to finance or refinance any obligations of hotels and/or
751 motels.

752 (f) "Governmental unit" means a department or
753 subsidiary of the United States government, or an agency of the
754 State of Mississippi operating a state-owned port.

755 (g) "Private match" means any new private investment by
756 the private company and/or governmental unit in land, buildings,
757 depreciable fixed assets, and improvements of the project used to



758 match improvements funded under this chapter. The term "private
759 match" includes improvements made prior to the effective date of
760 this chapter [Laws, 1986, Chapter 419, effective March 31, 1986]
761 pursuant to contracts entered into contingent upon assistance
762 being made available under this chapter.

763 (h) "Publicly owned property" means property which is
764 owned by the local, state or United States government and is not
765 under the control of a private company.

766 (i) "Director" means the Executive Director of the
767 Mississippi Development Authority.

768 (j) "Small community" means a county with a population
769 of twenty-five thousand (25,000) or less; or a municipality with a
770 population of ten thousand (10,000) or less and any area within
771 five (5) miles of the limits of such municipality, according to
772 the most recent federal decennial census.

773 (k) "Strategic investment" means an investment by the
774 private and public sectors that will have a major impact on job
775 creation and maintenance in the state of no less than one hundred
776 fifty (150) jobs, that will have a major impact on enlargement and
777 enhancement of international and foreign trade and commerce to and
778 from the State of Mississippi, or which is considered to be unique
779 to the state and have statewide or regional impact as determined
780 by the department.

781 (l) "Seller" means the State Bond Commission or the
782 State Development Bank.

783 **SECTION 20.** This act shall take effect and be in force from
784 and after July 1, 2002.

