SENATE BILL NO. 2221

AN ACT TO AMEND SECTION 57-1-18, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "SMALL MUNICIPALITY" FOR PURPOSES OF THE SMALL MUNICIPALITIES AND LIMITED POPULATION COUNTIES FUND TO INCREASE THE MAXIMUM POPULATION FOR SUCH A MUNICIPALITY FROM 10,000 TO 15,000; TO AMEND SECTION 57-61-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "SMALL COMMUNITY" FOR PURPOSES OF THE MISSISSIPPI BUSINESS INVESTMENT ACT TO INCREASE THE MAXIMUM POPULATION FOR MUNICIPALITIES FROM 10,000 TO 15,000; TO REFLECT THE CHANGE OF THE NAME OF THE MISSISSIPPI DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO THE MISSISSIPPI DEVELOPMENT AUTHORITY; AND FOR RELATED PURPOSES.

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

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

57-1-18. (1) For the purposes of this section the following terms shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Limited population county" means a county in the State of Mississippi with a population of thirty thousand (30,000) or less according to the most recent federal decennial census at the time the county submits its application to the MDA under this section.

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

(c) "Project" means highways, streets and other roadways, bridges, sidewalks, utilities, airfields, airports, acquisition of equipment, acquisition of real property, development of real property, improvements to real property and any other project approved by the MDA.

(d) "Small municipality" means a municipality in the State of Mississippi with a population of fifteen thousand (15,000) or less according to the most recent federal decennial
census at the time the municipality submits its application to the
MDA under this section.

(2) (a) There is hereby created in the State Treasury a
special fund to be designated as the "Small Municipalities and
Limited Population Counties Fund," which shall consist of funds
appropriated or otherwise made available by the Legislature in any
manner and funds from any other 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
investment earnings or interest earned on amounts in the fund
shall be deposited to the credit of the fund. Monies in the fund
shall be used to make grants to small municipalities and limited
population counties or natural gas districts created by law and
contained therein to assist in completing projects under this
section.

(b) Monies in the fund which are derived from proceeds
of bonds issued under Sections 1 through 16, Laws of 2002, Chapter
538, may be used to reimburse reasonable actual and necessary
costs incurred by the MDA in providing assistance related to a
project for which funding is provided under this section from the
use of proceeds of such bonds. An accounting of actual costs
incurred for which reimbursement is sought shall be maintained for
each project by the MDA. Reimbursement of reasonable actual and
necessary costs for a project shall not exceed three percent (3%) of
the proceeds of bonds issued for such project. Monies
authorized for a particular project may not be used to reimburse
administrative costs for unrelated projects. Reimbursements under
this subsection shall satisfy any applicable federal tax law
requirements.

(3) The MDA shall establish a grant program to make grants
to small municipalities and limited population counties from the
Small Municipalities and Limited Population Counties Fund. A
small municipality or limited population county may apply to the
MDA for a grant under this section in the manner provided for in this section.

(4) A small municipality or limited population county desiring assistance under this section must submit an application to the MDA. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested, the amount of assistance requested and any other information required by the MDA.

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

(6) The MDA shall file an annual report with the Governor, Secretary of the Senate and the Clerk of the House of Representatives not later than December 1 of each year, describing all assistance provided under this section.

SECTION 2. Section 57-61-5, Mississippi Code of 1972, is amended as follows:

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

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

(b) "Board" means the Mississippi Development Authority operating through its executive director.

(c) "Improvements" means the construction, rehabilitation or repair of drainage systems; energy facilities (power generation and distribution); fire safety facilities (excluding vehicles); sewer systems (pipe treatment); transportation directly affecting the site of the proposed investment, including roads, sidewalks, bridges, rail, port, river, airport or pipeline (excluding vehicles); bulkheads;
buildings; and facilities necessary to accommodate a United States Navy home port; and means land reclamation; waste disposal; water supply (storage, treatment and distribution); land acquisition; and the dredging of channels and basins.

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

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

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

(g) "Private match" means any new private investment by the private company and/or governmental unit in land, buildings, depreciable fixed assets and improvements of the project used to match improvements funded under this chapter. The term "private match" includes improvements made prior to the effective date of this chapter [Laws, 1986, Chapter 419, effective March 31, 1986] pursuant to contracts entered into contingent upon assistance being made available under this chapter.
(h) "Publicly owned property" means property which is owned by the local, state or United States government and is not under the control of a private company.

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

(j) "Small community" means a county with a population of twenty-five thousand (25,000) or less; or a municipality with a population of fifteen thousand (15,000) or less and any area within five (5) miles of the limits of such municipality, according to the most recent federal decennial census.

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

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.