

By: Representatives Watson,  
Mayo, Jennings, Compretta,  
Fredericks, Howell, Lane, Morris,  
Rotenberry, Woods, Mayhall, Baker  
(8th), Hamilton (6th)

To: Ways and Means

HOUSE BILL NO. 3

1 AN ACT TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI  
3 MAJOR ECONOMIC IMPACT ACT; TO AMEND SECTION 57-75-11, MISSISSIPPI  
4 CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI MAJOR ECONOMIC IMPACT  
5 AUTHORITY TO PROVIDE GRANT FUNDS TO ENTERPRISES DEVELOPING OR  
6 OWNING CERTAIN PROJECTS UNDER THE MISSISSIPPI MAJOR ECONOMIC  
7 IMPACT ACT; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972,  
8 TO AUTHORIZE THE ISSUANCE OF BONDS FOR CERTAIN PROJECTS UNDER THE  
9 MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO PROVIDE AN INCENTIVE FOR  
10 PERSONS, CORPORATIONS OR OTHER ENTITIES TO MAKE CAPITAL  
11 INVESTMENTS FOR THE PURPOSE OF LOCATING CERTAIN TOURISM-ORIENTED  
12 ENTERPRISES IN THIS STATE; TO CREATE THE TOURISM SALES TAX  
13 INCENTIVE FUND; TO AUTHORIZE INCENTIVE PAYMENTS FROM SUCH FUND TO  
14 PERSONS, CORPORATIONS OR OTHER ENTITIES THAT MAKE SUCH CAPITAL  
15 INVESTMENTS; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO  
16 DEVELOP AND ADMINISTER A TOURISM INCENTIVE PROGRAM; TO AMEND  
17 SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
18 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

22 57-75-5. Words and phrases used in this chapter shall have  
23 meanings as follows, unless the context clearly indicates a  
24 different meaning:

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26 Act as originally enacted or as hereafter amended.

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

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

32 (d) "Facility related to the project" means and  
33 includes any of the following, as the same may pertain to the  
34 project within the project area: (i) facilities to provide  
35 potable and industrial water supply systems, sewage and waste

36 disposal systems and water, natural gas and electric transmission  
37 systems to the site of the project; (ii) airports, airfields and  
38 air terminals; (iii) rail lines; (iv) port facilities; (v)  
39 highways, streets and other roadways; (vi) public school  
40 buildings, classrooms and instructional facilities, training  
41 facilities and equipment, including any functionally related  
42 facilities; (vii) parks, outdoor recreation facilities and  
43 athletic facilities; (viii) auditoriums, pavilions, campgrounds,  
44 art centers, cultural centers, folklore centers and other public  
45 facilities; (ix) health care facilities, public or private; and  
46 (x) fire protection facilities, equipment and elevated water  
47 tanks.

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

53 (f) "Project" means:

54 (i) Any industrial, commercial, research and  
55 development, warehousing, distribution, transportation,  
56 processing, mining, United States government or tourism enterprise  
57 together with all real property required for construction,  
58 maintenance and operation of the enterprise with an initial  
59 capital investment of not less than Three Hundred Million Dollars  
60 (\$300,000,000.00) from private or United States government sources  
61 together with all buildings, and other supporting land and  
62 facilities, structures or improvements of whatever kind required  
63 or useful for construction, maintenance and operation of the  
64 enterprise; or with an initial capital investment of not less than  
65 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
66 or United States government sources together with all buildings  
67 and other supporting land and facilities, structures or  
68 improvements of whatever kind required or useful for construction,

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

98 (ii) 1. Any major capital project designed to  
99 improve, expand or otherwise enhance any active duty or reserve  
100 United States armed services bases and facilities or any major  
101 Mississippi National Guard training installations, their support

102 areas or their military operations, upon designation by the  
103 authority that any such base was or is at risk to be recommended  
104 for closure or realignment pursuant to the Defense Base Closure  
105 and Realignment Act of 1990, as amended, or other applicable  
106 federal law; or any major development project determined by the  
107 authority to be necessary to acquire or improve base properties  
108 and to provide employment opportunities through construction of  
109 projects as defined in Section 57-3-5, which shall be located on  
110 or provide direct support service or access to such military  
111 installation property in the event of closure or reduction of  
112 military operations at the installation.

113                   2. Any major study or investigation related  
114 to such a facility, installation or base, upon a determination by  
115 the authority that the study or investigation is critical to the  
116 expansion, retention or reuse of the facility, installation or  
117 base.

118                   3. Any project as defined in Section 57-3-5,  
119 any business or enterprise determined to be in the furtherance of  
120 the public purposes of this act as determined by the authority or  
121 any facility related to such project each of which shall be,  
122 directly or indirectly, related to any military base or other  
123 military-related facility no longer operated by the United States  
124 armed services or the Mississippi National Guard.

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

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

133                   2. "Project" shall also include any ancillary  
134 development or business resulting from an enterprise operating a

135 project as defined in item 1 of this paragraph (f)(iv), of which  
136 the authority is notified, within three (3) years from the date  
137 that the enterprise entered into commercial production, that the  
138 state has been selected as the site for the ancillary development  
139 or business.

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

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

150 2. The project and any facility related to  
151 the project shall include a total investment from private sources  
152 of not less than Sixty Million Dollars (\$60,000,000.00), or from  
153 any combination of sources of not less than Eighty Million Dollars  
154 (\$80,000,000.00).

155 (vi) Any real property owned or controlled by the  
156 National Aeronautics and Space Administration, the United States  
157 government, or any agency thereof, which is legally conveyed to  
158 the State of Mississippi or to the State of Mississippi for the  
159 benefit of the Mississippi Major Economic Impact Authority, its  
160 successors and assigns pursuant to Section 212 of Public Law  
161 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

162 (vii) Any major capital project related to the  
163 establishment, improvement, expansion and/or other enhancement of  
164 any active duty military installation and having a minimum capital  
165 investment from any source or combination of sources other than  
166 the State of Mississippi of at least Forty Million Dollars  
167 (\$40,000,000.00), and which will create at least four hundred

168 (400) military installation related full-time jobs, which jobs may  
169 be military jobs, civilian jobs or a combination of military and  
170 civilian jobs. The authority shall require that binding  
171 commitments be entered into requiring that the minimum  
172 requirements for the project provided for in this subparagraph  
173 shall be met not later than July 1, 2008.

174 (viii) Any major capital project with an initial  
175 capital investment from any source or combination of sources of  
176 not less than Ten Million Dollars (\$10,000,000.00) which will  
177 create at least eighty (80) full-time jobs which provide an  
178 average annual salary, excluding benefits which are not subject to  
179 Mississippi income taxes, of at least one hundred thirty-five  
180 percent (135%) of the most recently published average annual wage  
181 of the state or the most recently published average annual wage of  
182 the county in which the project is located as determined by the  
183 Mississippi Department of Employment Security, whichever is the  
184 lesser. The authority shall require that binding commitments be  
185 entered into requiring that:

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

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

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

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

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

204                   (x) Any major capital project with an initial  
205 capital investment from any source or combination of sources of  
206 not less than Seventy-five Million Dollars (\$75,000,000.00) which  
207 will create at least one hundred twenty-five (125) full-time jobs  
208 which provide an average annual salary, excluding benefits which  
209 are not subject to Mississippi income taxes, of at least one  
210 hundred thirty-five percent (135%) of the most recently published  
211 average annual wage of the state or the most recently published  
212 average annual wage of the county in which the project is located  
213 as determined by the Mississippi Department of Employment  
214 Security, whichever is the greater. The authority shall require  
215 that binding commitments be entered into requiring that:

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

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

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

223                   (xii) Any project built according to the  
224 specifications and federal provisions set forth by the National  
225 Aeronautics and Space Administration Center Operations Directorate  
226 at Stennis Space Center for the purpose of consolidating common  
227 services from National Aeronautics and Space Administration  
228 centers in human resources, procurement, financial management and  
229 information technology located on land owned or controlled by the  
230 National Aeronautics and Space Administration, which will create  
231 at least four hundred seventy (470) full-time jobs.

232                   (xiii) Any major capital project with an initial  
233 capital investment from any source or combination of sources of

234 not less than Ten Million Dollars (\$10,000,000.00) which will  
235 create at least two hundred fifty (250) full-time jobs. The  
236 authority shall require that binding commitments be entered into  
237 requiring that:

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

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

243                   (xiv) Any major pharmaceutical facility with a  
244 capital investment of not less than Fifty Million Dollars  
245 (\$50,000,000.00) made after July 1, 2002, through four (4) years  
246 after the initial date of any loan or grant made by the authority  
247 for such project, which will maintain at least seven hundred fifty  
248 (750) full-time employees. The authority shall require that  
249 binding commitments be entered into requiring that:

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

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

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

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

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



266 (xvi) Any major industrial wood processing  
267 facility with an initial capital investment of not less than One  
268 Hundred Million Dollars (\$100,000,000.00) which will create at  
269 least one hundred twenty-five (125) full-time jobs which provide  
270 an average annual salary, excluding benefits which are not subject  
271 to Mississippi income taxes, of at least Thirty Thousand Dollars  
272 (\$30,000.00). The authority shall require that binding  
273 commitments be entered into requiring that:

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

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

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

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

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

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

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

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

304                   (xix) Any major coal and/or petroleum coke  
305 gasification project with an initial capital investment from any  
306 source or combination of sources other than the State of  
307 Mississippi of not less than Eight Hundred Million Dollars  
308 (\$800,000,000.00), which will create at least two hundred (200)  
309 full-time jobs with an average annual salary, excluding benefits  
310 which are not subject to Mississippi income taxes, of at least  
311 Forty-five Thousand Dollars (\$45,000.00). The authority shall  
312 require that binding commitments be entered into requiring that:

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

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

318                   (xx) Any planned mixed use development located on  
319 not less than four thousand (4,000) acres of land that will  
320 consist of commercial, recreational, resort, tourism and  
321 residential development with a capital investment from private  
322 sources of not less than Four Hundred Seventy-five Million Dollars  
323 (\$475,000,000.00) in the aggregate in any one (1) or any  
324 combination of tourism projects that will create at least three  
325 thousand five hundred (3,500) jobs in the aggregate. For the  
326 purposes of this paragraph (f)(xx), the term "tourism project"  
327 means and has the same definition as that term has in Section 4 of  
328 House Bill No. \_\_\_\_, 2006 First Extraordinary Session. In order to  
329 meet the minimum capital investment required under this paragraph  
330 (f)(xx), at least Two Hundred Thirty-seven Million Five Hundred  
331 Thousand Dollars (\$237,500,000.00) of such investment must be made

332 not later than three (3) years after the date that construction  
333 for the initial phase of development of the project begins, or  
334 June 1, 2010, whichever date is earlier; and the remainder of the  
335 minimum capital investment must be made not later than five (5)  
336 years after the date that construction for the initial phase of  
337 development of the project begins, or June 1, 2012, whichever date  
338 is earlier. In order to meet the minimum number of jobs required  
339 to be created under this paragraph (f)(xx), at least one thousand  
340 seven hundred fifty (1,750) of such jobs must be created not later  
341 than three (3) years after the date that construction for the  
342 initial phase of development of the project begins, or June 1,  
343 2010, whichever date is earlier; and the remainder of the jobs  
344 must be created not later than five (5) years after the date that  
345 construction for the initial phase of development of the project  
346 begins, or June 1, 2012, whichever date is earlier. The authority  
347 shall require that binding commitments be entered into requiring  
348 that:

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

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

354 (g) "Project area" means the project site, together  
355 with any area or territory within the state lying within  
356 sixty-five (65) miles of any portion of the project site whether  
357 or not such area or territory be contiguous; however, for the  
358 project defined in paragraph (f)(iv) of this section the term  
359 "project area" means any area or territory within the state. The  
360 project area shall also include all territory within a county if  
361 any portion of such county lies within sixty-five (65) miles of  
362 any portion of the project site. "Project site" means the real  
363 property on which the principal facilities of the enterprise will  
364 operate.

365 (h) "Public agency" means:  
366 (i) Any department, board, commission, institution  
367 or other agency or instrumentality of the state;  
368 (ii) Any city, town, county, political  
369 subdivision, school district or other district created or existing  
370 under the laws of the state or any public agency of any such city,  
371 town, county, political subdivision or district or any other  
372 public entity created or existing under local and private  
373 legislation;  
374 (iii) Any department, commission, agency or  
375 instrumentality of the United States of America; and  
376 (iv) Any other state of the United States of  
377 America which may be cooperating with respect to location of the  
378 project within the state, or any agency thereof.  
379 (i) "State" means State of Mississippi.  
380 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
381 the project in lieu of any franchise taxes imposed on the project  
382 by Chapter 13, Title 27, Mississippi Code of 1972. The  
383 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
384 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
385 enterprise operating an existing project defined in Section  
386 57-75-5(f)(iv)1; however, a fee-in-lieu shall not be negotiated  
387 for other existing enterprises that fall within the definition of  
388 the term "project."  
389 **SECTION 2.** Section 57-75-11, Mississippi Code of 1972, is  
390 amended as follows:  
391 57-75-11. The authority, in addition to any and all powers  
392 now or hereafter granted to it, is empowered and shall exercise  
393 discretion and the use of these powers depending on the  
394 circumstances of the project or projects:  
395 (a) To maintain an office at a place or places within  
396 the state.

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

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

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

408           (e) (i) To acquire by purchase, lease, gift, or in  
409 other manner, including quick-take eminent domain, or obtain  
410 options to acquire, and to own, maintain, use, operate and convey  
411 any and all property of any kind, real, personal, or mixed, or any  
412 interest or estate therein, within the project area, necessary for  
413 the project or any facility related to the project. The  
414 provisions of this paragraph that allow the acquisition of  
415 property by quick-take eminent domain shall be repealed by  
416 operation of law on July 1, 1994; and

417           (ii) Notwithstanding any other provision of this  
418 paragraph (e), from and after November 6, 2000, to exercise the  
419 right of immediate possession pursuant to the provisions of  
420 Sections 11-27-81 through 11-27-89 for the purpose of acquiring  
421 land, property and/or rights-of-way in the county in which a  
422 project as defined in Section 57-75-5(f)(iv)1 is located, that are  
423 necessary for such project or any facility related to the project.

424           (f) To acquire by purchase or lease any public lands  
425 and public property, including sixteenth section lands and lieu  
426 lands, within the project area, which are necessary for the  
427 project. Sixteenth section lands or lieu lands acquired under  
428 this act shall be deemed to be acquired for the purposes of  
429 industrial development thereon and such acquisition will serve a

430 higher public interest in accordance with the purposes of this  
431 act.

432 (g) If the authority identifies any land owned by the  
433 state as being necessary, for the location or use of the project,  
434 or any facility related to the project, to recommend to the  
435 Legislature the conveyance of such land or any interest therein,  
436 as the Legislature deems appropriate.

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

440 (i) From and after the date of notification to the  
441 authority by the enterprise that the state has been finally  
442 selected as the site of the project, to acquire by condemnation  
443 and to own, maintain, use, operate and convey or otherwise dispose  
444 of any and all property of any kind, real, personal or mixed, or  
445 any interest or estate therein, within the project area, necessary  
446 for the project or any facility related to the project, with the  
447 concurrence of the affected public agency, and the exercise of the  
448 powers granted by this act, according to the procedures provided  
449 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
450 modified by this act.

451 (i) Except as otherwise provided in subparagraph  
452 (iii) of this paragraph (i), in acquiring lands by condemnation,  
453 the authority shall not acquire minerals or royalties in minerals  
454 unless a competent registered professional engineer shall have  
455 certified that the acquisition of such minerals and royalties in  
456 minerals is necessary for purposes of the project; provided that  
457 limestone, clay, chalk, sand and gravel shall not be considered as  
458 minerals for the purposes of subparagraphs (i) and (ii) of this  
459 paragraph (i);

460 (ii) Unless minerals or royalties in minerals have  
461 been acquired by condemnation or otherwise, no person or persons  
462 owning the drilling rights or the right to share in production of

463 minerals shall be prevented from exploring, developing, or  
464 producing oil or gas with necessary rights-of-way for ingress and  
465 egress, pipelines and other means of transporting interests on any  
466 land or interest therein of the authority held or used for the  
467 purposes of this act; but any such activities shall be under such  
468 reasonable regulation by the authority as will adequately protect  
469 the project contemplated by this act as provided in paragraph (r)  
470 of this section; and

471 (iii) In acquiring lands by condemnation,  
472 including the exercise of immediate possession, for a project, as  
473 defined in Section 57-75-5(f)(iv)1, the authority may acquire  
474 minerals or royalties in minerals.

475 (j) To negotiate the necessary relocation or rerouting  
476 of roads and highways, railroad, telephone and telegraph lines and  
477 properties, electric power lines, pipelines and related  
478 facilities, or to require the anchoring or other protection of any  
479 of these, provided due compensation is paid to the owners thereof  
480 or agreement is had with such owners regarding the payment of the  
481 cost of such relocation, and to acquire by condemnation or  
482 otherwise easements or rights-of-way for such relocation or  
483 rerouting and to convey the same to the owners of the facilities  
484 being relocated or rerouted in connection with the purposes of  
485 this act.

486 (k) To negotiate the necessary relocation of graves and  
487 cemeteries and to pay all reasonable costs thereof.

488 (l) To perform or have performed any and all acts and  
489 make all payments necessary to comply with all applicable federal  
490 laws, rules or regulations including, but not limited to, the  
491 Uniform Relocation Assistance and Real Property Acquisition  
492 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651  
493 to 4655) and relocation rules and regulations promulgated by any  
494 agency or department of the federal government.

495 (m) To construct, extend, improve, maintain, and  
496 reconstruct, to cause to be constructed, extended, improved,  
497 maintained, and reconstructed, and to use and operate any and all  
498 components of the project or any facility related to the project,  
499 with the concurrence of the affected public agency, within the  
500 project area, necessary to the project and to the exercise of such  
501 powers, rights, and privileges granted the authority.

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

505 (o) (i) To lease, sell or convey any or all property  
506 acquired by the authority under the provisions of this act to the  
507 enterprise, its successors or assigns, and in connection therewith  
508 to pay the costs of title search, perfection of title, title  
509 insurance and recording fees as may be required. The authority  
510 may provide in the instrument conveying such property a provision  
511 that such property shall revert to the authority if, as and when  
512 the property is declared by the enterprise to be no longer needed.

513 (ii) To lease, sell, transfer or convey on any  
514 terms agreed upon by the authority any or all real and personal  
515 property, improvements, leases, funds and contractual obligations  
516 of a project as defined in Section 57-75-5(f)(vi) and conveyed to  
517 the State of Mississippi by a Quitclaim Deed from the United  
518 States of America dated February 23, 1996, filed of record at  
519 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,  
520 Tishomingo County, Mississippi, to any governmental authority  
521 located within the geographic boundaries of the county wherein  
522 such project exists upon agreement of such governmental authority  
523 to undertake and assume from the State of Mississippi all  
524 obligations and responsibilities in connection with ownership and  
525 operation of the project. Property leased, sold, transferred or  
526 otherwise conveyed by the authority under this paragraph (o) shall  
527 be used only for economic development purposes.



528           (p) To enter into contracts with any person or public  
529 agency, including, but not limited to, contracts authorized by  
530 Section 57-75-17, in furtherance of any of the purposes authorized  
531 by this act upon such consideration as the authority and such  
532 person or public agency may agree. Any such contract may extend  
533 over any period of time, notwithstanding any rule of law to the  
534 contrary, may be upon such terms as the parties thereto shall  
535 agree, and may provide that it shall continue in effect until  
536 bonds specified therein, refunding bonds issued in lieu of such  
537 bonds, and all other obligations specified therein are paid or  
538 terminated. Any such contract shall be binding upon the parties  
539 thereto according to its terms. Such contracts may include an  
540 agreement to reimburse the enterprise, its successors and assigns  
541 for any assistance provided by the enterprise in the acquisition  
542 of real property for the project or any facility related to the  
543 project.

544           (q) To establish and maintain reasonable rates and  
545 charges for the use of any facility within the project area owned  
546 or operated by the authority, and from time to time, to adjust  
547 such rates and to impose penalties for failure to pay such rates  
548 and charges when due.

549           (r) To adopt and enforce with the concurrence of the  
550 affected public agency all necessary and reasonable rules and  
551 regulations to carry out and effectuate the implementation of the  
552 project and any land use plan or zoning classification adopted for  
553 the project area, including, but not limited to, rules,  
554 regulations, and restrictions concerning mining, construction,  
555 excavation or any other activity the occurrence of which may  
556 endanger the structure or operation of the project. Such rules  
557 may be enforced within the project area and without the project  
558 area as necessary to protect the structure and operation of the  
559 project. The authority is authorized to plan or replan, zone or  
560 rezone, and make exceptions to any regulations, whether local or

561 state, with the concurrence of the affected public agency which  
562 are inconsistent with the design, planning, construction or  
563 operation of the project and facilities related to the project.

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

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

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

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

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

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

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

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

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

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

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

597 (bb) To enter into contractual agreements to warrant  
598 any site work for a project defined in Section 57-75-5(f)(iv)1;  
599 provided, however, that the aggregate amount of such warranties  
600 shall not exceed Fifteen Million Dollars (\$15,000,000.00).

601 (cc) To provide grant funds to an enterprise operating  
602 a project defined in Section 57-75-5(f)(iv)1 in an amount not to  
603 exceed Thirty-nine Million Dollars (\$39,000,000.00).

604 (dd) (i) To own surface water transmission lines  
605 constructed with the proceeds of bonds issued pursuant to this act  
606 and in connection therewith to purchase and provide water to any  
607 project defined in Section 57-75-5(f)(iv) and to certificated  
608 water providers; and

609 (ii) To lease such surface water transmission  
610 lines to a public agency or public utility to provide water to  
611 such project and to certificated water providers.

612 (ee) To provide grant funds to an enterprise operating  
613 a project defined in Section 57-75-5(f)(v) or, in connection with  
614 a facility related to such a project, for job training, recruiting  
615 and infrastructure.

616 (ff) To enter into negotiations with persons proposing  
617 projects defined in Section 57-75-5(f)(xi) and execute acquisition  
618 options and conduct planning, design and environmental impact  
619 studies with regard to such project.

620 (gg) To establish such guidelines, rules and  
621 regulations as the authority may deem necessary and appropriate  
622 from time to time in its sole discretion, to promote the purposes  
623 of this act.

624 (hh) In connection with projects defined in Section  
625 57-75-5(f)(ii):

626 (i) To provide grant funds or loans to a public  
627 agency or an enterprise owning, leasing or operating a project  
628 defined in Section 57-75-5(f)(ii) in amounts not to exceed the  
629 amount authorized in Section 57-75-15(3)(b);

630 (ii) To supervise the use of all such grant funds  
631 or loans; and

632 (iii) To requisition money in the Mississippi  
633 Major Economic Impact Authority Revolving Loan Fund in connection  
634 with such loans.

635 (ii) In connection with projects defined under Section  
636 57-75-5(f)(xiv):

637 (i) To provide grant funds or loans to an  
638 enterprise owning, leasing or operating a project defined in  
639 Section 57-75-5(f)(xiv); however, the aggregate amount of any such  
640 loans under this paragraph (ii) shall not exceed Eighteen Million  
641 Dollars (\$18,000,000.00) and the aggregate amount of any such  
642 grants under this paragraph (ii) shall not exceed Six Million  
643 Dollars (\$6,000,000.00);

644 (ii) To supervise the use of all such grant funds  
645 or loans; and

646 (iii) Notwithstanding any provision of this act to  
647 the contrary, such loans shall be for a term not to exceed twenty  
648 (20) years as may be determined by the authority, shall bear  
649 interest at such rates as may be determined by the authority,  
650 shall, in the sole discretion of the authority, be secured in an  
651 amount and a manner as may be determined by the authority.

652 (jj) In connection with projects defined under Section  
653 57-75-5(f)(xviii):

654 (i) To provide grant funds of Twenty-five Million  
655 Dollars (\$25,000,000.00) to an enterprise owning or operating a  
656 project defined in Section 57-75-5(f)(xviii) to be used for real  
657 estate improvements and which may be disbursed as determined by  
658 the authority;

659 (ii) To provide loans to an enterprise owning or  
660 operating a project defined in Section 57-75-5(f)(xviii) or make  
661 payments to a lender providing financing to the enterprise;  
662 subject to the following provisions:

663 1. Not more than Ten Million Dollars  
664 (\$10,000,000.00) may be loaned to such an enterprise for the  
665 purpose of defraying costs incurred by the enterprise for site  
666 preparation and real property improvements during the construction  
667 of the project in excess of budgeted costs; however, the amount of  
668 any such loan shall not exceed fifty percent (50%) of such excess  
669 costs;

670 2. Not more than Sixty Million Dollars  
671 (\$60,000,000.00) may be loaned to such an enterprise or paid to a  
672 lender providing financing to the enterprise for purposes  
673 determined appropriate by the authority, and the enterprise shall  
674 be obligated to repay the amount of the loan or payment plus any  
675 expenses incurred by the state as a result of the issuance of  
676 bonds pursuant to Section 57-75-15(3)(p); however, no such loan or  
677 payment may be made before the beginning of the fifth year after  
678 issuance by the enterprise of debt in like amount the proceeds of  
679 which are to be used in connection with the project;

680 (iii) To supervise the use of all such loan funds;

681 (iv) Loans under this paragraph (jj) may be for  
682 any term determined appropriate by the authority provided that the  
683 payments on any loan must be in an amount sufficient to pay the  
684 state's debt service on bonds issued for the purpose of providing  
685 funds for such a loan; and

686 (v) The repayment obligation of the enterprise for  
687 any loan or payment authorized under this paragraph (jj) shall, in  
688 the discretion of the authority, be secured in an amount and a  
689 manner as may be determined by the authority.

690 (kk) It is the policy of the authority and the  
691 authority is authorized to accommodate and support any enterprise

692 owning or operating a project defined in Section 57-75-5(f)(xviii)  
693 or an enterprise developing or owning a project defined in Section  
694 57-75-5(f)(xx) that wishes to have a program of diversity in  
695 contracting, and/or that wishes to do business with or cause its  
696 prime contractor to do business with Mississippi companies,  
697 including those companies that are small business concerns owned  
698 and controlled by socially and economically disadvantaged  
699 individuals. The term "socially and economically disadvantaged  
700 individuals" shall have the meaning ascribed to such term under  
701 Section 8(d) of the Small Business Act (15 USCS 637(d)) and  
702 relevant subcontracting regulations promulgated pursuant thereto;  
703 except that women shall be presumed to be socially and  
704 economically disadvantaged individuals for the purposes of this  
705 paragraph.

706 (ll) To provide grant funds to an enterprise developing  
707 or owning a project defined in Section 57-75-5(f)(xx) for  
708 reimbursement of costs incurred by such enterprise for  
709 infrastructure improvements in the initial phase of development of  
710 the project, upon dedication of such improvements to the  
711 appropriate public agency.

712 (mm) (i) In addition to any other requirements or  
713 conditions under this chapter, the authority shall require that  
714 any application for assistance regarding a project under this  
715 chapter include, at a minimum:

716 1. A two-year business plan (which shall  
717 include pro forma balance sheets, income statements and monthly  
718 cash flow statements);

719 2. Financial statements or tax returns for  
720 the three (3) years immediately prior to the application (if the  
721 project is a new company or enterprise, personal financial  
722 statements or tax returns will be required);

723 3. Credit reports on all persons or entities  
724 with a twenty percent (20%) or greater interest in the project;

725                   4. Data supporting the expertise of the  
726 project's principals;

727                   5. A cost benefit analysis of the project  
728 performed by a state institution of higher learning or other  
729 entity selected by the authority; and

730                   6. Any other information required by the  
731 authority.

732                   (ii) The authority shall require that binding  
733 commitments be entered into requiring that:

734                   1. The applicable minimum requirements of  
735 this chapter and such other requirements as the authority  
736 considers proper shall be met; and

737                   2. If the agreed upon commitments are not  
738 met, all or a portion of the funds provided under this chapter as  
739 determined by the authority shall be repaid.

740                   (iii) Where appropriate, in the discretion of the  
741 authority, the authority shall acquire a security interest in or  
742 other lien upon any applicable collateral.

743           **SECTION 3.** Section 57-75-15, Mississippi Code of 1972, is  
744 amended as follows:

745           57-75-15. (1) Upon notification to the authority by the  
746 enterprise that the state has been finally selected as the site  
747 for the project, the State Bond Commission shall have the power  
748 and is hereby authorized and directed, upon receipt of a  
749 declaration from the authority as hereinafter provided, to borrow  
750 money and issue general obligation bonds of the state in one or  
751 more series for the purposes herein set out. Upon such  
752 notification, the authority may thereafter from time to time  
753 declare the necessity for the issuance of general obligation bonds  
754 as authorized by this section and forward such declaration to the  
755 State Bond Commission, provided that before such notification, the  
756 authority may enter into agreements with the United States  
757 government, private companies and others that will commit the

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

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

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

770 (b) Bonds issued under the authority of this section  
771 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
772 Sixty-one Million Dollars (\$61,000,000.00). The authority, with  
773 the express direction of the State Bond Commission, is authorized  
774 to expend any remaining proceeds of bonds issued under the  
775 authority of this act prior to January 1, 1998, for the purpose of  
776 financing projects as then defined in Section 57-75-5(f)(ii) or  
777 for any other projects as defined in Section 57-75-5(f)(ii), as it  
778 may be amended from time to time. If there are any monetary  
779 proceeds derived from the disposition of any improvements located  
780 on real property in Kemper County purchased pursuant to this act  
781 for projects related to the NAAS and if there are any monetary  
782 proceeds derived from the disposition of any timber located on  
783 real property in Kemper County purchased pursuant to this act for  
784 projects related to the NAAS, all of such proceeds (both from the  
785 disposition of improvements and the disposition of timber)  
786 commencing July 1, 1996, through June 30, 2010, shall be paid to  
787 the Board of Education of Kemper County, Mississippi, for  
788 expenditure by such board of education to benefit the public  
789 schools of Kemper County. No bonds shall be issued under this  
790 paragraph (b) until the State Bond Commission by resolution adopts



791 a finding that the issuance of such bonds will improve, expand or  
792 otherwise enhance the military installation, its support areas or  
793 military operations, or will provide employment opportunities to  
794 replace those lost by closure or reductions in operations at the  
795 military installation or will support critical studies or  
796 investigations authorized by Section 57-75-5(f)(ii).

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

801 (d) Bonds issued under the authority of this section  
802 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
803 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
804 additional amount of bonds in an amount not to exceed Twelve  
805 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
806 issued under the authority of this section for the purpose of  
807 defraying costs associated with the construction of surface water  
808 transmission lines for a project defined in Section 57-75-5(f)(iv)  
809 or for any facility related to the project. No bonds shall be  
810 issued under this paragraph after June 30, 2005.

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

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

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

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

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

832 (j) Bonds issued under the authority of this section  
833 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
834 Thirty-three Million Dollars (\$33,000,000.00). The amount of  
835 bonds that may be issued under this paragraph for projects defined  
836 in Section 57-75-5(f)(xii) may be reduced by the amount of any  
837 federal or local funds made available for such projects. No bonds  
838 shall be issued under this paragraph until local governments in or  
839 near the county in which the project is located have irrevocably  
840 committed funds to the project in an amount of not less than Two  
841 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the  
842 aggregate; however, this irrevocable commitment requirement may be  
843 waived by the authority upon a finding that due to the unforeseen  
844 circumstances created by Hurricane Katrina, the local governments  
845 are unable to comply with such commitment. No bonds shall be  
846 issued under this paragraph after June 30, 2008.

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

851 (l) Bonds issued under the authority of this section  
852 for projects defined in Section 57-75-5(f)(xiv) shall not exceed  
853 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
854 issued under this paragraph until local governments in the county  
855 in which the project is located have irrevocably committed funds  
856 to the project in an amount of not less than Two Million Dollars

857 (\$2,000,000.00). No bonds shall be issued under this paragraph  
858 after June 30, 2009.

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

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

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

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

875 (q) Bonds issued under the authority of this section  
876 for projects defined in Section 57-75-5(f)(xix) shall not exceed  
877 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be  
878 issued under this paragraph after June 30, 2010.

879 (r) Bonds issued under the authority of this section  
880 for projects defined in Section 57-75-5(f)(xx) shall not exceed  
881 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be  
882 issued under this paragraph after June 30, 2010.

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

885 (i) Defraying all or any designated portion of the  
886 costs incurred with respect to acquisition, planning, design,  
887 construction, installation, rehabilitation, improvement,  
888 relocation and with respect to state-owned property, operation and  
889 maintenance of the project and any facility related to the project

890 located within the project area, including costs of design and  
891 engineering, all costs incurred to provide land, easements and  
892 rights-of-way, relocation costs with respect to the project and  
893 with respect to any facility related to the project located within  
894 the project area, and costs associated with mitigation of  
895 environmental impacts and environmental impact studies;

896 (ii) Defraying the cost of providing for the  
897 recruitment, screening, selection, training or retraining of  
898 employees, candidates for employment or replacement employees of  
899 the project and any related activity;

900 (iii) Reimbursing the Mississippi Development  
901 Authority for expenses it incurred in regard to projects defined  
902 in Section 57-75-5(f)(iv) prior to November 6, 2000. The  
903 Mississippi Development Authority shall submit an itemized list of  
904 expenses it incurred in regard to such projects to the Chairmen of  
905 the Finance and Appropriations Committees of the Senate and the  
906 Chairmen of the Ways and Means and Appropriations Committees of  
907 the House of Representatives;

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

910 (v) Paying any warranty made by the authority  
911 regarding site work for a project defined in Section  
912 57-75-5(f)(iv)1;

913 (vi) Defraying the cost of marketing and promotion  
914 of a project as defined in Section 57-75-5(f)(iv)1. The authority  
915 shall submit an itemized list of costs incurred for marketing and  
916 promotion of such project to the Chairmen of the Finance and  
917 Appropriations Committees of the Senate and the Chairmen of the  
918 Ways and Means and Appropriations Committees of the House of  
919 Representatives;

920 (vii) Providing for the payment of interest on the  
921 bonds;

922 (viii) Providing debt service reserves;

923 (ix) Paying underwriters' discount, original issue  
924 discount, accountants' fees, engineers' fees, attorneys' fees,  
925 rating agency fees and other fees and expenses in connection with  
926 the issuance of the bonds;

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

929 (xi) Providing grants to enterprises operating  
930 projects defined in Section 57-75-5(f)(v), or, in connection with  
931 a facility related to such a project, for any purposes deemed by  
932 the authority in its sole discretion to be necessary and  
933 appropriate;

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

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

940 (xiv) Providing grants, loans and payments to or  
941 for the benefit of an enterprise owning or operating a project  
942 defined in Section 57-75-5(f)(xviii); \* \* \*

943 (xv) Purchasing equipment for a project defined in  
944 Section 57-75-5(f)(viii) subject to such terms and conditions as  
945 the authority considers necessary and appropriate; and

946 (xvi) Providing grant funds to an enterprise  
947 developing or owning a project defined in Section 57-75-5(f)(xx).

948 Such bonds shall be issued from time to time and in such  
949 principal amounts as shall be designated by the authority, not to  
950 exceed in aggregate principal amounts the amount authorized in  
951 subsection (3) of this section. Proceeds from the sale of the  
952 bonds issued under this section may be invested, subject to  
953 federal limitations, pending their use, in such securities as may  
954 be specified in the resolution authorizing the issuance of the  
955 bonds or the trust indenture securing them, and the earning on

956 such investment applied as provided in such resolution or trust  
957 indenture.

958           (b) (i) The proceeds of bonds issued after June 21,  
959 2002, under this section for projects described in Section  
960 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
961 necessary costs incurred by the Mississippi Development Authority  
962 in providing assistance related to a project for which funding is  
963 provided from the use of proceeds of such bonds. The Mississippi  
964 Development Authority shall maintain an accounting of actual costs  
965 incurred for each project for which reimbursements are sought.  
966 Reimbursements under this paragraph (b)(i) shall not exceed Three  
967 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
968 Reimbursements under this paragraph (b)(i) shall satisfy any  
969 applicable federal tax law requirements.

970           (ii) The proceeds of bonds issued after June 21,  
971 2002, under this section for projects described in Section  
972 57-75-5(f)(iv) may be used to reimburse reasonable actual and  
973 necessary costs incurred by the Department of Audit in providing  
974 services related to a project for which funding is provided from  
975 the use of proceeds of such bonds. The Department of Audit shall  
976 maintain an accounting of actual costs incurred for each project  
977 for which reimbursements are sought. The Department of Audit may  
978 escalate its budget and expend such funds in accordance with rules  
979 and regulations of the Department of Finance and Administration in  
980 a manner consistent with the escalation of federal funds.  
981 Reimbursements under this paragraph (b)(ii) shall not exceed One  
982 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
983 Reimbursements under this paragraph (b)(ii) shall satisfy any  
984 applicable federal tax law requirements.

985           (c) (i) The proceeds of bonds issued under this  
986 section for projects described in Section 57-75-5(f)(ix) may be  
987 used to reimburse reasonable actual and necessary costs incurred  
988 by the Mississippi Development Authority in providing assistance

989 related to a project for which funding is provided for the use of  
990 proceeds of such bonds. The Mississippi Development Authority  
991 shall maintain an accounting of actual costs incurred for each  
992 project for which reimbursements are sought. Reimbursements under  
993 this paragraph shall not exceed Twenty-five Thousand Dollars  
994 (\$25,000.00) in the aggregate.

995 (ii) The proceeds of bonds issued under this  
996 section for projects described in Section 57-75-5(f)(ix) may be  
997 used to reimburse reasonable actual and necessary costs incurred  
998 by the Department of Audit in providing services related to a  
999 project for which funding is provided from the use of proceeds of  
1000 such bonds. The Department of Audit shall maintain an accounting  
1001 of actual costs incurred for each project for which reimbursements  
1002 are sought. The Department of Audit may escalate its budget and  
1003 expend such funds in accordance with rules and regulations of the  
1004 Department of Finance and Administration in a manner consistent  
1005 with the escalation of federal funds. Reimbursements under this  
1006 paragraph shall not exceed Twenty-five Thousand Dollars  
1007 (\$25,000.00) in the aggregate. Reimbursements under this  
1008 paragraph shall satisfy any applicable federal tax law  
1009 requirements.

1010 (d) (i) The proceeds of bonds issued under this  
1011 section for projects described in Section 57-75-5(f)(x) may be  
1012 used to reimburse reasonable actual and necessary costs incurred  
1013 by the Mississippi Development Authority in providing assistance  
1014 related to a project for which funding is provided for the use of  
1015 proceeds of such bonds. The Mississippi Development Authority  
1016 shall maintain an accounting of actual costs incurred for each  
1017 project for which reimbursements are sought. Reimbursements under  
1018 this paragraph shall not exceed Twenty-five Thousand Dollars  
1019 (\$25,000.00) in the aggregate.

1020 (ii) The proceeds of bonds issued under this  
1021 section for projects described in Section 57-75-5(f)(x) may be

1022 used to reimburse reasonable actual and necessary costs incurred  
1023 by the Department of Audit in providing services related to a  
1024 project for which funding is provided from the use of proceeds of  
1025 such bonds. The Department of Audit shall maintain an accounting  
1026 of actual costs incurred for each project for which reimbursements  
1027 are sought. The Department of Audit may escalate its budget and  
1028 expend such funds in accordance with rules and regulations of the  
1029 Department of Finance and Administration in a manner consistent  
1030 with the escalation of federal funds. Reimbursements under this  
1031 paragraph shall not exceed Twenty-five Thousand Dollars  
1032 (\$25,000.00) in the aggregate. Reimbursements under this  
1033 paragraph shall satisfy any applicable federal tax law  
1034 requirements.

1035 (e) (i) The proceeds of bonds issued under this  
1036 section for projects described in Section 57-75-5(f)(xii) may be  
1037 used to reimburse reasonable actual and necessary costs incurred  
1038 by the Mississippi Development Authority in providing assistance  
1039 related to a project for which funding is provided from the use of  
1040 proceeds of such bonds. The Mississippi Development Authority  
1041 shall maintain an accounting of actual costs incurred for each  
1042 project for which reimbursements are sought. Reimbursements under  
1043 this paragraph (e)(i) shall not exceed Twenty-five Thousand  
1044 Dollars (\$25,000.00) in the aggregate.

1045 (ii) The proceeds of bonds issued under this  
1046 section for projects described in Section 57-75-5(f)(xii) may be  
1047 used to reimburse reasonable actual and necessary costs incurred  
1048 by the Department of Audit in providing services related to a  
1049 project for which funding is provided from the use of proceeds of  
1050 such bonds. The Department of Audit shall maintain an accounting  
1051 of actual costs incurred for each project for which reimbursements  
1052 are sought. The Department of Audit may escalate its budget and  
1053 expend such funds in accordance with rules and regulations of the  
1054 Department of Finance and Administration in a manner consistent



1055 with the escalation of federal funds. Reimbursements under this  
1056 paragraph (e)(ii) shall not exceed Twenty-five Thousand Dollars  
1057 (\$25,000.00) in the aggregate. Reimbursements under this  
1058 paragraph (e)(ii) shall satisfy any applicable federal tax law  
1059 requirements.

1060 (f) (i) The proceeds of bonds issued under this  
1061 section for projects described in Section 57-75-5(f)(xiii),  
1062 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may  
1063 be used to reimburse reasonable actual and necessary costs  
1064 incurred by the Mississippi Development Authority in providing  
1065 assistance related to a project for which funding is provided from  
1066 the use of proceeds of such bonds. The Mississippi Development  
1067 Authority shall maintain an accounting of actual costs incurred  
1068 for each project for which reimbursements are sought.

1069 Reimbursements under this paragraph (f)(i) shall not exceed  
1070 Twenty-five Thousand Dollars (\$25,000.00) for each project.

1071 (ii) The proceeds of bonds issued under this  
1072 section for projects described in Section 57-75-5(f)(xiii),  
1073 (f)(xiv), (f)(xv), (f)(xvi), (f)(xvii), (f)(xviii) and (f)(xx) may  
1074 be used to reimburse reasonable actual and necessary costs  
1075 incurred by the Department of Audit in providing services related  
1076 to a project for which funding is provided from the use of  
1077 proceeds of such bonds. The Department of Audit shall maintain an  
1078 accounting of actual costs incurred for each project for which  
1079 reimbursements are sought. The Department of Audit may escalate  
1080 its budget and expend such funds in accordance with rules and  
1081 regulations of the Department of Finance and Administration in a  
1082 manner consistent with the escalation of federal funds.

1083 Reimbursements under this paragraph (f)(ii) shall not exceed  
1084 Twenty-five Thousand Dollars (\$25,000.00) for each project.

1085 Reimbursements under this paragraph (f)(ii) shall satisfy any  
1086 applicable federal tax law requirements.

1087           (5) The principal of and the interest on the bonds shall be  
1088 payable in the manner hereinafter set forth. The bonds shall bear  
1089 date or dates; be in such denomination or denominations; bear  
1090 interest at such rate or rates; be payable at such place or places  
1091 within or without the state; mature absolutely at such time or  
1092 times; be redeemable before maturity at such time or times and  
1093 upon such terms, with or without premium; bear such registration  
1094 privileges; and be substantially in such form; all as shall be  
1095 determined by resolution of the State Bond Commission except that  
1096 such bonds shall mature or otherwise be retired in annual  
1097 installments beginning not more than five (5) years from the date  
1098 thereof and extending not more than twenty-five (25) years from  
1099 the date thereof. The bonds shall be signed by the Chairman of  
1100 the State Bond Commission, or by his facsimile signature, and the  
1101 official seal of the State Bond Commission shall be imprinted on  
1102 or affixed thereto, attested by the manual or facsimile signature  
1103 of the Secretary of the State Bond Commission. Whenever any such  
1104 bonds have been signed by the officials herein designated to sign  
1105 the bonds, who were in office at the time of such signing but who  
1106 may have ceased to be such officers before the sale and delivery  
1107 of such bonds, or who may not have been in office on the date such  
1108 bonds may bear, the signatures of such officers upon such bonds  
1109 shall nevertheless be valid and sufficient for all purposes and  
1110 have the same effect as if the person so officially signing such  
1111 bonds had remained in office until the delivery of the same to the  
1112 purchaser, or had been in office on the date such bonds may bear.

1113           (6) All bonds issued under the provisions of this section  
1114 shall be and are hereby declared to have all the qualities and  
1115 incidents of negotiable instruments under the provisions of the  
1116 Uniform Commercial Code and in exercising the powers granted by  
1117 this chapter, the State Bond Commission shall not be required to  
1118 and need not comply with the provisions of the Uniform Commercial  
1119 Code.

1120           (7) The State Bond Commission shall sell the bonds on sealed  
1121 bids at public sale, and for such price as it may determine to be  
1122 for the best interest of the State of Mississippi, but no such  
1123 sale shall be made at a price less than par plus accrued interest  
1124 to date of delivery of the bonds to the purchaser. The bonds  
1125 shall bear interest at such rate or rates not exceeding the limits  
1126 set forth in Section 75-17-101 as shall be fixed by the State Bond  
1127 Commission. All interest accruing on such bonds so issued shall  
1128 be payable semiannually or annually; provided that the first  
1129 interest payment may be for any period of not more than one (1)  
1130 year.

1131           Notice of the sale of any bonds shall be published at least  
1132 one time, the first of which shall be made not less than ten (10)  
1133 days prior to the date of sale, and shall be so published in one  
1134 or more newspapers having a general circulation in the City of  
1135 Jackson and in one or more other newspapers or financial journals  
1136 with a large national circulation, to be selected by the State  
1137 Bond Commission.

1138           The State Bond Commission, when issuing any bonds under the  
1139 authority of this section, may provide that the bonds, at the  
1140 option of the state, may be called in for payment and redemption  
1141 at the call price named therein and accrued interest on such date  
1142 or dates named therein.

1143           (8) State bonds issued under the provisions of this section  
1144 shall be the general obligations of the state and backed by the  
1145 full faith and credit of the state. The Legislature shall  
1146 appropriate annually an amount sufficient to pay the principal of  
1147 and the interest on such bonds as they become due. All bonds  
1148 shall contain recitals on their faces substantially covering the  
1149 foregoing provisions of this section.

1150           (9) The State Treasurer is authorized to certify to the  
1151 Department of Finance and Administration the necessity for  
1152 warrants, and the Department of Finance and Administration is

1153 authorized and directed to issue such warrants payable out of any  
1154 funds appropriated by the Legislature under this section for such  
1155 purpose, in such amounts as may be necessary to pay when due the  
1156 principal of and interest on all bonds issued under the provisions  
1157 of this section. The State Treasurer shall forward the necessary  
1158 amount to the designated place or places of payment of such bonds  
1159 in ample time to discharge such bonds, or the interest thereon, on  
1160 the due dates thereof.

1161 (10) The bonds may be issued without any other proceedings  
1162 or the happening of any other conditions or things other than  
1163 those proceedings, conditions and things which are specified or  
1164 required by this chapter. Any resolution providing for the  
1165 issuance of general obligation bonds under the provisions of this  
1166 section shall become effective immediately upon its adoption by  
1167 the State Bond Commission, and any such resolution may be adopted  
1168 at any regular or special meeting of the State Bond Commission by  
1169 a majority of its members.

1170 (11) In anticipation of the issuance of bonds hereunder, the  
1171 State Bond Commission is authorized to negotiate and enter into  
1172 any purchase, loan, credit or other agreement with any bank, trust  
1173 company or other lending institution or to issue and sell interim  
1174 notes for the purpose of making any payments authorized under this  
1175 section. All borrowings made under this provision shall be  
1176 evidenced by notes of the state which shall be issued from time to  
1177 time, for such amounts not exceeding the amount of bonds  
1178 authorized herein, in such form and in such denomination and  
1179 subject to such terms and conditions of sale and issuance,  
1180 prepayment or redemption and maturity, rate or rates of interest  
1181 not to exceed the maximum rate authorized herein for bonds, and  
1182 time of payment of interest as the State Bond Commission shall  
1183 agree to in such agreement. Such notes shall constitute general  
1184 obligations of the state and shall be backed by the full faith and  
1185 credit of the state. Such notes may also be issued for the

1186 purpose of refunding previously issued notes. No note shall  
1187 mature more than three (3) years following the date of its  
1188 issuance. The State Bond Commission is authorized to provide for  
1189 the compensation of any purchaser of the notes by payment of a  
1190 fixed fee or commission and for all other costs and expenses of  
1191 issuance and service, including paying agent costs. Such costs  
1192 and expenses may be paid from the proceeds of the notes.

1193 (12) The bonds and interim notes authorized under the  
1194 authority of this section may be validated in the First Judicial  
1195 District of the Chancery Court of Hinds County, Mississippi, in  
1196 the manner and with the force and effect provided now or hereafter  
1197 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
1198 validation of county, municipal, school district and other bonds.  
1199 The necessary papers for such validation proceedings shall be  
1200 transmitted to the State Bond Attorney, and the required notice  
1201 shall be published in a newspaper published in the City of  
1202 Jackson, Mississippi.

1203 (13) Any bonds or interim notes issued under the provisions  
1204 of this chapter, a transaction relating to the sale or securing of  
1205 such bonds or interim notes, their transfer and the income  
1206 therefrom shall at all times be free from taxation by the state or  
1207 any local unit or political subdivision or other instrumentality  
1208 of the state, excepting inheritance and gift taxes.

1209 (14) All bonds issued under this chapter shall be legal  
1210 investments for trustees, other fiduciaries, savings banks, trust  
1211 companies and insurance companies organized under the laws of the  
1212 State of Mississippi; and such bonds shall be legal securities  
1213 which may be deposited with and shall be received by all public  
1214 officers and bodies of the state and all municipalities and other  
1215 political subdivisions thereof for the purpose of securing the  
1216 deposit of public funds.

1217 (15) The Attorney General of the State of Mississippi shall  
1218 represent the State Bond Commission in issuing, selling and

1219 validating bonds herein provided for, and the Bond Commission is  
1220 hereby authorized and empowered to expend from the proceeds  
1221 derived from the sale of the bonds authorized hereunder all  
1222 necessary administrative, legal and other expenses incidental and  
1223 related to the issuance of bonds authorized under this chapter.

1224 (16) There is hereby created a special fund in the State  
1225 Treasury to be known as the Mississippi Major Economic Impact  
1226 Authority Fund wherein shall be deposited the proceeds of the  
1227 bonds issued under this chapter and all monies received by the  
1228 authority to carry out the purposes of this chapter. Expenditures  
1229 authorized herein shall be paid by the State Treasurer upon  
1230 warrants drawn from the fund, and the Department of Finance and  
1231 Administration shall issue warrants upon requisitions signed by  
1232 the director of the authority.

1233 (17) (a) There is hereby created the Mississippi Economic  
1234 Impact Authority Sinking Fund from which the principal of and  
1235 interest on such bonds shall be paid by appropriation. All monies  
1236 paid into the sinking fund not appropriated to pay accruing bonds  
1237 and interest shall be invested by the State Treasurer in such  
1238 securities as are provided by law for the investment of the  
1239 sinking funds of the state.

1240 (b) In the event that all or any part of the bonds and  
1241 notes are purchased, they shall be cancelled and returned to the  
1242 loan and transfer agent as cancelled and paid bonds and notes and  
1243 thereafter all payments of interest thereon shall cease and the  
1244 cancelled bonds, notes and coupons, together with any other  
1245 cancelled bonds, notes and coupons, shall be destroyed as promptly  
1246 as possible after cancellation but not later than two (2) years  
1247 after cancellation. A certificate evidencing the destruction of  
1248 the cancelled bonds, notes and coupons shall be provided by the  
1249 loan and transfer agent to the seller.

1250 (c) The State Treasurer shall determine and report to  
1251 the Department of Finance and Administration and Legislative

1252 Budget Office by September 1 of each year the amount of money  
1253 necessary for the payment of the principal of and interest on  
1254 outstanding obligations for the following fiscal year and the  
1255 times and amounts of the payments. It shall be the duty of the  
1256 Governor to include in every executive budget submitted to the  
1257 Legislature full information relating to the issuance of bonds and  
1258 notes under the provisions of this chapter and the status of the  
1259 sinking fund for the payment of the principal of and interest on  
1260 the bonds and notes.

1261 (d) Any monies repaid to the state from loans  
1262 authorized in Section 57-75-11(hh) shall be deposited into the  
1263 Mississippi Major Economic Impact Authority Sinking Fund unless  
1264 the State Bond Commission, at the request of the authority, shall  
1265 determine that such loan repayments are needed to provide  
1266 additional loans as authorized under Section 57-75-11(hh). For  
1267 purposes of providing additional loans, there is hereby created  
1268 the Mississippi Major Economic Impact Authority Revolving Loan  
1269 Fund and loan repayments shall be deposited into the fund. The  
1270 fund shall be maintained for such period as determined by the  
1271 State Bond Commission for the sole purpose of making additional  
1272 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
1273 remaining in the fund at the end of a fiscal year shall not lapse  
1274 into the State General Fund and any interest earned on amounts in  
1275 such fund shall be deposited to the credit of the fund.

1276 (e) Any monies repaid to the state from loans  
1277 authorized in Section 57-75-11(ii) shall be deposited into the  
1278 Mississippi Major Economic Impact Authority Sinking Fund.

1279 (f) Any monies repaid to the state from loans  
1280 authorized in Section 57-75-11(jj) shall be deposited into the  
1281 Mississippi Major Economic Impact Authority Sinking Fund.

1282 (18) (a) Upon receipt of a declaration by the authority  
1283 that it has determined that the state is a potential site for a  
1284 project, the State Bond Commission is authorized and directed to

1285 authorize the State Treasurer to borrow money from any special  
1286 fund in the State Treasury not otherwise appropriated to be  
1287 utilized by the authority for the purposes provided for in this  
1288 subsection.

1289 (b) The proceeds of the money borrowed under this  
1290 subsection may be utilized by the authority for the purpose of  
1291 defraying all or a portion of the costs incurred by the authority  
1292 with respect to acquisition options and planning, design and  
1293 environmental impact studies with respect to a project defined in  
1294 Section 57-75-5(f)(xi). The authority may escalate its budget and  
1295 expend the proceeds of the money borrowed under this subsection in  
1296 accordance with rules and regulations of the Department of Finance  
1297 and Administration in a manner consistent with the escalation of  
1298 federal funds.

1299 (c) The authority shall request an appropriation or  
1300 additional authority to issue general obligation bonds to repay  
1301 the borrowed funds and establish a date for the repayment of the  
1302 funds so borrowed.

1303 (d) Borrowings made under the provisions of this  
1304 subsection shall not exceed Five Hundred Thousand Dollars  
1305 (\$500,000.00) at any one time.

1306 **SECTION 4.** As used in Sections 4 through 6 of this act, the  
1307 following terms and phrases shall have the meanings ascribed in  
1308 this section unless the context clearly indicates otherwise:

1309 (a) "Approved project costs" means actual costs  
1310 incurred by an approved participant for land acquisition,  
1311 construction, engineering, design and other costs approved by the  
1312 Mississippi Development Authority relating to a tourism project.  
1313 The term "approved project costs" also may include, if approved by  
1314 the Mississippi Development Authority, costs described above that  
1315 are incurred by an approved participant within three (3) months  
1316 after the date a tourism project opens for commercial operation.  
1317 All costs must be verified by an independent third party approved



1318 by the MDA. An approved participant shall pay the costs for the  
1319 third party verification of costs.

1320 (b) "Approved participant" means a person, corporation  
1321 or other entity issued a certificate by the Mississippi  
1322 Development Authority under Section 6 of this act.

1323 (c) "MDA" means the Mississippi Development Authority.

1324 (d) "Tourism project" means any of the following:

1325 (i) A hotel with a minimum private investment of  
1326 Forty Million Dollars (\$40,000,000.00) in land, buildings,  
1327 architecture, engineering, fixtures, equipment, furnishings,  
1328 amenities and other related soft costs approved by the Mississippi  
1329 Development Authority, and having a minimum private investment of  
1330 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room  
1331 which amount shall be included within the minimum private  
1332 investment of Forty Million Dollars (\$40,000,000.00);

1333 (ii) A nationally branded, themed entertainment  
1334 district consisting of restaurants, bars, amphitheaters, live  
1335 theaters, other entertainment venues and commercial improvements  
1336 located within the entertainment district, with a minimum private  
1337 investment of Seventy-five Million Dollars (\$75,000,000.00);

1338 (iii) A nationally branded museum/aquarium with a  
1339 minimum private investment of Forty Million Dollars  
1340 (\$40,000,000.00); and

1341 (iv) A public golf course with a minimum private  
1342 investment of Ten Million Dollars (\$10,000,000.00).

1343 In addition, in order for a tourism project to be eligible to  
1344 qualify under the provisions of Sections 4 through 6 of this act,  
1345 the tourism project must be located on a project site, and  
1346 construction of the tourism project must begin no later than sixty  
1347 (60) months after the date that construction for the initial phase  
1348 of development of the project site begins, or June 1, 2012,  
1349 whichever date is earlier.

1350 (e) "Project site" means a planned mixed use  
1351 development located on at least four thousand (4,000) acres of  
1352 land that will consist of commercial, recreational, resort,  
1353 tourism and residential development, for which the initial phase  
1354 of development shall begin no later than June 1, 2007.

1355 (f) "State" means the State of Mississippi.

1356 **SECTION 5.** (1) (a) There is created in the State Treasury  
1357 a special fund to be known as the "Tourism Sales Tax Incentive  
1358 Fund," into which shall be deposited such money as provided in  
1359 Section 27-65-75(20). The monies in the fund shall be used for  
1360 the purpose of making the incentive payments authorized in this  
1361 section. The fund shall be administered by the MDA. Unexpended  
1362 amounts remaining in the fund at the end of a fiscal year shall  
1363 not lapse into the State General Fund, and any interest earned on  
1364 or investment earnings on the amounts in the fund shall be  
1365 deposited to the credit of the fund. The MDA may use not more  
1366 than one percent (1%) of interest earned or investment earnings,  
1367 or both, on amounts in the fund for administration and management  
1368 of the incentive program authorized under Sections 4 through 6 of  
1369 this act.

1370 (b) Subject to the provisions of this section,  
1371 incentive payments may be made by the MDA to an approved  
1372 participant that incurs approved project costs to locate a tourism  
1373 project in the state. The payments to an approved participant  
1374 shall be for eighty percent (80%) of the amount of sales tax  
1375 revenue collected from the operation of the tourism project, after  
1376 making the diversions required in Section 27-65-75(7) and (8).  
1377 The MDA shall make payments to an approved participant on a  
1378 semiannual basis with payments being made in the months of January  
1379 and July. The aggregate amount of incentive payments that an  
1380 approved participant may receive shall not exceed thirty percent  
1381 (30%) of the approved project costs incurred by the approved  
1382 participant for the tourism project. Expansions, enlargements or

1383 additional investments made by an approved participant will not  
1384 increase authorized incentive payments certified by the MDA. The  
1385 MDA shall make the calculations necessary to make the payments  
1386 provided for in this section. The MDA shall cease making  
1387 incentive payments to an approved participant on the occurrence of  
1388 the earlier of (i) the date that an aggregate amount of thirty  
1389 percent (30%) of the approved project costs incurred by the  
1390 approved participant for the tourism project has been paid to the  
1391 approved participant, or (ii) ten (10) years after the date the  
1392 tourism project opens for commercial operation.

1393 (c) If an approved participant does not use or need all  
1394 of the incentive payments approved by the MDA for a tourism  
1395 project, then the approved participant may request that the MDA  
1396 allow the approved participant to transfer or assign part of such  
1397 incentive payments to another tourism project that, because of the  
1398 sales tax revenue generated by the tourism project, will produce  
1399 aggregate incentive payments over the ten-year period of less than  
1400 thirty percent (30%) of approved project costs incurred by the  
1401 approved participant for that tourism project. There may be only  
1402 one (1) such request for transfer or assignment approved by the  
1403 MDA for a project site.

1404 (d) The total amount of incentive payments authorized  
1405 for all tourism projects located on a project site shall not  
1406 exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in the  
1407 aggregate.

1408 (2) At such time as incentive payments are no longer  
1409 required to be made to an approved participant, the MDA shall  
1410 notify the State Tax Commission and the sales tax revenue  
1411 collected from the tourism project shall no longer be deposited  
1412 into the Tourism Sales Tax Incentive Fund. Any amounts remaining  
1413 in the fund that were collected from such project shall be  
1414 transferred to the State General Fund.

1415           **SECTION 6.** (1) The MDA shall develop, implement and  
1416 administer the incentive program authorized in Sections 4 through  
1417 6 of this act and shall promulgate rules and regulations necessary  
1418 for the development, implementation and administration of such  
1419 program.

1420           (2) A person, corporation or other entity desiring to  
1421 participate in the incentive program authorized in Sections 4  
1422 through 6 of this act must submit an application to the MDA. Such  
1423 application must contain (a) plans for the proposed tourism  
1424 project; (b) a detailed description of the proposed tourism  
1425 project; (c) the method of financing the proposed tourism project  
1426 and the terms of such financing; and (d) any other information  
1427 required by the MDA. An application must be submitted no later  
1428 than sixty (60) months after the date that construction for the  
1429 initial phase of development of a project site begins, or June 1,  
1430 2012, whichever date is earlier. The Executive Director of the  
1431 MDA shall review the application and determine if it qualifies as  
1432 a tourism project. If the executive director determines the  
1433 proposed tourism project qualifies as a tourism project, he shall  
1434 issue a certificate to the person, corporation or other entity  
1435 designating such person, corporation or other entity as an  
1436 approved participant and authorizing the approved participant to  
1437 participate in the incentive program provided for in Sections 4  
1438 through 6 of this act.

1439           **SECTION 7.** Section 27-65-75, Mississippi Code of 1972, is  
1440 amended as follows:

1441           27-65-75. On or before the fifteenth day of each month, the  
1442 revenue collected under the provisions of this chapter during the  
1443 preceding month shall be paid and distributed as follows:

1444           (1) (a) On or before August 15, 1992, and each succeeding  
1445 month thereafter through July 15, 1993, eighteen percent (18%) of  
1446 the total sales tax revenue collected during the preceding month  
1447 under the provisions of this chapter, except that collected under

1448 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
1449 business activities within a municipal corporation shall be  
1450 allocated for distribution to the municipality and paid to the  
1451 municipal corporation. On or before August 15, 1993, and each  
1452 succeeding month thereafter, eighteen and one-half percent  
1453 (18-1/2%) of the total sales tax revenue collected during the  
1454 preceding month under the provisions of this chapter, except that  
1455 collected under the provisions of Sections 27-65-15, 27-65-19(3)  
1456 and 27-65-21, on business activities within a municipal  
1457 corporation shall be allocated for distribution to the  
1458 municipality and paid to the municipal corporation.

1459 A municipal corporation, for the purpose of distributing the  
1460 tax under this subsection, shall mean and include all incorporated  
1461 cities, towns and villages.

1462 Monies allocated for distribution and credited to a municipal  
1463 corporation under this subsection may be pledged as security for a  
1464 loan if the distribution received by the municipal corporation is  
1465 otherwise authorized or required by law to be pledged as security  
1466 for such a loan.

1467 In any county having a county seat that is not an  
1468 incorporated municipality, the distribution provided under this  
1469 subsection shall be made as though the county seat was an  
1470 incorporated municipality; however, the distribution to the  
1471 municipality shall be paid to the county treasury in which the  
1472 municipality is located, and those funds shall be used for road,  
1473 bridge and street construction or maintenance in the county.

1474 (b) On or before August 15, 2006, and each succeeding  
1475 month thereafter, eighteen and one-half percent (18-1/2%) of the  
1476 total sales tax revenue collected during the preceding month under  
1477 the provisions of this chapter, except that collected under the  
1478 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
1479 business activities on the campus of a state institution of higher  
1480 learning or community or junior college whose campus is not

1481 located within the corporate limits of a municipality, shall be  
1482 allocated for distribution to the state institution of higher  
1483 learning or community or junior college and paid to the state  
1484 institution of higher learning or community or junior college.

1485 (2) On or before September 15, 1987, and each succeeding  
1486 month thereafter, from the revenue collected under this chapter  
1487 during the preceding month, One Million One Hundred Twenty-five  
1488 Thousand Dollars (\$1,125,000.00) shall be allocated for  
1489 distribution to municipal corporations as defined under subsection  
1490 (1) of this section in the proportion that the number of gallons  
1491 of gasoline and diesel fuel sold by distributors to consumers and  
1492 retailers in each such municipality during the preceding fiscal  
1493 year bears to the total gallons of gasoline and diesel fuel sold  
1494 by distributors to consumers and retailers in municipalities  
1495 statewide during the preceding fiscal year. The State Tax  
1496 Commission shall require all distributors of gasoline and diesel  
1497 fuel to report to the commission monthly the total number of  
1498 gallons of gasoline and diesel fuel sold by them to consumers and  
1499 retailers in each municipality during the preceding month. The  
1500 State Tax Commission shall have the authority to promulgate such  
1501 rules and regulations as is necessary to determine the number of  
1502 gallons of gasoline and diesel fuel sold by distributors to  
1503 consumers and retailers in each municipality. In determining the  
1504 percentage allocation of funds under this subsection for the  
1505 fiscal year beginning July 1, 1987, and ending June 30, 1988, the  
1506 State Tax Commission may consider gallons of gasoline and diesel  
1507 fuel sold for a period of less than one (1) fiscal year. For the  
1508 purposes of this subsection, the term "fiscal year" means the  
1509 fiscal year beginning July 1 of a year.

1510 (3) On or before September 15, 1987, and on or before the  
1511 fifteenth day of each succeeding month, until the date specified  
1512 in Section 65-39-35, the proceeds derived from contractors' taxes  
1513 levied under Section 27-65-21 on contracts for the construction or

1514 reconstruction of highways designated under the highway program  
1515 created under Section 65-3-97 shall, except as otherwise provided  
1516 in Section 31-17-127, be deposited into the State Treasury to the  
1517 credit of the State Highway Fund to be used to fund that highway  
1518 program. The Mississippi Department of Transportation shall  
1519 provide to the State Tax Commission such information as is  
1520 necessary to determine the amount of proceeds to be distributed  
1521 under this subsection.

1522 (4) On or before August 15, 1994, and on or before the  
1523 fifteenth day of each succeeding month through July 15, 1999, from  
1524 the proceeds of gasoline, diesel fuel or kerosene taxes as  
1525 provided in Section 27-5-101(a)(ii)1, Four Million Dollars  
1526 (\$4,000,000.00) shall be deposited in the State Treasury to the  
1527 credit of a special fund designated as the "State Aid Road Fund,"  
1528 created by Section 65-9-17. On or before August 15, 1999, and on  
1529 or before the fifteenth day of each succeeding month, from the  
1530 total amount of the proceeds of gasoline, diesel fuel or kerosene  
1531 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million  
1532 Dollars (\$4,000,000.00) or an amount equal to twenty-three and  
1533 one-fourth percent (23-1/4%) of those funds, whichever is the  
1534 greater amount, shall be deposited in the State Treasury to the  
1535 credit of the "State Aid Road Fund," created by Section 65-9-17.  
1536 Those funds shall be pledged to pay the principal of and interest  
1537 on state aid road bonds heretofore issued under Sections 19-9-51  
1538 through 19-9-77, in lieu of and in substitution for the funds  
1539 previously allocated to counties under this section. Those funds  
1540 may not be pledged for the payment of any state aid road bonds  
1541 issued after April 1, 1981; however, this prohibition against the  
1542 pledging of any such funds for the payment of bonds shall not  
1543 apply to any bonds for which intent to issue those bonds has been  
1544 published, for the first time, as provided by law before March 29,  
1545 1981. From the amount of taxes paid into the special fund under  
1546 this subsection and subsection (9) of this section, there shall be

1547 first deducted and paid the amount necessary to pay the expenses  
1548 of the Office of State Aid Road Construction, as authorized by the  
1549 Legislature for all other general and special fund agencies. The  
1550 remainder of the fund shall be allocated monthly to the several  
1551 counties in accordance with the following formula:

1552 (a) One-third (1/3) shall be allocated to all counties  
1553 in equal shares;

1554 (b) One-third (1/3) shall be allocated to counties  
1555 based on the proportion that the total number of rural road miles  
1556 in a county bears to the total number of rural road miles in all  
1557 counties of the state; and

1558 (c) One-third (1/3) shall be allocated to counties  
1559 based on the proportion that the rural population of the county  
1560 bears to the total rural population in all counties of the state,  
1561 according to the latest federal decennial census.

1562 For the purposes of this subsection, the term "gasoline,  
1563 diesel fuel or kerosene taxes" means such taxes as defined in  
1564 paragraph (f) of Section 27-5-101.

1565 The amount of funds allocated to any county under this  
1566 subsection for any fiscal year after fiscal year 1994 shall not be  
1567 less than the amount allocated to the county for fiscal year 1994.

1568 Any reference in the general laws of this state or the  
1569 Mississippi Code of 1972 to Section 27-5-105 shall mean and be  
1570 construed to refer and apply to subsection (4) of Section  
1571 27-65-75.

1572 (5) One Million Six Hundred Sixty-six Thousand Six Hundred  
1573 Sixty-six Dollars (\$1,666,666.00) each month shall be paid into  
1574 the special fund known as the "State Public School Building Fund"  
1575 created and existing under the provisions of Sections 37-47-1  
1576 through 37-47-67. Those payments into that fund are to be made on  
1577 the last day of each succeeding month hereafter.

1578 (6) An amount each month beginning August 15, 1983, through  
1579 November 15, 1986, as specified in Section 6 of Chapter 542, Laws



1580 of 1983, shall be paid into the special fund known as the  
1581 Correctional Facilities Construction Fund created in Section 6 of  
1582 Chapter 542, Laws of 1983.

1583 (7) On or before August 15, 1992, and each succeeding month  
1584 thereafter through July 15, 2000, two and two hundred sixty-six  
1585 one-thousandths percent (2.266%) of the total sales tax revenue  
1586 collected during the preceding month under the provisions of this  
1587 chapter, except that collected under the provisions of Section  
1588 27-65-17(2) shall be deposited by the commission into the School  
1589 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On  
1590 or before August 15, 2000, and each succeeding month thereafter,  
1591 two and two hundred sixty-six one-thousandths percent (2.266%) of  
1592 the total sales tax revenue collected during the preceding month  
1593 under the provisions of this chapter, except that collected under  
1594 the provisions of Section 27-65-17(2), shall be deposited into the  
1595 School Ad Valorem Tax Reduction Fund created under Section  
1596 37-61-35 until such time that the total amount deposited into the  
1597 fund during a fiscal year equals Forty-two Million Dollars  
1598 (\$42,000,000.00). Thereafter, the amounts diverted under this  
1599 subsection (7) during the fiscal year in excess of Forty-two  
1600 Million Dollars (\$42,000,000.00) shall be deposited into the  
1601 Education Enhancement Fund created under Section 37-61-33 for  
1602 appropriation by the Legislature as other education needs and  
1603 shall not be subject to the percentage appropriation requirements  
1604 set forth in Section 37-61-33.

1605 (8) On or before August 15, 1992, and each succeeding month  
1606 thereafter, nine and seventy-three one-thousandths percent  
1607 (9.073%) of the total sales tax revenue collected during the  
1608 preceding month under the provisions of this chapter, except that  
1609 collected under the provisions of Section 27-65-17(2), shall be  
1610 deposited into the Education Enhancement Fund created under  
1611 Section 37-61-33.

1612           (9) On or before August 15, 1994, and each succeeding month  
1613 thereafter, from the revenue collected under this chapter during  
1614 the preceding month, Two Hundred Fifty Thousand Dollars  
1615 (\$250,000.00) shall be paid into the State Aid Road Fund.

1616           (10) On or before August 15, 1994, and each succeeding month  
1617 thereafter through August 15, 1995, from the revenue collected  
1618 under this chapter during the preceding month, Two Million Dollars  
1619 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad  
1620 Valorem Tax Reduction Fund established in Section 27-51-105.

1621           (11) Notwithstanding any other provision of this section to  
1622 the contrary, on or before February 15, 1995, and each succeeding  
1623 month thereafter, the sales tax revenue collected during the  
1624 preceding month under the provisions of Section 27-65-17(2) and  
1625 the corresponding levy in Section 27-65-23 on the rental or lease  
1626 of private carriers of passengers and light carriers of property  
1627 as defined in Section 27-51-101 shall be deposited, without  
1628 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund  
1629 established in Section 27-51-105.

1630           (12) Notwithstanding any other provision of this section to  
1631 the contrary, on or before August 15, 1995, and each succeeding  
1632 month thereafter, the sales tax revenue collected during the  
1633 preceding month under the provisions of Section 27-65-17(1) on  
1634 retail sales of private carriers of passengers and light carriers  
1635 of property, as defined in Section 27-51-101 and the corresponding  
1636 levy in Section 27-65-23 on the rental or lease of these vehicles,  
1637 shall be deposited, after diversion, into the Motor Vehicle Ad  
1638 Valorem Tax Reduction Fund established in Section 27-51-105.

1639           (13) On or before July 15, 1994, and on or before the  
1640 fifteenth day of each succeeding month thereafter, that portion of  
1641 the avails of the tax imposed in Section 27-65-22 that is derived  
1642 from activities held on the Mississippi State Fairgrounds Complex,  
1643 shall be paid into a special fund that is created in the State  
1644 Treasury and shall be expended upon legislative appropriation

1645 solely to defray the costs of repairs and renovation at the Trade  
1646 Mart and Coliseum.

1647 (14) On or before August 15, 1998, and each succeeding month  
1648 thereafter through July 15, 2005, that portion of the avails of  
1649 the tax imposed in Section 27-65-23 that is derived from sales by  
1650 cotton compresses or cotton warehouses and that would otherwise be  
1651 paid into the General Fund, shall be deposited in an amount not to  
1652 exceed Two Million Dollars (\$2,000,000.00) into the special fund  
1653 created under Section 69-37-39.

1654 (15) Notwithstanding any other provision of this section to  
1655 the contrary, on or before September 15, 2000, and each succeeding  
1656 month thereafter, the sales tax revenue collected during the  
1657 preceding month under the provisions of Section 27-65-19(1)(f) and  
1658 (g)(i)2, shall be deposited, without diversion, into the  
1659 Telecommunications Ad Valorem Tax Reduction Fund established in  
1660 Section 27-38-7.

1661 (16) On or before August 15, 2000, and each succeeding month  
1662 thereafter, the sales tax revenue collected during the preceding  
1663 month under the provisions of this chapter on the gross proceeds  
1664 of sales of a project as defined in Section 57-30-1 shall be  
1665 deposited, after all diversions except the diversion provided for  
1666 in subsection (1) of this section, into the Sales Tax Incentive  
1667 Fund created in Section 57-30-3.

1668 (17) Notwithstanding any other provision of this section to  
1669 the contrary, on or before April 15, 2002, and each succeeding  
1670 month thereafter, the sales tax revenue collected during the  
1671 preceding month under Section 27-65-23 on sales of parking  
1672 services of parking garages and lots at airports shall be  
1673 deposited, without diversion, into the special fund created under  
1674 Section 27-5-101(d).

1675 (18) On or before August 15, 2007, and each succeeding month  
1676 thereafter through July 15, 2008, from the sales tax revenue  
1677 collected during the preceding month under the provisions of this

1678 chapter, Two Million Five Hundred Thousand Dollars (\$2,500,000.00)  
1679 shall be deposited into the Special Funds Transfer Fund created in  
1680 Section 4 of Chapter 556, Laws of 2003.

1681 (19) (a) On or before August 15, 2005, and each succeeding  
1682 month thereafter, the sales tax revenue collected during the  
1683 preceding month under the provisions of this chapter on the gross  
1684 proceeds of sales of a business enterprise located within a  
1685 redevelopment project area under the provisions of Sections  
1686 57-91-1 through 57-91-11, and the revenue collected on the gross  
1687 proceeds of sales from sales made to a business enterprise located  
1688 in a redevelopment project area under the provisions of Sections  
1689 57-91-1 through 57-91-11 (provided that such sales made to a  
1690 business enterprise are made on the premises of the business  
1691 enterprise), shall, except as otherwise provided in this  
1692 subsection (19), be deposited, after all diversions, into the  
1693 Redevelopment Project Incentive Fund as created in Section  
1694 57-91-9.

1695 (b) For a municipality participating in the Economic  
1696 Redevelopment Act created in Sections 57-91-1 through 57-91-11,  
1697 the diversion provided for in subsection (1) of this section  
1698 attributable to the gross proceeds of sales of a business  
1699 enterprise located within a redevelopment project area under the  
1700 provisions of Sections 57-91-1 through 57-91-11, and attributable  
1701 to the gross proceeds of sales from sales made to a business  
1702 enterprise located in a redevelopment project area under the  
1703 provisions of Sections 57-91-1 through 57-91-11 (provided that  
1704 such sales made to a business enterprise are made on the premises  
1705 of the business enterprise), shall be deposited into the  
1706 Redevelopment Project Incentive Fund as created in Section  
1707 57-91-9, as follows:

1708 (i) For the first six (6) years in which payments  
1709 are made to a developer from the Redevelopment Project Incentive

1710 Fund, one hundred percent (100%) of the diversion shall be  
1711 deposited into the fund;

1712 (ii) For the seventh year in which such payments  
1713 are made to a developer from the Redevelopment Project Incentive  
1714 Fund, eighty percent (80%) of the diversion shall be deposited  
1715 into the fund;

1716 (iii) For the eighth year in which such payments  
1717 are made to a developer from the Redevelopment Project Incentive  
1718 Fund, seventy percent (70%) of the diversion shall be deposited  
1719 into the fund;

1720 (iv) For the ninth year in which such payments are  
1721 made to a developer from the Redevelopment Project Incentive Fund,  
1722 sixty percent (60%) of the diversion shall be deposited into the  
1723 fund; and

1724 (v) For the tenth year in which such payments are  
1725 made to a developer from the Redevelopment Project Incentive Fund,  
1726 fifty percent (50%) of the funds shall be deposited into the fund.

1727 (20) On or before January 15, 2007, and each succeeding  
1728 month thereafter, eighty percent (80%) of the sales tax revenue  
1729 collected during the preceding month under the provisions of this  
1730 chapter from the operation of a tourism project under the  
1731 provisions of Sections 4 through 6 of House Bill No. \_\_\_\_, 2006  
1732 First Extraordinary Session, shall be deposited, after the  
1733 diversions required in subsections (7) and (8) of this section,  
1734 into the Tourism Sales Tax Incentive Fund created in Section 5 of  
1735 this act.

1736 (21) The remainder of the amounts collected under the  
1737 provisions of this chapter shall be paid into the State Treasury  
1738 to the credit of the General Fund.

1739 (22) It shall be the duty of the municipal officials of any  
1740 municipality that expands its limits, or of any community that  
1741 incorporates as a municipality, to notify the commissioner of that  
1742 action thirty (30) days before the effective date. Failure to so

1743 notify the commissioner shall cause the municipality to forfeit  
1744 the revenue that it would have been entitled to receive during  
1745 this period of time when the commissioner had no knowledge of the  
1746 action. If any funds have been erroneously disbursed to any  
1747 municipality or any overpayment of tax is recovered by the  
1748 taxpayer, the commissioner may make correction and adjust the  
1749 error or overpayment with the municipality by withholding the  
1750 necessary funds from any later payment to be made to the  
1751 municipality.

1752         **SECTION 8.** This act shall take effect and be in force from  
1753 and after its passage.