

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

HOUSE BILL NO. 3
(As Passed the House)

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26 Act as originally enacted or as hereafter amended.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. (1) No business, enterprise or other entity that
1753 is, or has ever been, criminally convicted by a court of competent
1754 jurisdiction of intentionally hiring illegal immigrants shall be
1755 eligible to receive:

1756 (a) Any funds provided or derived from the issuance of
1757 any bonds under this act;

1758 (b) Any loan, grant or other form of assistance that
1759 may be made available under this act; or

1760 (c) Any funds, tax credit or other form of assistance
1761 that may be made available as an incentive payment under this act.

1762 (2) If a business, enterprise or other entity has received
1763 funds or assistance as described in paragraphs (a) through (c) of
1764 subsection (1) of this section, and thereafter is convicted by a
1765 court of competent jurisdiction of intentionally hiring illegal
1766 immigrants, then the business, enterprise or other entity shall
1767 repay the full amount of the funds or assistance received. The
1768 repayment shall be certified by the State Treasurer, who shall
1769 deposit such amounts into the specific special fund in the State
1770 Treasury from which the funds were awarded, or, in the case of
1771 incentive payments under Sections 4 through 6 of this act, into
1772 the State General Fund.

1773 SECTION 9. In addition to any depreciation schedule set
1774 forth in state law that would apply to the payment of state income
1775 taxes, any business entity that constructs, in any location within

1776 the State of Mississippi, a structure subject to the specific
1777 limitations set forward in the Federal Gulf Opportunity Zone
1778 legislation, may use the depreciation schedules with regard to the
1779 payment of federal income tax that are set forth in the Federal
1780 Gulf Opportunity Zone legislation for the payment of state income
1781 taxes, for any new construction not limited under the language of
1782 the federal law that is constructed and in operation before
1783 December 2008.

1784 **SECTION 10.** This act shall take effect and be in force from
1785 and after its passage.