

By: Representative Baker

To: Judiciary A; Ports,
Harbors and Airports

HOUSE BILL NO. 721

1 AN ACT TO AMEND SECTION 61-3-5, MISSISSIPPI CODE OF 1972, TO
 2 DISSOLVE ANY MUNICIPAL AIRPORT AUTHORITY IN A MUNICIPALITY WITH A
 3 POPULATION OF ONE HUNDRED SEVENTY-THREE THOUSAND FIVE HUNDRED
 4 FOURTEEN ACCORDING TO THE 2010 FEDERAL DECENNIAL CENSUS AND CREATE
 5 A MUNICIPAL-REGIONAL AIRPORT AUTHORITY IN THAT MUNICIPALITY THAT
 6 HAS THE SAME POWERS AND DUTIES AS A MUNICIPAL AIRPORT AUTHORITY;
 7 TO ESTABLISH THOSE PERSONS THAT WILL BE APPOINTED AS COMMISSIONERS
 8 OF THE MUNICIPAL-REGIONAL AIRPORT AUTHORITY; TO PROVIDE FOR THE
 9 TERMS OF THE COMMISSIONERS OF THE MUNICIPAL-REGIONAL AIRPORT
 10 AUTHORITY; TO AMEND SECTIONS 17-13-5, 17-13-7, 57-7-1, 57-64-7,
 11 57-105-1 AND 61-3-3, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
 12 PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 11-46-1,
 13 11-46-3, 11-46-5, 11-46-7, 11-46-11, 11-46-13, 11-46-17, 11-46-19,
 14 17-13-3, 17-13-9, 17-13-11, 17-13-13, 19-9-1, 21-1-27, 21-1-29,
 15 21-19-59, 21-33-301, 25-4-25, 27-105-5, 57-61-41, 57-64-5,
 16 57-64-13, 57-105-1, 61-3-7, 61-3-8, 61-3-9, 61-3-11, 61-3-13,
 17 61-3-15, 61-3-17, 61-3-19, 61-3-21, 61-3-23, 61-3-24, 61-3-25,
 18 61-3-27, 61-3-29, 61-3-31, 61-3-33, 61-3-35, 61-3-37, 61-3-39,
 19 61-3-41, 61-3-43, 61-3-45, 61-3-47, 61-3-49, 61-3-51, 61-3-53,
 20 61-3-55, 61-3-57, 61-3-59, 61-3-60, 61-3-61, 61-3-63, 61-3-65,
 21 61-3-67, 61-3-69, 61-3-71, 61-3-73, 61-3-75, 61-3-77, 61-3-79,
 22 61-3-81, 61-3-83, 61-3-85, 61-5-3, 61-5-13, 61-5-25, 61-5-33,
 23 61-5-47, 61-5-75, 61-7-29, 61-9-1 AND 71-3-5, MISSISSIPPI CODE OF
 24 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
 25 PURPOSES.

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

27 **SECTION 1.** Section 61-3-5, Mississippi Code of 1972, is
 28 amended as follows:



29 61-3-5. (1) Any municipality or a state-supported
30 institution of higher learning or a public community or junior
31 college, by resolution, may create a public body, corporate and
32 politic, to be known as a municipal airport authority, which shall
33 be authorized to exercise its functions upon the appointment and
34 qualification of the first commissioners thereof. Upon the
35 adoption of a resolution creating a municipal airport authority,
36 the governing body of the municipality or of the state-supported
37 institution of higher learning or other public community or junior
38 college, pursuant to the resolution, shall appoint five (5)
39 persons as commissioners of the authority. The commissioners who
40 are first appointed shall be designated to serve for terms of one
41 (1), two (2), three (3), four (4) and five (5) years,
42 respectively. Thereafter, each commissioner shall be appointed
43 for a term of five (5) years, except that vacancies occurring
44 otherwise than by the expiration of term shall be filled for the
45 unexpired term in the same manner as the original appointments.

46 (2) (a) A municipal airport authority located in a
47 municipality with a population of one hundred seventy-three
48 thousand five hundred fourteen (173,514) according to the 2010
49 federal decennial census shall dissolve on June 30, 2017. The
50 terms of the commissioners of any such municipal airport authority
51 shall terminate on June 30, 2017.

52 (b) From and after July 1, 2017, a municipal-regional
53 airport authority shall exist that controls all of the



54 geographical area previously controlled by the municipal airport
55 authority described in paragraph (a) of this subsection (2). Such
56 municipal-regional airport authority shall have the same powers
57 and duties granted to a municipal airport authority created under
58 Section 61-3-5.

59 (c) Except as otherwise provided by law, the
60 municipal-regional airport authority shall consist of nine (9)
61 commissioners to be appointed as follows:

62 (i) The governing authority of a municipality with
63 a population of one hundred seventy-three thousand five hundred
64 fourteen (173,514) according to the 2010 federal decennial census
65 shall appoint one (1) person;

66 (ii) The governing authority of a municipality with
67 a population of twenty-four thousand one hundred forty-nine
68 (24,149) according to the 2010 federal decennial census shall
69 appoint one (1) person;

70 (iii) The governing authority of a municipality
71 with a population of twenty-four thousand forty-seven (24,047)
72 according to the 2010 federal decennial census shall appoint one
73 (1) person;

74 (iv) The governing authority of a municipality with
75 a population of seven thousand eight hundred twenty-three (7,823)
76 according to the 2010 federal decennial census shall appoint one
77 (1) person;



78 (v) The governing authority of a municipality with
79 a population of twenty-five thousand ninety-two (25,092) according
80 to the 2010 federal decennial census shall appoint one (1) person;

81 (vi) The governing authority of a municipality
82 with a population of twenty-one thousand seven hundred five
83 (21,705) according to the 2010 federal decennial census shall
84 appoint one (1) person;

85 (vii) The board of supervisors of a county with a
86 population of two hundred forty-five thousand two hundred
87 eighty-five (245,285) according to the 2010 federal decennial
88 census shall appoint one (1) person; and

89 (viii) The board of supervisors of a county with a
90 population of one hundred forty-one thousand six hundred seventeen
91 (141,617) according to the 2010 federal decennial census shall
92 appoint two (2) people.

93 (d) The commissioners so appointed under paragraph (c)
94 of this subsection (2) shall be designated to serve for terms of
95 one (1), two (2), three (3), four (4), five (5), and six (6)
96 years, respectively. Thereafter, each commissioner shall be
97 appointed for a term of five (5) years, except that vacancies
98 occurring otherwise than by the expiration of term shall be filled
99 for the unexpired term in the same manner as the original
100 appointments.

101 **SECTION 2.** Section 17-13-5, Mississippi Code of 1972, is
102 amended as follows:



103 17-13-5. For the purpose of this chapter, the following
104 words shall be defined as herein provided unless the context
105 requires otherwise:

106 (a) "Local governmental unit" shall mean any county,
107 any incorporated city, town or village, any school district, any
108 utility district, any community college, any institution of higher
109 learning, any municipal airport authority * * *, regional airport
110 authority or municipal-regional airport authority in the state,
111 any local tourism commission in the state or any public
112 improvement district created under the Public Improvement District
113 Act.

114 (b) "Governing authority" shall mean the board of
115 supervisors of any county, board of trustees of any school
116 district or community college whether elective or appointive, the
117 governing board of any city, town or village, the board of
118 commissioners of a utility district, the Board of Trustees of
119 State Institutions of Higher Learning, the commissioners of a
120 municipal airport authority * * *, regional airport
121 authority * * * or municipal-regional airport authority, the
122 commission of a local tourism commission or the board of directors
123 of any public improvement district created under the Public
124 Improvement District Act.

125 **SECTION 3.** Section 17-13-7, Mississippi Code of 1972, is
126 amended as follows:



127 17-13-7. (1) Any power, authority or responsibility
128 exercised or capable of being exercised by a local governmental
129 unit of this state may be exercised and carried out jointly with
130 any other local governmental unit of this state, any state board,
131 agency or commission and any public agency of the United States,
132 to the extent that the laws of the United States permit such joint
133 exercise or enjoyment.

134 (2) No such power, authority and responsibility may be
135 exercised under the provisions of this chapter which will have the
136 effect of abolishing any office which is held by a person elected
137 by the citizenry, without first an election being called to decide
138 the question of the abolition of any such elected office, except
139 as otherwise provided in Section 61-3-5.

140 (3) No agreement made hereunder shall be entered into by any
141 local governmental unit without the approval by resolution on the
142 minutes of the governing authority of that local governmental
143 unit.

144 (4) Any two (2) or more local governmental units may enter
145 into written contractual agreements with one another for joint or
146 cooperative action to provide services and facilities pursuant to
147 the provisions of this chapter. Appropriate action by ordinance,
148 resolution or otherwise pursuant to the law controlling the
149 participating local governmental units or agencies shall be
150 necessary before any such agreement shall be in force.



151 (5) No such power, authority and responsibility may be
152 exercised under the provisions of this chapter by a local
153 governmental unit which it would not have authority to exercise
154 otherwise pursuant to the law controlling the local governmental
155 unit.

156 **SECTION 4.** Section 57-7-1, Mississippi Code of 1972, is
157 amended as follows:

158 57-7-1. In the event that any municipality, county,
159 supervisors district, municipal airport authority, regional
160 airport authority, municipal-regional airport authority or other
161 governmental subdivision shall have surplus airport land or other
162 lands which are not needed for airport purposes or for other
163 governmental purposes, then such property so designated and
164 described may be set aside and improved for industrial and
165 commercial purposes and the same may thereafter be operated or the
166 same may be leased or sold upon such terms and conditions as a
167 municipality, county, municipal airport authority, regional
168 airport authority, municipal-regional airport authority or
169 governmental subdivision shall prescribe.

170 In order to provide for the improvement of such property for
171 industrial and commercial purposes, the municipality or other
172 authority shall be authorized to provide all necessary utilities
173 therefor and to lay out, construct and/or improve and hard-surface
174 roadways, streets, driveways and access roads, railroads and spur
175 tracks, and provide for the grading, drainage, sewer, lights and



176 water, and all other necessary or proper utilities as may be
177 necessary or proper to make such land desirable or useful as a
178 site or sites for industrial and commercial enterprises. The cost
179 and expense of such improvements to said real estate shall be paid
180 for from funds made available from the lease or sale of such lands
181 to the extent such funds are available.

182 **SECTION 5.** Section 57-64-7, Mississippi Code of 1972, is
183 amended as follows:

184 57-64-7. For the purposes of this chapter, the following
185 words shall be defined as herein provided unless the context
186 requires otherwise:

187 (a) "Alliance" means a regional economic development
188 alliance created under this chapter.

189 (b) "Bond" or "bonds" means bonds, notes or other
190 evidence of indebtedness of the local government unit issued
191 pursuant to this chapter.

192 (c) "Cost of project" means all costs of site
193 preparation and other start-up costs; all costs of construction;
194 all costs of fixtures and of real and personal property required
195 for the purposes of the project and facilities related thereto,
196 whether publicly or privately owned, including land and any rights
197 or undivided interest therein, easements, franchises, fees,
198 permits, approvals, licenses, and certificates and the securing of
199 such permits, approvals, licenses, and certificates and all
200 machinery and equipment, including motor vehicles which are used



201 for project functions; and including any cost associated with the
202 closure, post-closure maintenance or corrective action on
203 environmental matters, financing charges and interest prior to and
204 during construction and during such additional period as the
205 alliance may reasonably determine to be necessary for the placing
206 of the project in operation; costs of engineering, surveying,
207 environmental geotechnical, architectural and legal services;
208 costs of plans and specifications and all expenses necessary or
209 incident to determining the feasibility or practicability of the
210 project; administrative expenses; and such other expenses as may
211 be necessary or incidental to the financing authorized in this
212 chapter. The costs of any project may also include funds for the
213 creation of a debt service reserve, a renewal and replacement
214 reserve, bond insurance and credit enhancement, and such other
215 reserves as may be reasonably required by the alliance for the
216 operation of its projects and as may be authorized by any bond
217 resolution or trust agreement or indenture pursuant to the
218 provisions of which the issuance of any such bonds may be
219 authorized. Any obligation or expense incurred for any of the
220 foregoing purposes shall be regarded as a part of the costs of the
221 project and may be paid or reimbursed as such out of the proceeds
222 of user fees, of revenue bonds or notes issued under this chapter
223 for such project, or from other revenues obtained by the alliance.

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



225 (e) "Foreign governmental unit" means any county,
226 parish, city, town, village, utility district, school district,
227 any community college, any institution of higher learning, any
228 municipal airport authority, regional airport authority,
229 municipal-regional airport authority, port authority or any other
230 political subdivision of another state.

231 (f) "Governing body" means the board of supervisors of
232 any county or the governing board of any city, town or village.
233 As to the state, the term governing body means the State Bond
234 Commission.

235 (g) "Holder of bonds" or "bondholder" or any similar
236 term means any person who shall be the registered owner of any
237 such bond or bonds which shall at the time be registered.

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

240 (i) "Local government unit" means any county or
241 incorporated city, town or village in the state acting jointly or
242 severally.

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

244 (k) "Municipality" means any incorporated municipality
245 in the state.

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



248 (m) "Project" means and includes any of the following
249 which promotes economic development or which assists in the
250 creation of jobs, whether publicly or privately owned:

251 (i) Acquisition, construction, repair, renovation,
252 demolition or removal of:

- 253 1. Buildings and site improvements (including
254 fixtures);
- 255 2. Potable and nonpotable water supply systems;
- 256 3. Sewage and waste disposal systems;
- 257 4. Storm water drainage and other drainage
258 systems;
- 259 5. Airport facilities;
- 260 6. Rail lines and rail spurs;
- 261 7. Port facilities;
- 262 8. Highways, streets and other roadways;
- 263 9. Fire suppression and prevention systems;
- 264 10. Utility distribution systems, including,
265 but not limited to, water, electricity, natural gas, telephone and
266 other information and telecommunications facilities, whether by
267 wire, fiber or wireless means; provided, however, that electrical,
268 natural gas, telephone and telecommunication systems shall be
269 constructed, repaired or renovated only for the purpose of
270 completing the project and connecting to existing utility systems
271 (this provision shall not be construed to prevent a city, county
272 or natural gas district from supplying utility service that it is



273 authorized to supply in the service area that it is authorized to
274 serve);

275 11. Business, industrial and technology parks
276 and the acquisition of land and acquisition or construction of
277 improvements to land connected with any of the preceding purposes;

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

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

282 (iv) Refunding of bonds as authorized in Section
283 21-27-1 et seq.; and

284 (v) A project as defined in Section 57-75-5(f) (i)
285 or a facility related to the project as defined in Section
286 57-75-5(d), or both.

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

290 (o) "Revenues" mean any and all taxes, fees, rates,
291 rentals, profits and receipts collected by, payable to, or
292 otherwise derived by, the local government units and foreign
293 governmental units, and all other monies and income of whatsoever
294 kind or character collected by, payable to, or otherwise derived
295 by, the local government unit and foreign governmental units in
296 connection with the economic development projects provided through
297 this chapter.



298 (p) "Security" means a bond, note or other evidence of
299 indebtedness issued by a local government unit pursuant to the
300 provisions of this chapter.

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

302 **SECTION 6.** Section 57-105-1, Mississippi Code of 1972, is
303 amended as follows:

304 57-105-1. (1) As used in this section:

305 (a) "Adjusted purchase price" means the investment in
306 the qualified community development entity for the qualified
307 equity investment, substantially all of the proceeds of which are
308 used to make qualified low-income community investments in
309 Mississippi.

310 For the purposes of calculating the amount of qualified
311 low-income community investments held by a qualified community
312 development entity, an investment will be considered held by a
313 qualified community development entity even if the investment has
314 been sold or repaid; provided that the qualified community
315 development entity reinvests an amount equal to the capital
316 returned to or recovered by the qualified community development
317 entity from the original investment, exclusive of any profits
318 realized, in another qualified low-income community investment in
319 Mississippi, including any federal Indian reservation located
320 within the geographical boundary of Mississippi within twelve (12)
321 months of the receipt of such capital. A qualified community
322 development entity will not be required to reinvest capital



323 returned from the qualified low-income community investments after
324 the sixth anniversary of the issuance of the qualified equity
325 investment, the proceeds of which were used to make the qualified
326 low-income community investment, and the qualified low-income
327 community investment will be considered held by the qualified
328 community development entity through the seventh anniversary of
329 the qualified equity investment's issuance.

330 (b) "Applicable percentage" means:

331 (i) For any equity investment issued prior to July
332 1, 2008, four percent (4%) for each of the second through seventh
333 credit allowance dates for purposes of the taxes imposed by
334 Section 27-7-5 and one and one-third percent (1-1/3%) for each of
335 the second through seventh credit allowance dates for purposes of
336 the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

337 (ii) For any equity investment issued from and
338 after July 1, 2008, eight percent (8%) for each of the first
339 through third credit allowance dates for purposes of the taxes
340 imposed by Section 27-7-5 or the taxes imposed by Sections
341 27-15-103, 27-15-109 and 27-15-123.

342 (c) "Credit allowance date" means, with respect to any
343 qualified equity investment:

344 (i) The later of:

345 1. The date upon which the qualified equity
346 investment is initially made; or



347 2. The date upon which the Mississippi
348 Development Authority issues a certificate under subsection (4) of
349 this section; and

350 (ii) 1. For equity investments issued prior to
351 July 1, 2008, each of the subsequent six (6) anniversary dates of
352 the date upon which the investment is initially made; or

353 2. For equity investments issued from and
354 after July 1, 2008, each of the subsequent two (2) anniversary
355 dates of the date determined as provided for in subparagraph (i)
356 of this paragraph.

357 (d) "Qualified community development entity" shall have
358 the meaning ascribed to such term in Section 45D of the Internal
359 Revenue Code of 1986, as amended, if the entity has entered into
360 an Allocation Agreement with the Community Development Financial
361 Institutions Fund of the United States Department of the Treasury
362 with respect to credits authorized by Section 45D of the Internal
363 Revenue Code of 1986, as amended.

364 (e) "Qualified active low-income community business"
365 shall have the meaning ascribed to such term in Section 45D of the
366 Internal Revenue Code of 1986, as amended.

367 (f) "Qualified equity investment" shall have the
368 meaning ascribed to such term in Section 45D of the Internal
369 Revenue Code of 1986, as amended. The investment does not have to
370 be designated as a qualified equity investment by the Community
371 Development Financial Institutions Fund of the United States



372 Treasury to be considered a qualified equity investment under this
373 section but otherwise must meet the definition under the Internal
374 Revenue Code. In addition to meeting the definition in Section
375 45D of the Internal Revenue Code such investment must also:

376 (i) Have been acquired after January 1, 2007, at
377 its original issuance solely in exchange for cash; and

378 (ii) Have been allocated by the Mississippi
379 Development Authority.

380 For the purposes of this section, such investment shall be
381 deemed a qualified equity investment on the later of the date such
382 qualified equity investment is made or the date on which the
383 Mississippi Development Authority issues a certificate under
384 subsection (4) of this section allocating credits based on such
385 investment.

386 (g) "Qualified low-income community investment" shall
387 have the meaning ascribed to such term in Section 45D of the
388 Internal Revenue Code of 1986, as amended; provided, however, that
389 the maximum amount of qualified low-income community investments
390 issued for a single qualified active low-income community
391 business, on an aggregate basis with all of its affiliates, that
392 may be included for purposes of allocating any credits under this
393 section shall not exceed Ten Million Dollars (\$10,000,000.00), in
394 the aggregate, whether issued by one (1) or several qualified
395 community development entities.



396 (2) A taxpayer that holds a qualified equity investment on
397 the credit allowance date shall be entitled to a credit applicable
398 against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109
399 and 27-15-123 during the taxable year that includes the credit
400 allowance date. The amount of the credit shall be equal to the
401 applicable percentage of the adjusted purchase price paid to the
402 qualified community development entity for the qualified equity
403 investment. The amount of the credit that may be utilized in any
404 one (1) tax year shall be limited to an amount not greater than
405 the total tax liability of the taxpayer for the taxes imposed by
406 the above-referenced sections. The credit shall not be refundable
407 or transferable. Any unused portion of the credit may be carried
408 forward for seven (7) taxable years beyond the credit allowance
409 date on which the credit was earned. The maximum aggregate amount
410 of qualified equity investments that may be allocated by the
411 Mississippi Development Authority may not exceed an amount that
412 would result in taxpayers claiming in any one (1) state fiscal
413 year credits in excess of Fifteen Million Dollars
414 (\$15,000,000.00), exclusive of credits that might be carried
415 forward from previous taxable years; however, a maximum of
416 one-third (1/3) of this amount may be allocated as credits for
417 taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123. Any
418 taxpayer claiming a credit under this section against the taxes
419 imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123
420 shall not be required to pay any additional tax under Section



421 27-15-123 as a result of claiming such credit. The Mississippi
422 Development Authority shall allocate credits within this limit as
423 provided for in subsection (4) of this section.

424 (3) Tax credits authorized by this section that are earned
425 by a partnership, limited liability company, S corporation or
426 other similar pass-through entity, shall be allocated among all
427 partners, members or shareholders, respectively, either in
428 proportion to their ownership interest in such entity or as the
429 partners, members or shareholders mutually agree as provided in an
430 executed document. Such allocation shall be made each taxable
431 year of such pass-through entity which contains a credit allowance
432 date.

433 (4) The qualified community development entity shall apply
434 for credits with the Mississippi Development Authority on forms
435 prescribed by the Mississippi Development Authority. The
436 qualified community development entity must pay an application fee
437 of One Thousand Dollars (\$1,000.00) to the Mississippi Development
438 Authority at the time the application is submitted. In the
439 application the qualified community development entity shall
440 certify to the Mississippi Development Authority the dollar amount
441 of the qualified equity investments made or to be made in this
442 state, including in any federal Indian reservation located within
443 the state's geographical boundary, during the first twelve-month
444 period following the initial credit allowance date. The
445 Mississippi Development Authority shall allocate credits based on



446 the dollar amount of qualified equity investments as certified in
447 the application. Once the Mississippi Development Authority has
448 allocated credits to a qualified community development entity, if
449 the corresponding qualified equity investment has not been issued
450 as of the date of such allocation, then the corresponding
451 qualified equity investment must be issued not later than one
452 hundred twenty (120) days from the date of such allocation. If
453 the qualified equity investment is not issued within such time
454 period, the allocation shall be cancelled and returned to the
455 Mississippi Development Authority for reallocation. Upon final
456 documentation of the qualified low-income community investments,
457 if the actual dollar amount of the investments is lower than the
458 amount estimated, the Mississippi Development Authority shall
459 adjust the tax credit allowed under this section. The Department
460 of Revenue may recapture all of the credit allowed under this
461 section if:

462 (a) Any amount of federal tax credits available with
463 respect to a qualified equity investment that is eligible for a
464 tax credit under this section is recaptured under Section 45D of
465 the Internal Revenue Code of 1986, as amended; or

466 (b) The qualified community development entity redeems
467 or makes any principal repayment with respect to a qualified
468 equity investment prior to the seventh anniversary of the issuance
469 of the qualified equity investment; or



470 (c) The qualified community development entity fails to
471 maintain at least eighty-five percent (85%) of the proceeds of the
472 qualified equity investment in qualified low-income community
473 investments in Mississippi at any time prior to the seventh
474 anniversary of the issuance of the qualified equity investment.

475 Any credits that are subject to recapture under this
476 subsection shall be recaptured from the taxpayer that actually
477 claimed the credit.

478 The Mississippi Development Authority shall not allocate any
479 credits under this section after January 1, 2018.

480 (5) Each qualified community development entity that
481 receives qualified equity investments to make qualified low-income
482 community investments in Mississippi must annually report to the
483 Mississippi Development Authority the North American Industry
484 Classification System Code, the county, the dollars invested, the
485 number of jobs assisted and the number of jobs assisted with wages
486 over one hundred percent (100%) of the federal poverty level for a
487 family of four (4) of each qualified low-income community
488 investment.

489 (6) The Mississippi Development Authority shall file an
490 annual report on all qualified low-income community investments
491 with the Governor, the Clerk of the House of Representatives, the
492 Secretary of the Senate and the Secretary of State describing the
493 North American Industry Classification System Code, the county,
494 the dollars invested, the number of jobs assisted and the number



495 of jobs assisted with wages over one hundred percent (100%) of the
496 federal poverty level for a family of four (4) of each qualified
497 low-income community investment. The annual report will be posted
498 on the Mississippi Development Authority's Internet website.

499 (7) (a) The purpose of this subsection is to authorize the
500 creation and establishment of public benefit corporations for
501 financing arrangements regarding public property and facilities.

502 (b) As used in this subsection:

503 (i) "New Markets Tax Credit transaction" means any
504 financing transaction which utilizes either this section or
505 Section 45D of the Internal Revenue Code of 1986, as amended.

506 (ii) "Public benefit corporation" means a
507 nonprofit corporation formed or designated by a public entity to
508 carry out the purposes of this subsection.

509 (iii) "Public entity or public entities" includes
510 utility districts, regional solid waste authorities, regional
511 utility authorities, community hospitals, regional airport
512 authorities, municipal airport authorities, municipal-regional
513 airport authorities, community and junior colleges, educational
514 building corporations established by or on behalf of the state
515 institutions of higher learning, school districts, planning and
516 development districts, county economic development districts,
517 urban renewal agencies, any other regional or local economic
518 development authority, agency or governmental entity, and any



519 other regional or local industrial development authority, agency
520 or governmental entity.

521 (iv) "Public property or facilities" means any
522 property or facilities owned or leased by a public entity or
523 public benefit corporation.

524 (c) Notwithstanding any other provision of law to the
525 contrary, public entities are authorized pursuant to this
526 subsection to create one or more public benefit corporations or
527 designate an existing corporation as a public benefit corporation
528 for the purpose of entering into financing agreements and engaging
529 in New Markets Tax Credit transactions, which shall include,
530 without limitation, arrangements to plan, acquire, renovate,
531 construct, lease, sublease, manage, operate and/or improve new or
532 existing public property or facilities located within the
533 boundaries or service area of the public entity. Any financing
534 arrangement authorized under this subsection shall further any
535 purpose of the public entity and may include a term of up to fifty
536 (50) years.

537 (d) Notwithstanding any other provision of law to the
538 contrary and in order to facilitate the acquisition, renovation,
539 construction, leasing, subleasing, management, operating and/or
540 improvement of new or existing public property or facilities to
541 further any purpose of a public entity, public entities are
542 authorized to enter into financing arrangements in order to
543 transfer public property or facilities to and/or from public



544 benefit corporations, including, without limitation, sales,
545 sale-leasebacks, leases and lease-leasebacks, provided such
546 transfer is related to any New Markets Tax Credit transaction
547 furthering any purpose of the public entity. Any such transfer
548 under this paragraph (d) and the public property or facilities
549 transferred in connection therewith shall be exempted from any
550 limitation or requirements with respect to leasing, acquiring,
551 and/or constructing public property or facilities.

552 (e) With respect to a New Markets Tax Credit
553 transaction, public entities and public benefit corporations are
554 authorized to enter into financing arrangements with any
555 governmental, nonprofit or for-profit entity in order to leverage
556 funds not otherwise available to public entities for the
557 acquisition, construction and/or renovation of properties
558 transferred to such public benefit corporations. The use of any
559 funds loaned by or contributed by a public benefit corporation or
560 borrowed by or otherwise made available to a public benefit
561 corporation in such financing arrangement shall be dedicated
562 solely to (i) the development of new properties or facilities
563 and/or the renovation of existing properties or facilities or
564 operation of properties or facilities, and/or (ii) the payment of
565 costs and expenditures related to any such financing arrangements
566 including, but not limited to, funding any reserves required in
567 connection therewith, the repayment of any indebtedness incurred
568 in connection therewith, and the payment of fees and expenses



569 incurred in connection with the closing, administration,
570 accounting and/or compliance with respect to the New Markets Tax
571 Credit transaction.

572 (f) A public benefit corporation created pursuant to
573 this subsection shall not be a political subdivision of the state
574 but shall be a nonprofit corporation organized and governed under
575 the provisions of the laws of this state and shall be a special
576 purpose corporation established to facilitate New Markets Tax
577 Credit transactions consistent with the requirements of this
578 section.

579 (g) Neither this subsection nor anything herein
580 contained is or shall be construed as a restriction or limitation
581 upon any powers which the public entity or public benefit
582 corporation might otherwise have under any laws of this state, and
583 this subsection is cumulative to any such powers. This subsection
584 does and shall be construed to provide a complete additional and
585 alternative method for the doing of the things authorized thereby
586 and shall be regarded as supplemental and additional to powers
587 conferred by other laws.

588 (8) The Mississippi Development Authority shall promulgate
589 rules and regulations to implement the provisions of this section.

590 **SECTION 7.** Section 61-3-3, Mississippi Code of 1972, is
591 amended as follows:

592 61-3-3. The following words or terms, whenever used or
593 referred to in this chapter, shall have the following respective



594 meanings unless different meanings clearly appear from the
595 context:

596 (a) "Airport" means any area of land or water which is
597 used, or intended for use, for the landing and taking off of
598 aircraft, and any appurtenant areas which are used, or intended
599 for use, for airport buildings or other airport facilities or
600 rights-of-way, or for other appropriate purposes, including buffer
601 areas and areas for airport compatible development, together with
602 all buildings and facilities located thereon.

603 (b) "Airport authority" or "authority" means any
604 regional airport authority * * *, municipal airport authority or
605 municipal-regional airport authority created pursuant to the
606 provisions of this chapter.

607 (c) "Airport hazard" means any structure, object or
608 natural growth, or use of land which obstructs the airspace
609 required for the flight of aircraft in landing or taking off at an
610 airport, or is otherwise hazardous to such landing or taking off
611 of aircraft.

612 (d) "Air navigation facility" means any facility other
613 than one owned and operated by the United States, used in,
614 available for use in, or designed for use in aid of air
615 navigation, including any structures, mechanisms, lights, beacons,
616 markers, communicating systems, or other instrumentalities, or
617 devices used or useful as an aid, or constituting an advantage or
618 convenience, to the safe taking off, navigation and landing of



619 aircraft, or the safe and efficient operation or maintenance of an
620 airport, and any combination of any or all of such facilities.

621 (e) "Bonds" means any bonds, notes, interim
622 certificates, debentures or similar obligations issued by an
623 authority pursuant to this chapter.

624 (f) "Clerk" means the custodian of the official records
625 of a municipality.

626 (g) "Governing body" means the official or officials
627 authorized by law to exercise ordinance or other lawmaking powers
628 of a municipality.

629 (h) "Local government" means any local governmental
630 unit as defined in Section 17-13-5.

631 (i) "Municipal airport authority" or "municipal
632 authority" means a municipal airport authority or
633 municipal-regional airport authority created pursuant to the
634 provisions of Section 61-3-5.

635 (j) "Municipality" means any county, supervisors
636 district or supervisors districts, or all that portion of the
637 county lying outside the territorial boundaries of any named city,
638 town or village, and a city, town and village of this state or any
639 state-supported institution of higher learning or any public
640 community or junior college.

641 (k) "Person" means any individual, firm, partnership,
642 corporation, company, association, joint stock association or body



643 politic, and includes any trustee, receiver, assignee or other
644 similar representative thereof.

645 (1) "Regional airport authority" or "regional
646 authority" means a regional airport authority created pursuant to
647 the provisions of Section 61-3-7.

648 **SECTION 8.** Section 11-46-1, Mississippi Code of 1972, is
649 brought forward as follows:

650 11-46-1. As used in this chapter, the following terms shall
651 have the meanings ascribed unless the context otherwise requires:

652 (a) "Claim" means any demand to recover damages from a
653 governmental entity as compensation for injuries.

654 (b) "Claimant" means any person seeking compensation
655 under the provisions of this chapter, whether by administrative
656 remedy or through the courts.

657 (c) "Board" means the Mississippi Tort Claims Board.

658 (d) "Department" means the Department of Finance and
659 Administration.

660 (e) "Director" means the executive director of the
661 department who is also the executive director of the board.

662 (f) "Employee" means any officer, employee or servant
663 of the State of Mississippi or a political subdivision of the
664 state, including elected or appointed officials and persons acting
665 on behalf of the state or a political subdivision in any official
666 capacity, temporarily or permanently, in the service of the state
667 or a political subdivision whether with or without compensation,



668 including firefighters who are members of a volunteer fire
669 department that is a political subdivision. The term "employee"
670 shall not mean a person or other legal entity while acting in the
671 capacity of an independent contractor under contract to the state
672 or a political subdivision; and

673 (i) For purposes of the limits of liability
674 provided for in Section 11-46-15, the term "employee" shall
675 include:

676 1. Physicians under contract to provide
677 health services with the State Board of Health, the State Board of
678 Mental Health or any county or municipal jail facility while
679 rendering services under the contract;

680 2. Any physician, dentist or other health
681 care practitioner employed by the University of Mississippi
682 Medical Center (UMMC) and its departmental practice plans who is a
683 faculty member and provides health care services only for patients
684 at UMMC or its affiliated practice sites;

685 3. Any physician, dentist or other health
686 care practitioner employed by any university under the control of
687 the Board of Trustees of State Institutions of Higher Learning who
688 practices only on the campus of any university under the control
689 of the Board of Trustees of State Institutions of Higher Learning;

690 4. Any physician, dentist or other health
691 care practitioner employed by the State Veterans Affairs Board and



692 who provides health care services for patients for the State
693 Veterans Affairs Board;

694 (ii) The term "employee" shall also include
695 Mississippi Department of Human Services licensed foster parents
696 for the limited purposes of coverage under the Tort Claims Act as
697 provided in Section 11-46-8; and

698 (iii) The term "employee" also shall include any
699 employee or member of the governing board of a charter school but
700 shall not include any person or entity acting in the capacity of
701 an independent contractor to provide goods or services under a
702 contract with a charter school.

703 (g) "Governmental entity" means the state and political
704 subdivisions.

705 (h) "Injury" means death, injury to a person, damage to
706 or loss of property or any other injury that a person may suffer
707 that is actionable at law or in equity.

708 (i) "Political subdivision" means any body politic or
709 body corporate other than the state responsible for governmental
710 activities only in geographic areas smaller than that of the
711 state, including, but not limited to, any county, municipality,
712 school district, charter school, volunteer fire department that is
713 a chartered nonprofit corporation providing emergency services
714 under contract with a county or municipality, community hospital
715 as defined in Section 41-13-10, airport authority, or other
716 instrumentality of the state, whether or not the body or



717 instrumentality has the authority to levy taxes or to sue or be
718 sued in its own name.

719 (j) "State" means the State of Mississippi and any
720 office, department, agency, division, bureau, commission, board,
721 institution, hospital, college, university, airport authority or
722 other instrumentality thereof, whether or not the body or
723 instrumentality has the authority to levy taxes or to sue or be
724 sued in its own name.

725 (k) "Law" means all species of law, including, but not
726 limited to, any and all constitutions, statutes, case law, common
727 law, customary law, court order, court rule, court decision, court
728 opinion, court judgment or mandate, administrative rule or
729 regulation, executive order, or principle or rule of equity.

730 **SECTION 9.** Section 11-46-3, Mississippi Code of 1972, is
731 brought forward as follows:

732 **[From and after October 1, 1993, Section 11-46-3 shall read**
733 **as follows:]**

734 11-46-3. (1) The Legislature of the State of Mississippi
735 finds and determines as a matter of public policy and does hereby
736 declare, provide, enact and reenact that the "state" and its
737 "political subdivisions," as such terms are defined in Section
738 11-46-1, are not now, have never been and shall not be liable, and
739 are, always have been and shall continue to be immune from suit at
740 law or in equity on account of any wrongful or tortious act or
741 omission or breach of implied term or condition of any warranty or



742 contract, including but not limited to libel, slander or
743 defamation, by the state or its political subdivisions, or any
744 such act, omission or breach by any employee of the state or its
745 political subdivisions, notwithstanding that any such act,
746 omission or breach constitutes or may be considered as the
747 exercise or failure to exercise any duty, obligation or function
748 of a governmental, proprietary, discretionary or ministerial
749 nature and notwithstanding that such act, omission or breach may
750 or may not arise out of any activity, transaction or service for
751 which any fee, charge, cost or other consideration was received or
752 expected to be received in exchange therefor.

753 (2) The immunity of the state and its political subdivisions
754 recognized and reenacted herein is and always has been the law in
755 this state, before and after November 10, 1982, and before and
756 after July 1, 1984, and is and has been in full force and effect
757 in this state except only in the case of rights which, prior to
758 the date of final passage hereof, have become vested by final
759 judgment of a court of competent jurisdiction or by the express
760 terms of any written contract or other instrument in writing.

761 **SECTION 10.** Section 11-46-5, Mississippi Code of 1972, is
762 brought forward as follows:

763 11-46-5. (1) Notwithstanding the immunity granted in
764 Section 11-46-3, or the provisions of any other law to the
765 contrary, the immunity of the state and its political subdivisions
766 from claims for money damages arising out of the torts of such



767 governmental entities and the torts of their employees while
768 acting within the course and scope of their employment is hereby
769 waived from and after July 1, 1993, as to the state, and from and
770 after October 1, 1993, as to political subdivisions; provided,
771 however, immunity of a governmental entity in any such case shall
772 be waived only to the extent of the maximum amount of liability
773 provided for in Section 11-46-15.

774 (2) For the purposes of this chapter an employee shall not
775 be considered as acting within the course and scope of his
776 employment and a governmental entity shall not be liable or be
777 considered to have waived immunity for any conduct of its employee
778 if the employee's conduct constituted fraud, malice, libel,
779 slander, defamation or any criminal offense other than traffic
780 violations.

781 (3) For the purposes of this chapter and not otherwise, it
782 shall be a rebuttable presumption that any act or omission of an
783 employee within the time and at the place of his employment is
784 within the course and scope of his employment.

785 (4) Nothing contained in this chapter shall be construed to
786 waive the immunity of the state from suit in federal courts
787 guaranteed by the Eleventh Amendment to the Constitution of the
788 United States.

789 **SECTION 11.** Section 11-46-7, Mississippi Code of 1972, is
790 brought forward as follows:



791 11-46-7. (1) The remedy provided by this chapter against a
792 governmental entity or its employee is exclusive of any other
793 civil action or civil proceeding by reason of the same subject
794 matter against the governmental entity or its employee or the
795 estate of the employee for the act or omission which gave rise to
796 the claim or suit; and any claim made or suit filed against a
797 governmental entity or its employee to recover damages for any
798 injury for which immunity has been waived under this chapter shall
799 be brought only under the provisions of this chapter,
800 notwithstanding the provisions of any other law to the contrary.

801 (2) An employee may be joined in an action against a
802 governmental entity in a representative capacity if the act or
803 omission complained of is one for which the governmental entity
804 may be liable, but no employee shall be held personally liable for
805 acts or omissions occurring within the course and scope of the
806 employee's duties. For the purposes of this chapter an employee
807 shall not be considered as acting within the course and scope of
808 his employment and a governmental entity shall not be liable or be
809 considered to have waived immunity for any conduct of its employee
810 if the employee's conduct constituted fraud, malice, libel,
811 slander, defamation or any criminal offense.

812 (3) From and after July 1, 1993, as to the state, from and
813 after October 1, 1993, as to political subdivisions, and subject
814 to the provisions of this chapter, every governmental entity shall
815 be responsible for providing a defense to its employees and for



816 the payment of any judgment in any civil action or the settlement
817 of any claim against an employee for money damages arising out of
818 any act or omission within the course and scope of his employment;
819 provided, however, that to the extent that a governmental entity
820 has in effect a valid and current certificate of coverage issued
821 by the board as provided in Section 11-46-17, or in the case of a
822 political subdivision, such political subdivision has a plan or
823 policy of insurance and/or reserves which the board has approved
824 as providing satisfactory security for the defense and protection
825 of the political subdivision against all claims and suits for
826 injury for which immunity has been waived under this chapter, the
827 governmental entity's duty to indemnify and/or defend such claim
828 on behalf of its employee shall be secondary to the obligation of
829 any such insurer or indemnitor, whose obligation shall be primary.
830 The provisions of this subsection shall not be construed to alter
831 or relieve any such indemnitor or insurer of any legal obligation
832 to such employee or to any governmental entity vicariously liable
833 on account of or legally responsible for damages due to the
834 allegedly wrongful error, omissions, conduct, act or deed of such
835 employee.

836 (4) The responsibility of a governmental entity to provide a
837 defense for its employee shall apply whether the claim is brought
838 in a court of this or any other state or in a court of the United
839 States.



840 (5) A governmental entity shall not be entitled to
841 contribution or indemnification, or reimbursement for legal fees
842 and expenses from its employee unless a court shall find that the
843 act or omission of the employee was outside the course and scope
844 of his employment. Any action by a governmental entity against
845 its employee and any action by an employee against the
846 governmental entity for contribution, indemnification, or
847 necessary legal fees and expenses shall be tried to the court in
848 the same suit brought on the claim against the governmental entity
849 or its employee.

850 (6) The duty to defend and to pay any judgment as provided
851 in subsection (3) of this section shall continue after employment
852 with the governmental entity has been terminated, if the
853 occurrence for which liability is alleged happened within the
854 course and scope of duty while the employee was in the employ of
855 the governmental entity.

856 (7) For the purposes of this chapter and not otherwise, it
857 shall be a rebuttable presumption that any act or omission of an
858 employee within the time and at the place of his employment is
859 within the course and scope of his employment.

860 (8) Nothing in this chapter shall enlarge or otherwise
861 adversely affect the personal liability of an employee of a
862 governmental entity. Any immunity or other bar to a civil suit
863 under Mississippi or federal law shall remain in effect. The fact
864 that a governmental entity may relieve an employee from all



865 necessary legal fees and expenses and any judgment arising from
866 the civil lawsuit shall not under any circumstances be
867 communicated to the trier of fact in the civil lawsuit.

868 **SECTION 12.** Section 11-46-11, Mississippi Code of 1972, is
869 brought forward as follows:

870 11-46-11. (1) After all procedures within a governmental
871 entity have been exhausted, any person having a claim under this
872 chapter shall proceed as he might in any action at law or in
873 equity, except that at least ninety (90) days before instituting
874 suit, the person must file a notice of claim with the chief
875 executive officer of the governmental entity.

876 (2) (a) Service of notice of claim shall be made as
877 follows:

878 (i) For local governments:

879 1. If the governmental entity is a county,
880 then upon the chancery clerk of the county sued;

881 2. If the governmental entity is a
882 municipality, then upon the city clerk.

883 (ii) If the governmental entity to be sued is a
884 state entity as defined in Section 11-46-1(j), or is a political
885 subdivision other than a county or municipality, service of notice
886 of claim shall be had only upon that entity's or political
887 subdivision's chief executive officer. The chief executive
888 officer of a governmental entity participating in a plan
889 administered by the board pursuant to Section 11-46-7(3) shall



890 notify the board of any claims filed within five (5) days after
891 receipt thereof.

892 (b) Every notice of claim shall:

893 (i) Be in writing;

894 (ii) Be delivered in person or by registered or
895 certified United States mail; and

896 (iii) Contain a short and plain statement of the
897 facts upon which the claim is based, including the circumstances
898 which brought about the injury, the extent of the injury, the time
899 and place the injury occurred, the names of all persons known to
900 be involved, the amount of money damages sought, and the residence
901 of the person making the claim at the time of the injury and at
902 the time of filing the notice.

903 (3) (a) All actions brought under this chapter shall be
904 commenced within one (1) year next after the date of the tortious,
905 wrongful or otherwise actionable conduct on which the liability
906 phase of the action is based, and not after, except that filing a
907 notice of claim within the required one-year period will toll the
908 statute of limitations for ninety-five (95) days from the date the
909 chief executive officer of the state entity or the chief executive
910 officer or other statutorily designated official of a political
911 subdivision receives the notice of claim.

912 (b) No action whatsoever may be maintained by the
913 claimant until the claimant receives a notice of denial of claim
914 or the tolling period expires, whichever comes first, after which



915 the claimant has an additional ninety (90) days to file suit;
916 failure to file within the time allowed is an absolute bar to any
917 further proceedings under this chapter.

918 (c) All notices of denial of claim shall be served by
919 governmental entities upon claimants by certified mail, return
920 receipt requested, only.

921 (d) (i) To determine the running of limitations
922 periods under this chapter, service of any notice of claim or
923 notice of denial of claim is effective upon delivery by the
924 methods statutorily designated in this chapter.

925 (ii) The limitations period provided in this
926 section controls and shall be exclusive in all actions subject to
927 and brought under the provisions of this chapter, notwithstanding
928 the nature of the claim, the label or other characterization the
929 claimant may use to describe it, or the provisions of any other
930 statute of limitations that would otherwise govern the type of
931 claim or legal theory if it were not subject to or brought under
932 the provisions of this chapter.

933 (4) From and after April 1, 1993, if any person entitled to
934 bring any action under this chapter shall, at the time at which
935 the cause of action accrued, be under the disability of infancy or
936 unsoundness of mind, he may bring the action within the time
937 allowed in this section after his disability shall be removed as
938 provided by law. The savings in favor of persons under disability



939 of unsoundness of mind shall never extend longer than twenty-one
940 (21) years.

941 **SECTION 13.** Section 11-46-13, Mississippi Code of 1972, is
942 brought forward as follows:

943 11-46-13. (1) Jurisdiction for any suit filed under the
944 provisions of this chapter shall be in the court having original
945 or concurrent jurisdiction over a cause of action upon which the
946 claim is based. The judge of the appropriate court shall hear and
947 determine, without a jury, any suit filed under the provisions of
948 this chapter. Appeals may be taken in the manner provided by law.

949 (2) The venue for any suit filed under the provisions of
950 this chapter against the state or its employees shall be in the
951 county in which the act, omission or event on which the liability
952 phase of the action is based, occurred or took place. The venue
953 for all other suits filed under the provisions of this chapter
954 shall be in the county or judicial district thereof in which the
955 principal offices of the governing body of the political
956 subdivision are located. The venue specified in this subsection
957 shall control in all actions filed against governmental entities,
958 notwithstanding that other defendants which are not governmental
959 entities may be joined in the suit, and notwithstanding the
960 provisions of any other venue statute that otherwise would apply.

961 **SECTION 14.** Section 11-46-17, Mississippi Code of 1972, is
962 brought forward as follows:



963 11-46-17. (1) There is hereby created in the State Treasury
964 a special fund to be known as the "Tort Claims Fund."

965 All monies that the Department of Finance and Administration
966 receives and collects under the provisions of subsection (2) of
967 this section and all funds that the Legislature appropriates for
968 use by the board in administering the provisions of this chapter
969 shall be deposited in the fund. All monies in the fund may be
970 expended by the board for any and all purposes for which the board
971 is authorized to expend funds under the provisions of this
972 chapter. All interest earned from the investment of monies in the
973 fund shall be credited to the fund. Monies remaining in the fund
974 at the end of a fiscal year shall not lapse into the State General
975 Fund.

976 (2) From and after July 1, 1993, each governmental entity
977 other than political subdivisions shall participate in a
978 comprehensive plan of self-insurance or one or more policies of
979 liability insurance or combination of the two, all to be
980 administered by the Department of Finance and Administration. The
981 plan shall provide coverage to each of such governmental entities
982 for every risk for which the board determines the respective
983 governmental entities to be liable in the event of a claim or suit
984 for injuries under the provisions of this chapter, including
985 claims or suits for injuries from the use or operation of motor
986 vehicles; the board may allow the plan to contain any reasonable
987 limitations or exclusions not contrary to Mississippi state



988 statutes or case law as are normally included in commercial
989 liability insurance policies generally available to governmental
990 entities. The plan may also provide coverage for liabilities
991 outside the provisions of this chapter, including, but not limited
992 to, liabilities arising from Sections 1983 through 1987 of Title
993 42 of the United States Code and liabilities from actions brought
994 in foreign jurisdictions, and the board shall establish limits of
995 coverage for such liabilities. Each governmental entity
996 participating in the plan shall make payments to the board in such
997 amounts, times and manner determined by the board as the board
998 deems necessary to provide sufficient funds to be available for
999 payment by the board of the costs it incurs in providing coverage
1000 for the governmental entity. Each governmental entity of the
1001 state other than the political subdivisions thereof participating
1002 in the plan procured by the board shall be issued by the board a
1003 certificate of coverage whose form and content shall be determined
1004 by the board but which shall have the effect of certifying that,
1005 in the opinion of the board, each of such governmental entities is
1006 adequately insured.

1007 Before July 1, 1993, the Board of Trustees of State
1008 Institutions of Higher Learning may provide liability coverage for
1009 each university, department, trustee, employee, volunteer,
1010 facility and activity as the board of trustees, in its discretion,
1011 shall determine advisable. If liability coverage, either through
1012 insurance policies or self-insurance retention is in effect,



1013 immunity from suit shall be waived only to the limit of liability
1014 established by the insurance or self-insurance program. From and
1015 after July 1, 1993, liability coverage established by the board of
1016 trustees must conform to the provisions of this section and must
1017 receive approval from the board. Should the board reject a plan,
1018 the board of trustees shall participate in the liability program
1019 for state agencies established by the board.

1020 (3) All political subdivisions shall, from and after October
1021 1, 1993, obtain a policy or policies of insurance, establish
1022 self-insurance reserves, or provide a combination of insurance and
1023 reserves as necessary to cover all risks of claims and suits for
1024 which political subdivisions may be liable under this chapter; a
1025 political subdivision shall not be required to obtain pollution
1026 liability insurance. However, this shall not limit any cause of
1027 action against a political subdivision relative to limits of
1028 liability under the Tort Claims Act. The policy or policies of
1029 insurance or self-insurance may contain any reasonable limitations
1030 or exclusions not contrary to Mississippi state statutes or case
1031 law as are normally included in commercial liability insurance
1032 policies generally available to political subdivisions. All the
1033 plans of insurance or reserves or combination of insurance and
1034 reserves shall be submitted for approval to the board. The board
1035 shall issue a certificate of coverage to each political
1036 subdivision whose plan it approves in the same manner as provided
1037 in subsection (2) of this section. Whenever any political



1038 subdivision fails to obtain the board's approval of its plan, the
1039 political subdivision shall act in accordance with the rules and
1040 regulations of the board and obtain a satisfactory plan of
1041 insurance or reserves or combination of insurance and reserves to
1042 be approved by the board.

1043 (4) Any governmental entity may purchase liability insurance
1044 to cover claims in excess of the amounts provided for in Section
1045 11-46-15 and may be sued by anyone in excess of the amounts
1046 provided for in Section 11-46-15 to the extent of the excess
1047 insurance carried; however, the immunity from suit above the
1048 amounts provided for in Section 11-46-15 shall be waived only to
1049 the extent of excess liability insurance carried.

1050 (5) Any two (2) or more political subdivisions may contract
1051 to pool their liabilities as a group under this chapter. The
1052 pooling agreements and contracts may provide for the purchase of
1053 one or more policies of liability insurance or the establishment
1054 of self-insurance reserves or a combination of insurance and
1055 reserves and shall be subject to approval by the board in the
1056 manner provided in subsections (2) and (3) of this section.

1057 (6) The board shall have subrogation rights against a third
1058 party for amounts paid out of any plan of self-insurance
1059 administered by the board pursuant to this section on behalf of a
1060 governmental entity that is not a political subdivision as a
1061 result of damages caused under circumstances creating a cause of
1062 action in favor of such governmental entity against a third party.



1063 The board shall deposit in the Tort Claims Fund all monies
1064 received in connection with the settlement or payment of any
1065 claim, including proceeds from the sale of salvage.

1066 **SECTION 15.** Section 11-46-19, Mississippi Code of 1972, is
1067 brought forward as follows:

1068 11-46-19. (1) The board shall have the following powers:

1069 (a) To provide oversight over the Tort Claims Fund;

1070 (b) To approve any award made from the Tort Claims
1071 Fund;

1072 (c) To pay all necessary expenses attributable to the
1073 operation of the Tort Claims Fund from such fund;

1074 (d) To assign litigated claims against governmental
1075 entities other than political subdivisions to competent attorneys
1076 unless such governmental entity has a staff attorney who is
1077 competent to represent the governmental entity and is approved by
1078 the board; the board shall give primary consideration to attorneys
1079 practicing in the jurisdiction where the claim arose in assigning
1080 cases; attorneys hired to represent a governmental entity other
1081 than a political subdivision shall be paid according to the
1082 department fee schedule;

1083 (e) To approve all claimants' attorney fees in claims
1084 against the state;

1085 (f) To employ on a full-time basis a staff attorney who
1086 shall possess the minimum qualifications required to be a member
1087 of The Mississippi Bar, and such other staff as it may deem



1088 necessary to carry out the purposes of this chapter; the employees
1089 in the positions approved by the board shall be hired by the
1090 director, shall be employees of the department, and shall be
1091 compensated from the Tort Claims Fund;

1092 (g) To contract with one or more reputable insurance
1093 consulting firms as may be necessary;

1094 (h) To purchase any policies of liability insurance and
1095 to administer any plan of self-insurance or policies of liability
1096 insurance required for the protection of the state against claims
1097 and suits brought under this chapter;

1098 (i) To expend money from the Tort Claims Fund for the
1099 purchase of any policies of liability insurance and the payment of
1100 any award or settlement of a claim against the state under the
1101 provisions of this chapter or of a claim against any school
1102 district, junior college or community college district, or state
1103 agency, arising from the operation of school buses or other
1104 vehicles, under the provisions of Section 37-41-42;

1105 (j) To cancel, modify or replace any policy or policies
1106 of liability insurance procured by the board;

1107 (k) To issue certificates of coverage to governmental
1108 entities, including any political subdivision participating in any
1109 plan of liability protection approved by the board;

1110 (l) To review and approve or reject any plan of
1111 liability insurance or self-insurance reserves proposed or
1112 provided by political subdivisions if such plan is intended to



1113 serve as security for risks of claims and suits against them for
1114 which immunity has been waived under this chapter;

1115 (m) To administer disposition of claims against the
1116 Tort Claims Fund;

1117 (n) To withhold issuance of any warrants payable from
1118 funds of a participating state entity should such entity fail to
1119 make required contributions to the Tort Claims Fund in the time
1120 and manner prescribed by the board;

1121 (o) To develop a comprehensive statewide list of
1122 attorneys who are qualified to represent the state and any
1123 employee thereof named as a defendant in a claim brought under
1124 this chapter against the state or such employee;

1125 (p) To develop a schedule of fees for paying attorneys
1126 defending claims against the state or an employee thereof;

1127 (q) To adopt and promulgate such reasonable rules and
1128 regulations and to do and perform all such acts as are necessary
1129 to carry out its powers and duties under this chapter;

1130 (r) To establish and assess premiums to be paid by
1131 governmental entities required to participate in the Tort Claims
1132 Fund;

1133 (s) To contract with a third-party administrator to
1134 process claims against the state under this chapter;

1135 (t) To annually submit its budget request to the
1136 Legislature as a state agency;



1137 (u) To dispose of salvage obtained in settlement or
1138 payment of any claim at fair market value by such means and upon
1139 such terms as the board may think best; and

1140 (v) To administer the Medical Malpractice Insurance
1141 Availability Plan under Section 83-48-5. The provisions of this
1142 paragraph (v) shall stand repealed from and after the transfer of
1143 the plan's assets and liabilities as provided in Section
1144 83-48-6(i).

1145 (2) Policies of liability insurance purchased for the
1146 protection of governmental entities against claims and suits
1147 brought under this chapter shall be purchased pursuant to the
1148 competitive bidding procedures set forth in Section 31-7-13.

1149 (3) The department shall have the following powers and
1150 duties:

1151 (a) To annually report to the Legislature concerning
1152 each comprehensive plan of liability protection established
1153 pursuant to Section 11-46-17(2). Such report shall include a
1154 comprehensive analysis of the cost of the plan, a breakdown of the
1155 cost to participating state entities, and such other information
1156 as the department may deem necessary.

1157 (b) To provide the board with any staff and meeting
1158 facilities as may be necessary to carry out the duties of the
1159 board as provided in this chapter.

1160 (c) To submit the board's budget request for the
1161 initial year of operation of the board in order to authorize



1162 expenditures for the 1993-1994 fiscal year and for the
1163 appropriation of such general funds as shall be required for the
1164 commencement of its activities.

1165 **SECTION 16.** Section 17-13-3, Mississippi Code of 1972, is
1166 brought forward as follows:

1167 17-13-3. It is the purpose of this chapter to permit local
1168 governmental units to make the most efficient use of their powers
1169 by enabling them to cooperate and to contract with other local
1170 governmental units on a basis of mutual advantage and thereby
1171 provide services and facilities in a manner pursuant to forms of
1172 governmental organization that will accord best with geographic,
1173 economic, population and other factors influencing the needs and
1174 development of local communities.

1175 **SECTION 17.** Section 17-13-9, Mississippi Code of 1972, is
1176 brought forward as follows:

1177 17-13-9. (1) Any agreement made hereunder shall specify the
1178 following:

1179 (a) Its duration.

1180 (b) Its purpose or purposes.

1181 (c) The precise organization, composition, nature and
1182 powers of any separate legal or administrative entity created
1183 thereby; the specific citation of statutory authority vested in
1184 each of the local governmental units which is to be a party to the
1185 agreement.



1186 (d) The manner of financing, staffing and supplying the
1187 joint or cooperative undertaking and of establishing and
1188 maintaining a budget therefor; provided that the treasurer and/or
1189 disbursing officer of one (1) of the local governmental units
1190 shall be designated in the agreement to receive, disburse and
1191 account for all funds of the joint undertaking as a part of the
1192 duties of the officer or officers.

1193 (e) The permissible method or methods to be employed in
1194 accomplishing the partial or complete termination or amendment of
1195 the agreement and for disposing of property upon such partial or
1196 complete termination or amendment.

1197 (f) The provision for administration, through a joint
1198 board or other appropriate means, of the joint or cooperative
1199 undertaking in the event that the agreement does not or may not
1200 establish a separate legal entity to conduct the joint or
1201 cooperative undertaking. In the case of a joint board, all local
1202 governmental units party to the agreement shall be represented.

1203 (g) The manner of acquiring, holding and disposing of
1204 real and personal property used in the joint or cooperative
1205 undertaking in the event that the agreement does not or may not
1206 establish a separate legal entity to conduct the joint or
1207 cooperative undertaking.

1208 (h) Any other necessary and proper matters.

1209 (2) Any municipality may enter into an agreement with a
1210 county under this chapter to provide that sales of property for



1211 the nonpayment of taxes levied or the nonpayment of special
1212 assessments as provided in Section 21-19-11 by such municipality
1213 shall be made by the county tax collector at the county courthouse
1214 in the same manner as provided by law for sales of like property
1215 for unpaid county taxes, and that redemptions of property sold for
1216 taxes or special assessments levied by such municipality shall be
1217 made through the chancery clerk of the county.

1218 (3) Municipalities having as a common border a road or
1219 street may enter into an agreement pursuant to this chapter for
1220 the provision of police protection and law enforcement within the
1221 right-of-way of the street or roadway. An interlocal agreement
1222 undertaken pursuant to this subsection shall make the following
1223 provisions concerning violations occurring within the area subject
1224 to the agreement:

1225 (a) Joint or several enforcement of all penal laws of
1226 the State of Mississippi which are misdemeanors made a violation
1227 of city ordinance by operation of the provisions of Section
1228 21-13-19;

1229 (b) Prosecution in the municipal court of the
1230 municipality employing the officer who made the arrest or issued
1231 the citation; jurisdiction shall lie in either municipality, and
1232 no charge filed in either municipal court shall be dismissed
1233 because of improper venue or lack of jurisdiction asserted solely
1234 on the grounds that the violation did not actually occur in the



1235 jurisdiction in which it is being prosecuted if the violation
1236 occurred in either jurisdiction; and

1237 (c) Any actions reasonably necessary to provide police
1238 protection and law enforcement pursuant to the agreement.

1239 **SECTION 18.** Section 17-13-11, Mississippi Code of 1972, is
1240 brought forward as follows:

1241 17-13-11. (1) Every agreement made by a local governmental
1242 unit hereunder shall, prior to and as a condition precedent to its
1243 entry into force, be submitted to the Attorney General of this
1244 state who shall determine whether the agreement is in proper form
1245 and compatible with the laws of this state. No agreement may be
1246 considered that does not cite the specific authority under which
1247 each of the local governing units involved may exercise the powers
1248 necessary to fulfill the terms of the joint agreement. The
1249 Attorney General shall approve any such agreement submitted to him
1250 hereunder unless he shall find that it does not meet the
1251 conditions set forth herein and elsewhere in the laws of this
1252 state and shall detail in writing addressed to the governing
1253 bodies of the units concerned the specific respects in which the
1254 proposed agreement fails to meet the requirements of law.

1255 Failure to disapprove an agreement submitted hereunder within
1256 sixty (60) days of its submission shall constitute approval
1257 thereof.

1258 (2) In the event that an agreement made pursuant to this
1259 chapter shall deal in whole or in part with the provision of



1260 services or facilities with regard to which an officer, unit or
1261 agency of the state government has constitutional or statutory
1262 powers of control, the agreement shall, as a condition precedent
1263 to its being in force, be submitted to the state officer, unit or
1264 agency having such power of control and shall be approved or
1265 disapproved by him or it as to all matters within his or its
1266 jurisdiction in the same manner and subject to the same
1267 requirements governing action of the Attorney General pursuant to
1268 subsection (1) of this section.

1269 (3) Prior to its being in force, an agreement made pursuant
1270 to this chapter shall be filed with the chancery clerk of each of
1271 the counties wherein a participating local governmental unit is
1272 located and with the Secretary of State. The chancery clerk and
1273 the Secretary of State shall preserve such agreements as public
1274 records and index and docket the same separate and apart from all
1275 other records in his office.

1276 **SECTION 19.** Section 17-13-13, Mississippi Code of 1972, is
1277 brought forward as follows:

1278 17-13-13. The governing authority of any local governmental
1279 unit entering into an agreement pursuant to this chapter may incur
1280 bonded and floating indebtedness, including general obligation
1281 indebtedness as authorized by Sections 19-9-1 through 19-9-31 and
1282 Sections 21-33-301 through 21-33-329 and may appropriate funds for
1283 the purpose and in the manner prescribed by law without regard to
1284 whether the activities and improvements authorized by Section



1285 17-13-7 to be financed by such debt or appropriation are within or
1286 without the boundaries of the local governmental unit. Said
1287 governing authority may sell, lease, grant or otherwise supply
1288 goods and services to any other local governmental unit which is a
1289 party to said agreement or the administrative body or legal entity
1290 created to operate the joint or cooperative undertaking.

1291 **SECTION 20.** Section 19-9-1, Mississippi Code of 1972, is
1292 brought forward as follows:

1293 19-9-1. The board of supervisors of any county is authorized
1294 to issue negotiable bonds of the county to raise money for the
1295 following purposes:

1296 (a) Purchasing or erecting, equipping, repairing,
1297 reconstructing, remodeling and enlarging county buildings,
1298 courthouses, office buildings, jails, hospitals, nurses' homes,
1299 health centers, clinics, and related facilities, and the purchase
1300 of land therefor;

1301 (b) Erecting, equipping, repairing, reconstructing,
1302 remodeling, or acquiring county homes for indigents, and
1303 purchasing land therefor;

1304 (c) Purchasing or constructing, repairing, improving
1305 and equipping buildings for public libraries and for purchasing
1306 land, equipment and books therefor, whether the title to same be
1307 vested in the county issuing such bonds or in some subdivision of
1308 the state government other than the county, or jointly in such
1309 county and other such subdivision;



1310 (d) Establishing county farms for convicts, purchasing
1311 land therefor, and erecting, remodeling, and equipping necessary
1312 buildings therefor;

1313 (e) Constructing, reconstructing, and repairing roads,
1314 highways and bridges, and acquiring the necessary land, including
1315 land for road building materials, acquiring rights-of-way
1316 therefor; and the purchase of heavy construction equipment and
1317 accessories thereto reasonably required to construct, repair and
1318 renovate roads, highways and bridges and approaches thereto within
1319 the county;

1320 (f) Erecting, repairing, equipping, remodeling or
1321 enlarging or assisting or cooperating with another county or other
1322 counties in erecting, repairing, equipping, remodeling, or
1323 enlarging buildings, and related facilities for an agricultural
1324 high school, or agricultural high school-junior college, including
1325 gymnasiums, auditoriums, lunchrooms, vocational training
1326 buildings, libraries, teachers' homes, school barns, garages for
1327 transportation vehicles, and purchasing land therefor;

1328 (g) Purchasing or renting voting machines and any other
1329 election equipment to be used in elections held within the county;

1330 (h) Constructing, reconstructing or repairing boat
1331 landing ramps and wharves fronting on the Mississippi Sound or the
1332 Gulf of Mexico and on the banks or shores of the inland waters,
1333 levees, bays and bayous of any county bordering on the Gulf of
1334 Mexico or fronting on the Mississippi Sound, having two (2)



1335 municipalities located therein, each with a population in excess
1336 of twenty thousand (20,000) in accordance with the then last
1337 preceding federal census;

1338 (i) Assisting the Board of Trustees of State
1339 Institutions of Higher Learning, the Office of General Services or
1340 any other state agency in acquiring a site for constructing
1341 suitable buildings and runways and equipping an airport for any
1342 state university or other state-supported four-year college now or
1343 hereafter in existence in such county;

1344 (j) Aiding and cooperating in the planning,
1345 undertaking, construction or operation of airports and air
1346 navigation facilities, including lending or donating money,
1347 pursuant to the provisions of the airport authorities law, being
1348 Sections 61-3-1 through 61-3-83, Mississippi Code of 1972,
1349 regardless of whether such airports or air navigation facilities
1350 are located in the county or counties issuing such bonds;

1351 (k) Establishing rubbish and garbage disposal systems
1352 in accordance with the provisions of Sections 19-5-17 through
1353 19-5-27;

1354 (l) Defraying the expenses of projects of the county
1355 cooperative service district in which it is a participating
1356 county, regardless of whether the project is located in the county
1357 issuing such bonds;

1358 (m) Purchasing machinery and equipment which have an
1359 expected useful life in excess of ten (10) years. The life of



1360 such bonds shall not exceed the expected useful life of such
1361 machinery and equipment. Machinery and equipment shall not
1362 include any motor vehicle weighing less than twelve thousand
1363 (12,000) pounds;

1364 (n) Purchasing fire fighting equipment and apparatus,
1365 and providing housing for the same and purchasing land necessary
1366 therefor;

1367 (o) A project for which a certificate of public
1368 convenience and necessity has been obtained by the county pursuant
1369 to the Regional Economic Development Act;

1370 (p) Constructing dams or low-water control structures
1371 on lakes or bodies of water under the provisions of Section
1372 19-5-92;

1373 (q) For the purposes provided for in Section 57-75-37.

1374 **SECTION 21.** Section 21-1-27, Mississippi Code of 1972, is
1375 brought forward as follows:

1376 21-1-27. The limits and boundaries of existing cities, towns
1377 and villages shall remain as now established until altered in the
1378 manner hereinafter provided. When any municipality shall desire
1379 to enlarge or contract the boundaries thereof by adding thereto
1380 adjacent unincorporated territory or excluding therefrom any part
1381 of the incorporated territory of such municipality, the governing
1382 authorities of such municipality shall pass an ordinance defining
1383 with certainty the territory proposed to be included in or
1384 excluded from the corporate limits, and also defining the entire



1385 boundary as changed. In the event the municipality desires to
1386 enlarge such boundaries, such ordinance shall in general terms
1387 describe the proposed improvements to be made in the annexed
1388 territory, the manner and extent of such improvements, and the
1389 approximate time within which such improvements are to be made;
1390 such ordinance shall also contain a statement of the municipal or
1391 public services which such municipality proposes to render in such
1392 annexed territory. In the event the municipality shall desire to
1393 contract its boundaries, such ordinance shall contain a statement
1394 of the reasons for such contraction and a statement showing
1395 whereby the public convenience and necessity would be served
1396 thereby.

1397 **SECTION 22.** Section 21-1-29, Mississippi Code of 1972, is
1398 brought forward as follows:

1399 21-1-29. When any such ordinance shall be passed by the
1400 municipal authorities, such municipal authorities shall file a
1401 petition in the chancery court of the county in which such
1402 municipality is located; however, when a municipality wishes to
1403 annex or extend its boundaries across and into an adjoining county
1404 such municipal authorities shall file a petition in the chancery
1405 court of the county in which such territory is located. The
1406 petition shall recite the fact of the adoption of such ordinance
1407 and shall pray that the enlargement or contraction of the
1408 municipal boundaries, as the case may be, shall be ratified,
1409 approved and confirmed by the court. There shall be attached to



1410 such petition, as exhibits thereto, a certified copy of the
1411 ordinance adopted by the municipal authorities and a map or plat
1412 of the municipal boundaries as they will exist in event such
1413 enlargement or contraction becomes effective.

1414 **SECTION 23.** Section 21-19-59, Mississippi Code of 1972, is
1415 brought forward as follows:

1416 21-19-59. Every municipality of this state, in or near which
1417 a state university or other state-supported four-year college is
1418 now or hereafter may be located, in which there has been
1419 constructed or is contemplated, an airport for use by said
1420 university or college, as the case may be, may, in the discretion
1421 of its governing authorities, contribute funds and aid and assist
1422 by the donation of lands, furnishing of materials and labor, use
1423 of general municipal operating funds, or otherwise, in acquiring a
1424 site, erecting suitable buildings, and constructing, equipping,
1425 maintaining and operating an airport for use by the university or
1426 college, as the case may be, and for use by the general public in
1427 said municipality.

1428 **SECTION 24.** Section 21-33-301, Mississippi Code of 1972, is
1429 brought forward as follows:

1430 21-33-301. The governing authorities of any municipality are
1431 authorized to issue negotiable bonds of the municipality to raise
1432 money for the following purposes:

1433 (a) Erecting municipal buildings, armories,
1434 auditoriums, community centers, gymnasiums and athletic stadiums,



1435 preparing and equipping athletic fields, and purchasing buildings
1436 or land therefor, and for repairing, improving, adorning and
1437 equipping the same, and for erecting, equipping and furnishing of
1438 buildings to be used as a municipal or civic arts center;

1439 (b) Erecting or purchasing waterworks, gas, electric
1440 and other public utility plants or distribution systems or
1441 franchises, and repairing, improving and extending the same;

1442 (c) Purchasing or constructing, repairing, improving
1443 and equipping buildings for public libraries and for purchasing
1444 land, equipment and books therefor, whether the title to same be
1445 vested in the municipality issuing such bonds or in some
1446 subdivision of the state government other than the municipality,
1447 or jointly in such municipality and other such subdivision;

1448 (d) Establishing sanitary, storm, drainage or sewerage
1449 systems, and repairing, improving and extending the same;

1450 (e) Protecting a municipality, its streets and
1451 sidewalks from overflow, caving banks and other like dangers;

1452 (f) Constructing, improving or paving streets,
1453 sidewalks, driveways, parkways, walkways or public parking
1454 facilities, and purchasing land therefor;

1455 (g) Purchasing land for parks, cemeteries and public
1456 playgrounds, and improving, equipping and adorning the same,
1457 including the constructing, repairing and equipping of swimming
1458 pools and other recreational facilities;

1459 (h) Constructing bridges and culverts;



1460 (i) Constructing, repairing and improving wharves,
1461 docks, harbors and appurtenant facilities, and purchasing land
1462 therefor;

1463 (j) Constructing, repairing and improving public
1464 slaughterhouses, markets, pest houses, workhouses, hospitals,
1465 houses of correction, reformatories and jails in the corporate
1466 limits, or within three (3) miles of the corporate limits, and
1467 purchasing land therefor;

1468 (k) Altering or changing the channels of streams and
1469 water courses to control, deflect or guide the current thereof;

1470 (l) Purchasing fire-fighting equipment and apparatus,
1471 and providing housing for same, and purchasing land therefor;

1472 (m) Purchasing or renting voting machines and any other
1473 election equipment needed in elections held in the municipality;

1474 (n) Assisting the Board of Trustees of State
1475 Institutions of Higher Learning, the Bureau of Building, Grounds
1476 and Real Property Management of the Governor's Office of General
1477 Services, or any other state agency in acquiring a site for,
1478 constructing suitable buildings and runways and equipping an
1479 airport for the university or other state-supported four-year
1480 college, now or hereafter in existence, in or near which the
1481 municipality is located, within not more than ten (10) miles of
1482 the municipality;

1483 (o) Acquiring and improving existing mass transit
1484 system; however, no municipal governing authorities shall



1485 authorize any bonds to be issued for the acquiring and improving
1486 of an existing mass transit system unless an election be conducted
1487 in said municipality in the same manner provided for general and
1488 special elections, and a majority of the qualified electors of the
1489 municipality participating in said election approve the bond
1490 issuance for the acquiring and improving of an existing mass
1491 transit system;

1492 (p) Purchasing machinery and equipment which have an
1493 expected useful life in excess of ten (10) years. The life of
1494 such bonds shall not exceed the expected useful life of such
1495 machinery and equipment. Machinery and equipment shall not
1496 include any motor vehicle weighing less than twelve thousand
1497 (12,000) pounds;

1498 (q) A project for which a certificate of public
1499 convenience and necessity has been obtained by the municipality
1500 pursuant to the Regional Economic Development Act.

1501 **SECTION 25.** Section 25-4-25, Mississippi Code of 1972, is
1502 brought forward as follows:

1503 25-4-25. Each of the following individuals shall file a
1504 statement of economic interest with the commission in accordance
1505 with the provisions of this chapter:

1506 (a) Persons elected by popular vote, excluding United
1507 States Senators and United States Representatives, to any office,
1508 whether it be legislative, executive or judicial, and whether it
1509 be statewide, district, county, municipal or any other political



1510 subdivision, with the exception of members of boards of levee
1511 commissioners and election commissioners;

1512 (b) Members of local school boards that administer
1513 public funds, regardless of whether such members are elected or
1514 appointed;

1515 (c) Persons who are candidates for public office or who
1516 are appointed to fill a vacancy in an office who, if elected,
1517 would be required to file under paragraph (a) of this section;

1518 (d) Executive directors or heads of state agencies, by
1519 whatever name they are designated, who are paid in part or in
1520 whole, directly or indirectly, from funds appropriated or
1521 authorized to be expended by the Legislature, and the presidents
1522 and trustees of all state-supported colleges, universities and
1523 junior colleges;

1524 (e) Members of any state board, commission or agency,
1525 including the Mississippi Ethics Commission, charged with the
1526 administration or expenditure of public funds, with the exception
1527 of advisory boards or commissions; provided, however, in order to
1528 fulfill the legislative purposes of this chapter, the commission
1529 may require, upon a majority vote, the filing of a statement of
1530 economic interest by members of an advisory board or commission;

1531 (f) Executive directors, heads, or members of any
1532 board, committee, commission or council of any of the following
1533 entities, by whatever name designated:



1534 (i) An economic development district established
1535 pursuant to Title 19, Chapter 5, Mississippi Code of 1972;

1536 (ii) Any entity created pursuant to the Regional
1537 Economic Development Act, Title 57, Chapter 64, Mississippi Code
1538 of 1972;

1539 (iii) Any county development commission
1540 established pursuant to Title 59, Chapter 9, Mississippi Code of
1541 1972;

1542 (iv) Any industrial council established pursuant
1543 to Title 57, Chapter 32, Mississippi Code of 1972; or

1544 (v) An airport authority established pursuant to
1545 statute or other legislative act.

1546 **SECTION 26.** Section 27-105-5, Mississippi Code of 1972, is
1547 brought forward as follows:

1548 27-105-5. (1) Any financial institution maintaining a
1549 deposit-taking facility in this state whose accounts are insured
1550 by the Federal Deposit Insurance Corporation or any successors to
1551 that insurance corporation, may qualify as a public funds
1552 depository by submitting an application to the State Treasurer as
1553 provided by Section 27-105-9, if the institution has a primary
1554 capital to total assets ratio of five and one-half percent
1555 (5-1/2%) or more. That ratio shall be determined not later than
1556 December 1 in each calendar year by the State Treasurer on the
1557 basis of balance sheets of applying institutions at June 30 of the
1558 same calendar year, and an institution shall not be a qualified



1559 depository and shall not receive any public funds unless its ratio
1560 has been certified annually by the Treasurer as meeting the
1561 prescribed requirement. Each applicant shall furnish to the State
1562 Treasurer such financial statements, balance sheets or other
1563 documentation, sworn to by a duly elected officer, on such date or
1564 dates and on such forms as the State Treasurer may require. Any
1565 knowing or willful misstatement of fact on those forms shall
1566 subject the officer swearing to them to the penalty of perjury,
1567 and the financial institution of which he is an officer shall not
1568 be eligible to serve as a depository for a period of one (1) year
1569 beginning with the date on which the State Treasurer certifies
1570 that such a misstatement has been made. When so approved by the
1571 State Treasurer, the institution shall place on deposit with the
1572 State Treasurer qualified bonds, notes and liquid securities in an
1573 aggregate amount at least equal to one hundred five percent (105%)
1574 of the average daily balance of funds on deposit in the aggregate
1575 by the State of Mississippi or any agency or department of the
1576 state or by any county, municipality or other governmental unit in
1577 excess of that portion of accounts insured by the Federal Deposit
1578 Insurance Corporation, or any successor thereto.

1579 (2) Any financial institution maintaining a deposit-taking
1580 facility in this state whose accounts are insured by the Federal
1581 Deposit Insurance Corporation or any successors to that insurance
1582 corporation and which has been in existence for three (3) or more
1583 years may qualify as a public funds depository and public funds



1584 guaranty pool member under Section 27-105-6 by submitting an
1585 application to the State Treasurer as provided by Section
1586 27-105-9, if the institution has a primary capital to total assets
1587 ratio of six and one-half percent (6-1/2%) or more and otherwise
1588 meets the requirements of Section 27-105-6. That ratio shall be
1589 determined not later than December 1 in each calendar year by the
1590 State Treasurer on the basis of balance sheets of applying
1591 institutions at June 30 of the same calendar year, and an
1592 institution shall not be a member of the public funds guaranty
1593 pool unless its ratio has been certified annually by the Treasurer
1594 as meeting the prescribed requirement. Each applicant shall
1595 furnish to the State Treasurer such financial statements, balance
1596 sheets or other documentation, sworn to by a duly elected officer,
1597 on such date or dates and on such forms as the State Treasurer may
1598 require. Any knowing or willful misstatement of fact on those
1599 forms shall subject the officer swearing to them to the penalty of
1600 perjury and the financial institution of which he is an officer
1601 shall not be eligible to serve as a depository for a period of one
1602 (1) year beginning with the date on which the State Treasurer
1603 certifies that such a misstatement has been made. When so
1604 approved by the State Treasurer, the institution shall meet its
1605 security requirement of one hundred five percent (105%) by placing
1606 on deposit with the State Treasurer qualified bonds, notes and
1607 liquid securities in an aggregate amount at least equal to
1608 fifty-two and one-half percent (52-1/2%) of the average daily



1609 balance of funds on deposit in the aggregate by the State of
1610 Mississippi or any agency or department of the state or by any
1611 county, municipality or other governmental unit in excess of that
1612 portion of accounts insured by the Federal Deposit Insurance
1613 Corporation, or any successor thereto, and executing a guarantee
1614 equal to the balance of fifty-two and one-half percent (52-1/2%)
1615 of the average daily balance of funds on deposit in the aggregate
1616 by the State of Mississippi or any agency or department of the
1617 state or by any county, municipality or other governmental unit in
1618 excess of that portion of accounts insured by the Federal Deposit
1619 Insurance Corporation, or any successor thereto.

1620 (3) The term "qualified bonds, notes and liquid securities"
1621 as used in this section shall mean:

1622 (a) All securities that are direct obligations of the
1623 United States Treasury or any other obligations fully guaranteed
1624 by the United States government.

1625 (b) Bonds, notes and other obligations of the Federal
1626 Home Loan Bank, Federal National Mortgage Association, Federal
1627 Land Banks, Banks for Cooperatives, and Federal Intermediate
1628 Credit Banks, the Government National Mortgage Association, the
1629 Federal Housing Administration, the Farmers Home Administration,
1630 the Farm Credit System Financial Assistance Corporation, the
1631 United States Postal Service, the Federal Financing Bank, the
1632 Student Loan Marketing Association, the Small Business
1633 Administration, the General Services Administration, the



1634 Washington Metropolitan Area Transit Authority, the Maritime
1635 Administration, the Export-Import Bank, the International Bank for
1636 Reconstruction and Development, the Inter-American Development
1637 Bank, the Asian Development Bank, loan participations that carry
1638 the guarantee of the Commodity Credit Corporation, an
1639 instrumentality of the United States Department of Agriculture or
1640 other similar agencies approved by the State Treasurer.

1641 (c) Obligations of the Tennessee Valley Authority.

1642 (d) Legal obligation or revenue bonds of the State of
1643 Mississippi, its agencies, or any political subdivision of the
1644 state, or any municipality located in the State of Mississippi, or
1645 the Yazoo Mississippi Delta and the Mississippi Levee Districts,
1646 or the Mississippi Higher Education Assistance Corporation or its
1647 successors, or any body corporate and politic created under the
1648 laws of the State of Mississippi.

1649 (e) General obligations issued by any state or by a
1650 county, parish or municipality of any state, the full faith and
1651 credit of which are pledged to the payment of principal and
1652 interest, that are rated "A" or better by any recognized national
1653 rating agency engaged in the business of rating bonds.

1654 (f) Surety bonds of any surety company authorized to do
1655 business in the State of Mississippi.

1656 (g) All bonds authorized as security for state funds
1657 under paragraphs (c), (d) and (e), inclusive, shall be investment
1658 quality, and any bonds under paragraphs (c), (d), (e) and (f),



1659 inclusive, which are rated substandard by any of the appropriate
1660 supervisory authorities having jurisdiction over the depository or
1661 by any recognized national rating agency engaged in the business
1662 of rating bonds, shall not be eligible for pledging as security to
1663 the State of Mississippi by any qualified state depository.

1664 No bonds shall be accepted as security for more than their
1665 stated par value or market value, whichever is lower, except bonds
1666 and obligations of the State of Mississippi and Mississippi State
1667 Highway bonds or notes, which may be accepted as security at par
1668 value or market value, whichever is greater.

1669 The bonds, notes and liquid securities to be placed on
1670 deposit shall secure both deposits and the accrued interest
1671 thereon.

1672 Money shall be drawn from the depositories so as to leave in
1673 each as near as practicable, its equitable proportion of state
1674 funds.

1675 The State Treasurer is authorized and empowered to:

1676 (i) Deposit for safekeeping in the vaults of any
1677 of the state or national banks located within this state that are
1678 members of the Federal Deposit Insurance Corporation and that have
1679 appropriate safekeeping facilities approved by the State
1680 Depository Commission, any federal reserve bank, any federal
1681 reserve branch bank, or any bank that is a member of the Federal
1682 Reserve System and is located in a city where there is a federal
1683 reserve bank or a federal reserve branch bank, the securities



1684 placed with him by financial institutions qualifying as state
1685 depositories; or

1686 (ii) Accept, in lieu of the securities themselves,
1687 safekeeping trust receipts issued to the State Treasurer by the
1688 authorized safekeeping banks listed in subparagraph (i) above; the
1689 safekeeping trust receipts shall describe the securities and show
1690 that the securities are held for safekeeping for the account of
1691 the State Treasurer or other governmental unit. The securities so
1692 deposited shall not be commingled in any manner with the assets of
1693 the safekeeping bank.

1694 The safekeeping banks listed in subparagraph (i) above are
1695 authorized to issue to the State Treasurer their safekeeping trust
1696 receipts based on safekeeping trust receipts issued to them by any
1697 of their correspondent banks that are members of the Federal
1698 Reserve System and are located in any federal reserve city and
1699 that have physical custody of the pledged securities.

1700 In no event shall the State Treasurer deposit for safekeeping
1701 with any depository securities placed by the depository with the
1702 State Treasurer in qualifying as a public funds depository, nor
1703 shall he accept a safekeeping trust receipt by or from a
1704 depository covering securities it owns in order to secure state
1705 funds on deposit with it.

1706 (4) In fulfilling the requirements of this Section 27-105-5,
1707 the State Treasurer shall:



1708 (a) Maintain perpetual inventory of pledged collateral
1709 and perform monthly market valuations and quality ratings.

1710 (b) Monitor and confirm, as often as deemed necessary
1711 by the Treasurer, the pledged collateral held by third party
1712 custodians.

1713 (c) Perfect an interest in pledged collateral by having
1714 pledged securities moved into an account established in the
1715 Treasurer's name. This action shall be taken at the discretion of
1716 the Treasurer.

1717 (d) Review the reports of each qualified public funds
1718 depository for material changes in capital accounts or changes in
1719 name, address or type of institution, record the average daily
1720 balances of public deposits held; and monitor the
1721 collateral-pledging levels and required collateral based on the
1722 average daily balances.

1723 (e) Compare public deposit information reported by
1724 qualified public funds depositories and public depositors. That
1725 comparison shall be conducted for qualified public depositories
1726 based on established financial condition criteria of record on
1727 September 30.

1728 (f) Verify the reports of any qualified public funds
1729 depository relating to public deposits it holds when necessary to
1730 protect the integrity of the public deposits program.

1731 (g) Confirm public deposits, to the extent possible
1732 under current law, when needed.



1733 (h) Require at his or her discretion the filing of any
1734 information or forms required under this chapter to be by
1735 electronic data transmission. Those filings of information or
1736 forms shall have the same enforceability as a signed writing.

1737 (5) A qualified public funds depository shall:

1738 (a) Within fifteen (15) days after the end of each
1739 calendar month or when requested by the Treasurer, submit to the
1740 Treasurer a written report, under oath, indicating the average
1741 daily balance of all public deposits held by it during the
1742 reported month, required collateral, a detailed schedule of all
1743 securities pledged as collateral, selected financial information,
1744 and any other information that the Treasurer determines necessary
1745 to administer this chapter.

1746 (b) Provide to each public depositor annually, not
1747 later than thirty (30) days following the public depositor's
1748 fiscal year end, the following information on all open accounts
1749 identified as a "public deposit" for that public depositor as of
1750 its fiscal year end, to be used for confirmation purposes: the
1751 federal employer identification number of the public funds
1752 depository, the name on the deposit account record, the federal
1753 employer identification number on the deposit account record, and
1754 the account number, account type and actual account balance on
1755 deposit. Any discrepancy found in the confirmation process shall
1756 be reconciled within sixty (60) days of the public depositor's
1757 fiscal year end.



1758 (c) Submit to the Treasurer annually, not later than
1759 sixty (60) days of the public depositor's fiscal year end, a
1760 report of all public deposits held for the credit of all public
1761 depositors at the close of business on each public depositor's
1762 fiscal year end. The annual report shall consist of public
1763 deposit information in a report format prescribed by the
1764 Treasurer. The manner of required filing may be as a signed
1765 writing or electronic data transmission, at the discretion of the
1766 Treasurer.

1767 (6) Public depositors shall comply with the following
1768 requirements:

1769 (a) A public depositor shall ensure that the name of
1770 the public depositor and its tax identification number are on the
1771 account or certificate provided to the public depositor by the
1772 qualified public depository in a manner sufficient to disclose the
1773 identity of the public depositor;

1774 (b) Not later than thirty (30) days following its
1775 fiscal year end, a public depositor shall notify the State
1776 Treasurer of its official name, address, federal tax
1777 identification number, and provide a listing of all accounts that
1778 it had with qualified public depositories, including the deposit
1779 balance in those accounts, as of its fiscal year end. A public
1780 entity established during the year shall furnish its official
1781 name, address and federal tax identification number to the State
1782 Treasurer before making any public deposit.



1783 (7) Any information contained in a report of a qualified
1784 public funds depository required under Section 27-105-5 or
1785 27-105-6 shall be considered confidential and exempt from
1786 disclosure and not subject to dissemination to anyone other than
1787 the State Treasurer and the State Auditor under the provisions of
1788 this chapter.

1789 (8) The State Treasurer is empowered to assume
1790 responsibility as successor pledgee as agent on behalf of any
1791 county, municipality or other governmental unit of any and all
1792 collateral pledged before July 1, 2001, to that county,
1793 municipality or governmental unit by that public funds depository.
1794 Upon assuming responsibility as successor pledgee as provided in
1795 this subsection (8), the State Treasurer is empowered to sign such
1796 documents on behalf of any such county, municipality or
1797 governmental unit as may be required by a trustee custodian,
1798 including, but not limited to, any documentation necessary to
1799 change the pledgee from the county, municipality or governmental
1800 unit as pledgee to the State Treasurer as agent.

1801 (9) As used in this section and Section 27-105-6, the
1802 following terms shall have the meanings set forth below:

1803 (a) The term "primary capital" means the sum of common
1804 stockholders' equity capital, including common stock and related
1805 surplus, undivided profits, disclosed capital reserves that
1806 represent a segregation of undivided profits, and foreign currency
1807 translation adjustments, less net unrealized holding losses on



1808 profits, and foreign currency translation adjustments, less net
1809 unrealized holding losses on available-for-sale equity securities
1810 with readily determinable fair values; noncumulative perpetual
1811 preferred stock, including any related surplus; and minority
1812 interests in the equity capital accounts of consolidated
1813 subsidiaries; the allowance for loan and lease losses; cumulative
1814 perpetual preferred stock, long-term preferred stock (original
1815 maturity of at least twenty (20) years) and any related surplus;
1816 perpetual preferred stock (and any related surplus) where the
1817 dividend is reset periodically based, in whole or in part, on the
1818 bank's current credit standing, regardless of whether the
1819 dividends are cumulative or noncumulative; hybrid capital
1820 instruments, including mandatory convertible debt securities; term
1821 subordinated debt and intermediate-term preferred stock (original
1822 average maturity of five (5) years or more) and any related
1823 surplus; and net unrealized holding gains on equity securities.

1824 (b) The term "assets classified loss" means:

1825 (i) When measured as of the date of examination of
1826 the financial institution, those assets that have been determined
1827 by an evaluation made by a state or federal examiner as of that
1828 date to be a loss; and

1829 (ii) When measured as of any other date, those
1830 assets:

1831 (A) That have been determined: 1. by an
1832 evaluation made by a state or federal examiner at the most recent



1833 examination of the financial institution to be a loss, or 2. by
1834 evaluations made by the financial institution since its most
1835 recent examination to be a loss; and

1836 (B) That have not been charged off from the
1837 financial institution's books or collected.

1838 (c) The term "intangible assets" means those assets
1839 that would be required to be reported in the item for intangible
1840 assets in a Federal Deposit Insurance Corporation (FDIC) banking
1841 institution's "Reports of Condition and Income" (Call Reports),
1842 regardless of whether the institution is insured by the FDIC.

1843 (d) The term "mandatory convertible debt" means a
1844 subordinated debt instrument meeting the requirements of the
1845 Federal Deposit Insurance Corporation that requires the issuer to
1846 convert the instrument into common or perpetual preferred stock by
1847 a date at or before the maturity of the debt instrument. The
1848 maturity of these instruments must be twelve (12) years or less.

1849 (e) The term "mortgage servicing rights" means those
1850 assets (net of any related valuation allowances) that result from
1851 contracts to service loans secured by real estate (that have been
1852 securitized or are owned by others) for which the benefits of
1853 servicing are expected to more than adequately compensate the
1854 servicer for performing the servicing.

1855 (f) The term "perpetual preferred stock" means a
1856 preferred stock that does not have a stated maturity date or that
1857 cannot be redeemed at the option of the holder and that has no



1858 other provisions that will require future redemption of the issue.
1859 It includes those issues of preferred stock that automatically
1860 convert into common stock at a stated date. It excludes those
1861 issues, the rate on which increases, or can increase, in such a
1862 manner that would effectively require the issuer to redeem the
1863 issue.

1864 (g) The term "total assets" means the average of total
1865 assets of any financial institution that are or would be included
1866 in a Federal Deposit Insurance Corporation (FDIC) banking
1867 institution's "Reports of Condition and Income" (Call Reports),
1868 regardless of whether the institution is insured by the FDIC, plus
1869 the allowance for loan and lease losses, minus assets classified
1870 loss and minus intangible assets other than mortgage servicing
1871 rights.

1872 (h) The term "average daily balance" means the average
1873 daily balance of public deposits of each governmental unit held
1874 during the reported month. The average daily balances must be
1875 determined by totaling, by account, the daily balance held by the
1876 depositor and then dividing the total by the number of calendar
1877 days in the month. Deposit insurance is then deducted from each
1878 public depositor's balance and the resulting amounts are totaled
1879 to obtain the average daily balance.

1880 (i) The term "public funds" means funds in which the
1881 entire beneficial interest is owned by a governmental unit or
1882 funds held in the name of a public official of a governmental unit



1883 charged with the duty to receive or administer funds and acting in
1884 such official capacity.

1885 (j) The term "governmental unit" means the State of
1886 Mississippi, and any office, department, agency, division, bureau,
1887 commission, board, institution, hospital, college, university,
1888 airport authority or other instrumentality thereof, whether or not
1889 such body or instrumentality has the authority to levy taxes or to
1890 sue or be sued in its own name. Further, it shall mean any body
1891 politic or body corporate other than the state responsible for
1892 governmental activities only in geographic areas smaller than that
1893 of the state, including, but not limited to any county,
1894 municipality, school district, community hospital as defined in
1895 Section 41-13-10, airport authority or other instrumentality
1896 thereof, whether or not such body or instrumentality has the
1897 authority to levy taxes or to sue or be sued in its own name. It
1898 is the intent to include all state and political subdivisions or
1899 instrumentalities thereof whether specifically recited herein or
1900 not.

1901 **SECTION 27.** Section 57-61-41, Mississippi Code of 1972, is
1902 brought forward as follows:

1903 57-61-41. (1) Notwithstanding any provision of this chapter
1904 to the contrary, the Mississippi Development Authority shall
1905 utilize not more than Twelve Million Dollars (\$12,000,000.00) out
1906 of the proceeds of bonds authorized to be issued in this chapter
1907 to be made available to state, county or municipal port and



1908 airport authorities through a Port Revitalization Revolving Loan
1909 Fund for the purpose of making loans to port authorities for the
1910 improvement of port and airport facilities to promote commerce and
1911 economic growth. Proceeds shall not be made available to provide
1912 any facilities for utilization by a gaming vessel.

1913 (2) In exercising its authority, the Mississippi Development
1914 Authority shall work in conjunction with the Water Resources
1915 Council to establish criteria and guidelines to govern loans made
1916 pursuant to this section.

1917 (3) The Mississippi Development Authority may, on a
1918 case-by-case basis, renegotiate the payment of principal and
1919 interest on loans made under this section to state, county and
1920 municipal port and airport authorities located in the six (6) most
1921 southern counties of the state covered by the Presidential
1922 Declaration of Major Disaster for the State of Mississippi
1923 (FEMA-1604-DR) dated August 29, 2005; however, the interest on the
1924 loans shall not be forgiven for a period of more than twenty-four
1925 (24) months and the maturity of the loans shall not be extended
1926 for a period of more than forty-eight (48) months.

1927 **SECTION 28.** Section 57-64-5, Mississippi Code of 1972, is
1928 brought forward as follows:

1929 57-64-5. It is the purpose of this chapter to permit local
1930 government units of the state to make the most efficient use of
1931 their powers and resources by enabling them to cooperate and to
1932 contract with other local government units, including foreign



1933 governmental units from another state, on a basis of mutual
1934 advantage, to share the costs of and revenues derived from a
1935 project, and to pledge revenue from a project to secure payment of
1936 the bonds issued for the project, and thereby provide services and
1937 facilities in a manner pursuant to forms of governmental
1938 organization that will accord best with geographic, economic,
1939 population and other factors influencing the needs and economic
1940 development of the local government units.

1941 **SECTION 29.** Section 57-64-13, Mississippi Code of 1972, is
1942 brought forward as follows:

1943 57-64-13. (1) Any power, authority or responsibility
1944 exercised or capable of being exercised by a local government unit
1945 of this state may be exercised and carried out jointly with any
1946 other local government unit of this state or with a foreign
1947 governmental unit of another state, any state board, agency or
1948 commission and any public agency of the United States, to the
1949 extent that the laws of the United States permit such joint
1950 exercise or enjoyment.

1951 (2) No such power, authority and responsibility may be
1952 exercised under the provisions of this chapter which will have the
1953 effect of abolishing any office which is held by a person elected
1954 by the citizenry.

1955 (3) No agreement made under this chapter shall be entered
1956 into by any local government unit without the approval by



1957 resolution on the minutes of the governing body of that local
1958 government unit.

1959 (4) Any joint undertaking entered into under this chapter
1960 shall be evidenced by written contractual agreements for joint or
1961 cooperative action to provide services and facilities pursuant to
1962 the provisions of this chapter which agreements shall be approved
1963 by the MDA. Appropriate action by ordinance, resolution or
1964 otherwise pursuant to the law controlling the participating local
1965 government units or agencies shall be necessary before any such
1966 agreement shall be in force.

1967 (5) An alliance created pursuant to this chapter may take
1968 any action with respect to a project that any local government
1969 unit member may take. If one (1) member of the alliance shall
1970 have authority to undertake a particular project or pursue a
1971 particular action with respect to such project, then the alliance
1972 shall have identical authority so to do. No local government unit
1973 shall be precluded from joining an alliance, and it shall not be
1974 the basis for denying an application for a certificate of
1975 convenience and necessity by the MDA, solely because the alliance
1976 may have power to take actions that the local government unit
1977 acting alone could not take.

1978 **SECTION 30.** Section 57-105-1, Mississippi Code of 1972, is
1979 brought forward as follows:

1980 57-105-1. (1) As used in this section:



1981 (a) "Adjusted purchase price" means the investment in
1982 the qualified community development entity for the qualified
1983 equity investment, substantially all of the proceeds of which are
1984 used to make qualified low-income community investments in
1985 Mississippi.

1986 For the purposes of calculating the amount of qualified
1987 low-income community investments held by a qualified community
1988 development entity, an investment will be considered held by a
1989 qualified community development entity even if the investment has
1990 been sold or repaid; provided that the qualified community
1991 development entity reinvests an amount equal to the capital
1992 returned to or recovered by the qualified community development
1993 entity from the original investment, exclusive of any profits
1994 realized, in another qualified low-income community investment in
1995 Mississippi, including any federal Indian reservation located
1996 within the geographical boundary of Mississippi within twelve (12)
1997 months of the receipt of such capital. A qualified community
1998 development entity will not be required to reinvest capital
1999 returned from the qualified low-income community investments after
2000 the sixth anniversary of the issuance of the qualified equity
2001 investment, the proceeds of which were used to make the qualified
2002 low-income community investment, and the qualified low-income
2003 community investment will be considered held by the qualified
2004 community development entity through the seventh anniversary of
2005 the qualified equity investment's issuance.



2006 (b) "Applicable percentage" means:

2007 (i) For any equity investment issued prior to July
2008 1, 2008, four percent (4%) for each of the second through seventh
2009 credit allowance dates for purposes of the taxes imposed by
2010 Section 27-7-5 and one and one-third percent (1-1/3%) for each of
2011 the second through seventh credit allowance dates for purposes of
2012 the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

2013 (ii) For any equity investment issued from and
2014 after July 1, 2008, eight percent (8%) for each of the first
2015 through third credit allowance dates for purposes of the taxes
2016 imposed by Section 27-7-5 or the taxes imposed by Sections
2017 27-15-103, 27-15-109 and 27-15-123.

2018 (c) "Credit allowance date" means, with respect to any
2019 qualified equity investment:

2020 (i) The later of:

2021 1. The date upon which the qualified equity
2022 investment is initially made; or

2023 2. The date upon which the Mississippi
2024 Development Authority issues a certificate under subsection (4) of
2025 this section; and

2026 (ii) 1. For equity investments issued prior to
2027 July 1, 2008, each of the subsequent six (6) anniversary dates of
2028 the date upon which the investment is initially made; or

2029 2. For equity investments issued from and
2030 after July 1, 2008, each of the subsequent two (2) anniversary



2031 dates of the date determined as provided for in subparagraph (i)
2032 of this paragraph.

2033 (d) "Qualified community development entity" shall have
2034 the meaning ascribed to such term in Section 45D of the Internal
2035 Revenue Code of 1986, as amended, if the entity has entered into
2036 an Allocation Agreement with the Community Development Financial
2037 Institutions Fund of the United States Department of the Treasury
2038 with respect to credits authorized by Section 45D of the Internal
2039 Revenue Code of 1986, as amended.

2040 (e) "Qualified active low-income community business"
2041 shall have the meaning ascribed to such term in Section 45D of the
2042 Internal Revenue Code of 1986, as amended.

2043 (f) "Qualified equity investment" shall have the
2044 meaning ascribed to such term in Section 45D of the Internal
2045 Revenue Code of 1986, as amended. The investment does not have to
2046 be designated as a qualified equity investment by the Community
2047 Development Financial Institutions Fund of the United States
2048 Treasury to be considered a qualified equity investment under this
2049 section but otherwise must meet the definition under the Internal
2050 Revenue Code. In addition to meeting the definition in Section
2051 45D of the Internal Revenue Code such investment must also:

2052 (i) Have been acquired after January 1, 2007, at
2053 its original issuance solely in exchange for cash; and

2054 (ii) Have been allocated by the Mississippi
2055 Development Authority.



2056 For the purposes of this section, such investment shall be
2057 deemed a qualified equity investment on the later of the date such
2058 qualified equity investment is made or the date on which the
2059 Mississippi Development Authority issues a certificate under
2060 subsection (4) of this section allocating credits based on such
2061 investment.

2062 (g) "Qualified low-income community investment" shall
2063 have the meaning ascribed to such term in Section 45D of the
2064 Internal Revenue Code of 1986, as amended; provided, however, that
2065 the maximum amount of qualified low-income community investments
2066 issued for a single qualified active low-income community
2067 business, on an aggregate basis with all of its affiliates, that
2068 may be included for purposes of allocating any credits under this
2069 section shall not exceed Ten Million Dollars (\$10,000,000.00), in
2070 the aggregate, whether issued by one (1) or several qualified
2071 community development entities.

2072 (2) A taxpayer that holds a qualified equity investment on
2073 the credit allowance date shall be entitled to a credit applicable
2074 against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109
2075 and 27-15-123 during the taxable year that includes the credit
2076 allowance date. The amount of the credit shall be equal to the
2077 applicable percentage of the adjusted purchase price paid to the
2078 qualified community development entity for the qualified equity
2079 investment. The amount of the credit that may be utilized in any
2080 one (1) tax year shall be limited to an amount not greater than



2081 the total tax liability of the taxpayer for the taxes imposed by
2082 the above-referenced sections. The credit shall not be refundable
2083 or transferable. Any unused portion of the credit may be carried
2084 forward for seven (7) taxable years beyond the credit allowance
2085 date on which the credit was earned. The maximum aggregate amount
2086 of qualified equity investments that may be allocated by the
2087 Mississippi Development Authority may not exceed an amount that
2088 would result in taxpayers claiming in any one (1) state fiscal
2089 year credits in excess of Fifteen Million Dollars
2090 (\$15,000,000.00), exclusive of credits that might be carried
2091 forward from previous taxable years; however, a maximum of
2092 one-third (1/3) of this amount may be allocated as credits for
2093 taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123. Any
2094 taxpayer claiming a credit under this section against the taxes
2095 imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123
2096 shall not be required to pay any additional tax under Section
2097 27-15-123 as a result of claiming such credit. The Mississippi
2098 Development Authority shall allocate credits within this limit as
2099 provided for in subsection (4) of this section.

2100 (3) Tax credits authorized by this section that are earned
2101 by a partnership, limited liability company, S corporation or
2102 other similar pass-through entity, shall be allocated among all
2103 partners, members or shareholders, respectively, either in
2104 proportion to their ownership interest in such entity or as the
2105 partners, members or shareholders mutually agree as provided in an



2106 executed document. Such allocation shall be made each taxable
2107 year of such pass-through entity which contains a credit allowance
2108 date.

2109 (4) The qualified community development entity shall apply
2110 for credits with the Mississippi Development Authority on forms
2111 prescribed by the Mississippi Development Authority. The
2112 qualified community development entity must pay an application fee
2113 of One Thousand Dollars (\$1,000.00) to the Mississippi Development
2114 Authority at the time the application is submitted. In the
2115 application the qualified community development entity shall
2116 certify to the Mississippi Development Authority the dollar amount
2117 of the qualified equity investments made or to be made in this
2118 state, including in any federal Indian reservation located within
2119 the state's geographical boundary, during the first twelve-month
2120 period following the initial credit allowance date. The
2121 Mississippi Development Authority shall allocate credits based on
2122 the dollar amount of qualified equity investments as certified in
2123 the application. Once the Mississippi Development Authority has
2124 allocated credits to a qualified community development entity, if
2125 the corresponding qualified equity investment has not been issued
2126 as of the date of such allocation, then the corresponding
2127 qualified equity investment must be issued not later than one
2128 hundred twenty (120) days from the date of such allocation. If
2129 the qualified equity investment is not issued within such time
2130 period, the allocation shall be cancelled and returned to the



2131 Mississippi Development Authority for reallocation. Upon final
2132 documentation of the qualified low-income community investments,
2133 if the actual dollar amount of the investments is lower than the
2134 amount estimated, the Mississippi Development Authority shall
2135 adjust the tax credit allowed under this section. The Department
2136 of Revenue may recapture all of the credit allowed under this
2137 section if:

2138 (a) Any amount of federal tax credits available with
2139 respect to a qualified equity investment that is eligible for a
2140 tax credit under this section is recaptured under Section 45D of
2141 the Internal Revenue Code of 1986, as amended; or

2142 (b) The qualified community development entity redeems
2143 or makes any principal repayment with respect to a qualified
2144 equity investment prior to the seventh anniversary of the issuance
2145 of the qualified equity investment; or

2146 (c) The qualified community development entity fails to
2147 maintain at least eighty-five percent (85%) of the proceeds of the
2148 qualified equity investment in qualified low-income community
2149 investments in Mississippi at any time prior to the seventh
2150 anniversary of the issuance of the qualified equity investment.

2151 Any credits that are subject to recapture under this
2152 subsection shall be recaptured from the taxpayer that actually
2153 claimed the credit.

2154 The Mississippi Development Authority shall not allocate any
2155 credits under this section after January 1, 2018.



2156 (5) Each qualified community development entity that
2157 receives qualified equity investments to make qualified low-income
2158 community investments in Mississippi must annually report to the
2159 Mississippi Development Authority the North American Industry
2160 Classification System Code, the county, the dollars invested, the
2161 number of jobs assisted and the number of jobs assisted with wages
2162 over one hundred percent (100%) of the federal poverty level for a
2163 family of four (4) of each qualified low-income community
2164 investment.

2165 (6) The Mississippi Development Authority shall file an
2166 annual report on all qualified low-income community investments
2167 with the Governor, the Clerk of the House of Representatives, the
2168 Secretary of the Senate and the Secretary of State describing the
2169 North American Industry Classification System Code, the county,
2170 the dollars invested, the number of jobs assisted and the number
2171 of jobs assisted with wages over one hundred percent (100%) of the
2172 federal poverty level for a family of four (4) of each qualified
2173 low-income community investment. The annual report will be posted
2174 on the Mississippi Development Authority's Internet website.

2175 (7) (a) The purpose of this subsection is to authorize the
2176 creation and establishment of public benefit corporations for
2177 financing arrangements regarding public property and facilities.

2178 (b) As used in this subsection:



2179 (i) "New Markets Tax Credit transaction" means any
2180 financing transaction which utilizes either this section or
2181 Section 45D of the Internal Revenue Code of 1986, as amended.

2182 (ii) "Public benefit corporation" means a
2183 nonprofit corporation formed or designated by a public entity to
2184 carry out the purposes of this subsection.

2185 (iii) "Public entity or public entities" includes
2186 utility districts, regional solid waste authorities, regional
2187 utility authorities, community hospitals, regional airport
2188 authorities, municipal airport authorities, community and junior
2189 colleges, educational building corporations established by or on
2190 behalf of the state institutions of higher learning, school
2191 districts, planning and development districts, county economic
2192 development districts, urban renewal agencies, any other regional
2193 or local economic development authority, agency or governmental
2194 entity, and any other regional or local industrial development
2195 authority, agency or governmental entity.

2196 (iv) "Public property or facilities" means any
2197 property or facilities owned or leased by a public entity or
2198 public benefit corporation.

2199 (c) Notwithstanding any other provision of law to the
2200 contrary, public entities are authorized pursuant to this
2201 subsection to create one or more public benefit corporations or
2202 designate an existing corporation as a public benefit corporation
2203 for the purpose of entering into financing agreements and engaging



2204 in New Markets Tax Credit transactions, which shall include,
2205 without limitation, arrangements to plan, acquire, renovate,
2206 construct, lease, sublease, manage, operate and/or improve new or
2207 existing public property or facilities located within the
2208 boundaries or service area of the public entity. Any financing
2209 arrangement authorized under this subsection shall further any
2210 purpose of the public entity and may include a term of up to fifty
2211 (50) years.

2212 (d) Notwithstanding any other provision of law to the
2213 contrary and in order to facilitate the acquisition, renovation,
2214 construction, leasing, subleasing, management, operating and/or
2215 improvement of new or existing public property or facilities to
2216 further any purpose of a public entity, public entities are
2217 authorized to enter into financing arrangements in order to
2218 transfer public property or facilities to and/or from public
2219 benefit corporations, including, without limitation, sales,
2220 sale-leasebacks, leases and lease-leasebacks, provided such
2221 transfer is related to any New Markets Tax Credit transaction
2222 furthering any purpose of the public entity. Any such transfer
2223 under this paragraph (d) and the public property or facilities
2224 transferred in connection therewith shall be exempted from any
2225 limitation or requirements with respect to leasing, acquiring,
2226 and/or constructing public property or facilities.

2227 (e) With respect to a New Markets Tax Credit
2228 transaction, public entities and public benefit corporations are



2229 authorized to enter into financing arrangements with any
2230 governmental, nonprofit or for-profit entity in order to leverage
2231 funds not otherwise available to public entities for the
2232 acquisition, construction and/or renovation of properties
2233 transferred to such public benefit corporations. The use of any
2234 funds loaned by or contributed by a public benefit corporation or
2235 borrowed by or otherwise made available to a public benefit
2236 corporation in such financing arrangement shall be dedicated
2237 solely to (i) the development of new properties or facilities
2238 and/or the renovation of existing properties or facilities or
2239 operation of properties or facilities, and/or (ii) the payment of
2240 costs and expenditures related to any such financing arrangements
2241 including, but not limited to, funding any reserves required in
2242 connection therewith, the repayment of any indebtedness incurred
2243 in connection therewith, and the payment of fees and expenses
2244 incurred in connection with the closing, administration,
2245 accounting and/or compliance with respect to the New Markets Tax
2246 Credit transaction.

2247 (f) A public benefit corporation created pursuant to
2248 this subsection shall not be a political subdivision of the state
2249 but shall be a nonprofit corporation organized and governed under
2250 the provisions of the laws of this state and shall be a special
2251 purpose corporation established to facilitate New Markets Tax
2252 Credit transactions consistent with the requirements of this
2253 section.



2254 (g) Neither this subsection nor anything herein
2255 contained is or shall be construed as a restriction or limitation
2256 upon any powers which the public entity or public benefit
2257 corporation might otherwise have under any laws of this state, and
2258 this subsection is cumulative to any such powers. This subsection
2259 does and shall be construed to provide a complete additional and
2260 alternative method for the doing of the things authorized thereby
2261 and shall be regarded as supplemental and additional to powers
2262 conferred by other laws.

2263 (8) The Mississippi Development Authority shall promulgate
2264 rules and regulations to implement the provisions of this section.

2265 **SECTION 31.** Section 61-3-7, Mississippi Code of 1972, is
2266 brought forward as follows:

2267 61-3-7. (1) Two (2) or more municipalities or two (2) or
2268 more municipalities and any state-supported institution of higher
2269 learning or a public community or junior college, by resolution of
2270 each, may create a public body, corporate and politic, to be known
2271 as a regional airport authority which shall be authorized to
2272 exercise its functions upon the issuance by the Secretary of State
2273 of a certificate of incorporation. The governing body of each
2274 municipality, the institution of higher learning or the public
2275 community or junior college, pursuant to its resolution, shall
2276 appoint one (1) person as a commissioner of the authority.
2277 However, if the regional airport authority consists of an even
2278 number of participants, which include two (2) or more



2279 municipalities or two (2) or more municipalities and a state
2280 institution of higher learning or a public community or junior
2281 college, an additional commissioner shall be appointed by the
2282 Governor. Such additional commissioner shall be a resident of a
2283 county other than the counties of the participating municipalities
2284 but contiguous to at least one (1) of such counties.

2285 (2) A regional airport authority may be increased from time
2286 to time to serve one or more additional municipalities if each
2287 additional municipality and each of the municipalities and the
2288 institution of higher learning or the public community or junior
2289 college then included in the regional authority and the
2290 commissioners of the regional authority, respectively, adopt a
2291 resolution consenting thereto. If a municipal airport authority
2292 for any municipality seeking to be included in the regional
2293 authority is then in existence, the commissioners of the municipal
2294 authority shall consent to the inclusion of the municipality,
2295 institution of higher learning or the public community or junior
2296 college in the regional authority, and if the municipal authority
2297 has any bonds outstanding, unless the holders of fifty-one percent
2298 (51%) or more in amount of the bonds consent, in writing, to the
2299 inclusion of the municipality in the regional authority, no such
2300 inclusion shall be effected. Upon the inclusion of any
2301 municipality, institution of higher learning or the public
2302 community or junior college in the regional authority, all rights,
2303 contracts, obligations and property, real and personal, of the



2304 municipal authority shall be in the name of and vest in the
2305 regional authority.

2306 (3) A regional airport authority may be decreased if each of
2307 the municipalities and the institution of higher learning or the
2308 public community or junior college then included in the regional
2309 authority and the commissioners of the regional authority consent
2310 to the decrease and make provision for the retention or
2311 disposition of its assets and liabilities. However, if the
2312 regional authority has any bonds outstanding, no decrease shall be
2313 effected unless seventy-five percent (75%) or more of the holders
2314 of the bonds consent thereto in writing.

2315 (4) If a municipality so elects, it may share its
2316 commissioner position with another municipality that is not then a
2317 participant in the regional authority. In order to do so, the
2318 initiating and participating municipalities, and the joining
2319 municipality, all other municipalities participating at that time,
2320 and the commissioners of the regional authority, must adopt
2321 resolutions consenting to the sharing of the position. The
2322 initiating municipality and the joining municipality must reach an
2323 agreement to jointly determine the method for the appointment of
2324 their joint commissioner. Upon the adoption of the resolutions of
2325 authorization and the execution of the agreement between the
2326 participating and joining municipalities, the joint commissioner
2327 shall have the same powers, authority, duties and obligations
2328 otherwise vested in commissioners of the regional authority.



2329 (5) A municipality, institution of higher learning or public
2330 community or junior college shall not adopt any resolution
2331 authorized by this section without a public hearing thereon.
2332 Notice thereof shall be given at least ten (10) days before the
2333 hearing in a newspaper published in the municipality, in the
2334 institution of higher learning or in the public community or
2335 junior college, or if there is no newspaper published therein,
2336 then in a newspaper having general circulation in the
2337 municipality, in the institution of higher learning or in the
2338 public community or junior college.

2339 (6) At the expiration of the term of all commissioners
2340 serving as of January 1, 1978, the airport authority shall effect
2341 staggered terms by the drawing of lots and reporting thereon to
2342 appointing authorities. The commissioners shall be designated to
2343 serve for terms of one (1) year, two (2) years, three (3) years,
2344 four (4) years and so forth depending upon the number of
2345 participating appointing authorities. Thereafter, each
2346 commissioner shall be appointed for a term of five (5) years
2347 except that vacancies occurring otherwise than by expiration of
2348 terms shall be filled for the unexpired term in the same manner as
2349 the original appointment.

2350 **SECTION 32.** Section 61-3-8, Mississippi Code of 1972, is
2351 brought forward as follows:

2352 61-3-8. A regional airport authority located outside of
2353 municipal boundaries and that is within two (2) or more judicial



2354 districts may, in its discretion, adopt a resolution declaring
2355 which judicial district shall govern the regional airport
2356 authority. Upon adoption of the resolution, the regional airport
2357 authority shall be governed by all laws, regulations, rules and
2358 ordinances applicable to the judicial district.

2359 **SECTION 33.** Section 61-3-9, Mississippi Code of 1972, is
2360 brought forward as follows:

2361 61-3-9. Upon the appointment and qualification of the
2362 commissioners first appointed to a regional airport authority,
2363 they shall submit to the Secretary of State a certified copy of
2364 each resolution adopted pursuant to subsection (1) of Section
2365 61-3-7 by the municipalities included in the regional authority.
2366 Upon receipt thereof, the Secretary of State shall issue a
2367 certificate of incorporation to the regional airport authority.

2368 When a regional airport authority is increased or decreased
2369 pursuant to subsections (2) and (3) of Section 61-3-7, it shall
2370 forward to the Secretary of State a certified copy of each
2371 resolution adopted pursuant thereto and, upon receipt thereof, the
2372 Secretary of State shall issue an amended certificate of
2373 incorporation in accordance therewith.

2374 **SECTION 34.** Section 61-3-11, Mississippi Code of 1972, is
2375 brought forward as follows:

2376 61-3-11. In any suit, action, or proceeding involving the
2377 validity or enforcement of, or relating to, any contract of a
2378 municipal airport authority, created pursuant to Section 61-3-5,



2379 the municipal authority shall be conclusively deemed to have
2380 become established and authorized to transact its business and
2381 exercise its powers upon proof of the adoption by the municipality
2382 of the resolution creating the municipal airport authority and of
2383 the appointment and qualification of the first commissioners
2384 thereof. Duly certified copies of the resolution creating the
2385 authority and of the certificates of appointment of the
2386 commissioners shall be admissible in evidence in any suit, action,
2387 or proceeding.

2388 In any suit, action, or proceeding involving the validity or
2389 enforcement of, or relating to, any contract of a regional airport
2390 authority, such regional airport authority shall be conclusively
2391 deemed to have become established and authorized to transact its
2392 business and exercise its powers upon proof of the issuance by the
2393 Secretary of State of a certificate of incorporation of such
2394 regional airport authority. A copy of such certificate of
2395 incorporation, duly certified by the Secretary of State, shall be
2396 admissible in evidence in any suit, action, or proceeding.

2397 **SECTION 35.** Section 61-3-13, Mississippi Code of 1972, is
2398 brought forward as follows:

2399 61-3-13. (1) Each commissioner of a regional or municipal
2400 airport authority may receive from that airport authority per diem
2401 compensation in the amount provided by Section 25-3-69 for each
2402 day or fraction of a day engaged in attendance of meetings of the
2403 authority or engaged in other official duties of the authority,



2404 not to exceed one hundred twenty (120) days in any one (1) year,
2405 and may receive from the airport authority actual traveling
2406 expenses incurred in the discharge of his duties. Each
2407 commissioner shall hold office until his successor has been
2408 appointed and has qualified. The certificates of the appointment
2409 and reappointment of commissioners shall be filed with the
2410 authority.

2411 (2) The powers of each authority shall be vested in the
2412 commissioners of that authority. A majority of the commissioners
2413 of an authority shall constitute a quorum for the purpose of
2414 conducting the business of the authority and exercising its powers
2415 and for all other purposes. Action may be taken by the authority
2416 upon a vote of not less than a majority of the commissioners
2417 present. There shall be elected a chairman and vice chairman from
2418 among the commissioners.

2419 (3) The commissioners of an authority shall designate an
2420 executive director, who shall be the chief executive officer of
2421 the authority and shall perform those duties as are required by
2422 law and any other duties as may be assigned by the commissioners.
2423 The commissioners may designate the executive director as the
2424 purchasing agent of the authority. If so designated, the
2425 executive director shall have the authority of the purchasing
2426 agent of a state agency under Section 31-7-13.

2427 **SECTION 36.** Section 61-3-15, Mississippi Code of 1972, is
2428 brought forward as follows:



2429 61-3-15. An authority shall have all the powers necessary or
2430 convenient to carry out the purposes of this chapter (excluding
2431 the power to levy and collect taxes or special assessments)
2432 including, but not limited to, the power:

2433 (a) To sue and be sued, to have a seal and to have
2434 perpetual succession.

2435 (b) To purchase general liability insurance coverage,
2436 including errors and omissions insurance, for its officials and
2437 employees.

2438 (c) To employ an executive director, secretary,
2439 technical experts, and such other officers, agents and employees,
2440 permanent and temporary, as it may require, and to determine their
2441 qualifications and duties, and to establish compensation and other
2442 employment benefits as may be advisable to attract and retain
2443 proficient personnel.

2444 (d) To execute such contracts and other instruments and
2445 take such other action as may be necessary or convenient to carry
2446 out the purposes of this chapter.

2447 (e) To plan, establish, develop, construct, enlarge,
2448 improve, maintain, equip, operate, regulate and protect airports
2449 and air navigation facilities within this state and within any
2450 adjoining state, including the acquisition, lease, lease-purchase,
2451 construction, installation, equipment, maintenance and operation
2452 of such airports or buildings, equipment and other facilities or
2453 other property for the servicing of aircraft or for the comfort



2454 and accommodation of air travelers or for any other purpose deemed
2455 by the authority to be necessary to carry out its duties; to
2456 develop, operate, manage or own and maintain intermodal facilities
2457 to serve air and surface cargo and multimodal facilities to serve
2458 highway and rail passenger transportation needs to ensure
2459 interface and interaction between modes for cargo and passengers;
2460 to construct, improve, and maintain means of ingress and egress to
2461 airport properties from and over off-airport sites with approval
2462 of the city or county in which the off-airport site is located; to
2463 market, promote and advertise airport properties, goods and
2464 services; and to directly purchase and sell supplies, goods and
2465 commodities incident to the operation of its airport properties
2466 without having to make purchases thereof through the municipal
2467 governing authorities, and with the authority to utilize
2468 dual-phase design-build and construction manager at-risk methods
2469 of construction in accordance with Sections 31-7-13.1 and
2470 31-7-13.2. For all the previously stated purposes, an authority
2471 may, by purchase, gift, devise, lease, eminent domain proceedings
2472 or otherwise, acquire property, real or personal, or any interest
2473 therein, including easements in airport hazards or land outside
2474 the boundaries of an airport or airport site, as are necessary to
2475 permit the removal, elimination, obstruction-marking or
2476 obstruction-lighting of airport hazards, to prevent the
2477 establishment of airport hazards or to carry out its duties.



2478 (f) To acquire, by purchase, gift, devise, lease,
2479 lease-purchase, eminent domain proceedings or otherwise, existing
2480 airports and air navigation facilities. However, an authority
2481 shall not acquire or take over any airport or air navigation
2482 facility owned or controlled by another authority, a municipality
2483 or public agency of this or any other state without the consent of
2484 such authority, municipality or public agency.

2485 (g) To establish or acquire and maintain airports in,
2486 over and upon any public waters of this state, and any submerged
2487 lands under such public waters, and to construct and maintain
2488 terminal buildings, landing floats, causeways, roadways and
2489 bridges for approaches to or connecting with any such airport, and
2490 landing floats and breakwaters for the protection thereof.

2491 (h) To establish, enact and enforce ordinances, rules,
2492 regulations and standards for public safety, aviation safety,
2493 airport operations and the preservation of good order and peace of
2494 the authority; to prevent injury to, destruction of or
2495 interference with public or private property; to protect property,
2496 health and lives and to enhance the general welfare of the
2497 authority by restricting the movements of citizens or any group
2498 thereof on the property of the authority when there is imminent
2499 danger to the public safety because of freedom of movement
2500 thereof; to regulate the entrances to property and buildings of
2501 the authority and the way of ingress and egress to and from the
2502 same; to establish fire limits and to hire firemen, including



2503 aircraft fire and rescue and similar personnel, and to establish
2504 and equip a fire department to provide fire and other emergency
2505 services on any property of the authority; to regulate, restrain
2506 or prohibit construction failing to meet standards established by
2507 the authority; to appoint and discharge police officers with
2508 jurisdiction limited to property of the airport authority and
2509 authorization to enforce the ordinances, rules and regulations of
2510 the authority, as well as the laws of the State of Mississippi,
2511 and to issue citations for infractions of all of such ordinances,
2512 rules, regulations, standards and laws of the State of Mississippi
2513 returnable to the court of appropriate jurisdiction.

2514 (i) To develop and operate an industrial park or parks
2515 and exercise all authority provided for under Chapter 7, Title 57,
2516 Mississippi Code of 1972.

2517 (j) To attach, pursuant to the power and procedure set
2518 forth in Chapter 33, Title 11, Mississippi Code of 1972, the
2519 equipment of debtors of the authority.

2520 (k) To enter into agreements with local governments
2521 pursuant to Section 17-13-1 et seq.

2522 (l) To render emergency assistance to other airports
2523 within the United States at an aggregate cost of less than Twenty
2524 Thousand Dollars (\$20,000.00) per emergency. The assistance
2525 authorized in this paragraph must be rendered within ninety (90)
2526 days after a state of emergency has been declared by the federal
2527 government, or by the local or state government that has



2528 jurisdiction over the area where the airport needing assistance is
2529 located.

2530 (m) To enter into joint use or similar agreements with
2531 any department or agency of the United States of America or the
2532 State of Mississippi, including any military department of the
2533 United States of America or the State of Mississippi, with respect
2534 to the use and operation of, or services provided at, any airport
2535 or other property of the authority on the terms and conditions as
2536 the authority may deem appropriate, including provisions limiting
2537 the liability of the United States of America or the State of
2538 Mississippi for loss or damage to the authority if the authority
2539 determines that the limitation of liability is reasonable,
2540 necessary and appropriate under the circumstances.

2541 (n) To enter into mutual aid agreements with counties
2542 and municipalities for reciprocal emergency aid and assistance in
2543 case of emergencies too extensive to be dealt with unassisted; to
2544 participate in the Statewide Mutual Aid Compact (SMAC) in
2545 accordance with Section 33-15-19.

2546 **SECTION 37.** Section 61-3-17, Mississippi Code of 1972, is
2547 brought forward as follows:

2548 61-3-17. In the acquisition of property by eminent domain
2549 proceedings authorized by this chapter, an authority shall proceed
2550 in the manner provided by Chapter 27 of Title 11, Mississippi Code
2551 of 1972, and as elsewhere provided by law. For the purpose of
2552 making surveys and examinations relative to eminent domain



2553 proceedings, it shall be lawful for the authority to enter upon
2554 the land, doing no unnecessary damage. Notwithstanding the
2555 provisions of any other statute or other law, an authority may
2556 take possession of any property to be acquired by eminent domain
2557 proceedings at any time after the commencement of such proceedings
2558 upon a specific finding by the authority of the public necessity
2559 for the immediate acquisition of the property pursuant to Section
2560 11-27-81 et seq., and compliance with all the provisions of
2561 Section 11-27-81 et seq., including the provisions for making a
2562 deposit. The authority shall not be precluded from abandoning
2563 such proceedings at any time prior to final order and decree of
2564 the court having jurisdiction of such proceedings. The authority
2565 shall be liable to the owner of the property for any damage done
2566 to the property during possession thereof by the authority.

2567 **SECTION 38.** Section 61-3-19, Mississippi Code of 1972, is
2568 brought forward as follows:

2569 61-3-19. (1) (a) Except as may be limited by the terms and
2570 conditions of any grant, loan or agreement authorized by Section
2571 61-3-25, an authority may, by sale, lease or otherwise, dispose of
2572 any airport, air navigation facility or other property, real or
2573 personal, or portion thereof or interest therein, acquired
2574 pursuant to this chapter. If Section 29-1-1 is applicable to a
2575 sale of real property, the sale shall comply with Section 29-1-1.

2576 (b) If Section 29-1-1 is not applicable, the disposal
2577 by sale, lease or otherwise, shall be in accordance with the



2578 following procedure. The authority shall find and determine by
2579 resolution duly and lawfully adopted and spread upon its minutes
2580 that:

2581 (i) The property is no longer needed for authority
2582 purposes and is not to be used in the authority's operation;

2583 (ii) There is no state agency, board, commission
2584 or any governing authority within the state that has expressed a
2585 need or use for the property and the federal government has not
2586 expressed a need or use for the property; and

2587 (iii) The use of the property for the purpose for
2588 which it is to be sold, leased or otherwise disposed of will
2589 promote and foster the development and improvement of the
2590 authority or of the community in which it is located and the
2591 civic, social, educational, cultural, moral, economic or
2592 industrial welfare thereof.

2593 (2) After making the determinations, the authority may sell,
2594 lease or otherwise dispose of the property in accordance with
2595 applicable law and by any of the following methods:

2596 (a) The authority may sell, lease or otherwise dispose
2597 of the property if the consideration is not less than the fair
2598 market price for the property as determined by averaging the
2599 appraisals of two (2) professional property appraisers selected by
2600 the authority and approved by the purchaser or lessee. Appraisal
2601 fees shall be shared equally by the authority and the purchaser or
2602 lessee.



2603 (b) The authority may sell, lease or otherwise dispose
2604 of the property to the highest bidder after publishing at least
2605 once each week for three (3) consecutive weeks in a public
2606 newspaper published in the county in which the property is
2607 located, or if no newspaper is published in the county, then in a
2608 newspaper having general circulation therein, the authority's
2609 intention to lease, sell or otherwise dispose of the property and
2610 to accept sealed competitive bids for the sale, lease or disposal
2611 of the property. The authority shall thereafter accept bids for
2612 the sale, lease or disposal of the property and shall award the
2613 sale, lease or disposal to the highest bidder.

2614 (c) The authority may sell and dispose of personal
2615 property at public sale for cash to the highest bidder after
2616 publishing at least once each week for three (3) consecutive weeks
2617 in a public newspaper published in the county in which the
2618 property is located, or if no newspaper is published in the
2619 county, then in a newspaper having general circulation therein,
2620 the authority's intention to sell and dispose of the personal
2621 property at public sale for cash. Any public sale for cash may be
2622 conducted by or on behalf of the authority. At the public sale
2623 for cash, the personal property shall be sold and disposed of to
2624 the highest bidder.

2625 (d) The authority may sell and dispose of personal
2626 property by use of an Internet web service available to the
2627 public, including, but not limited to, an Internet auction



2628 website, for cash or irrevocable electronic transfer of funds, to
2629 the highest bidder after publishing at least once each week for
2630 three (3) consecutive weeks in a public newspaper published in the
2631 county in which the property is located, or if no newspaper is
2632 published in the county, then in a newspaper having general
2633 circulation therein, the following information:

2634 (i) The authority's intention to sell and dispose
2635 of the personal property through use of the Internet web service;

2636 (ii) The location on the Internet website where
2637 the personal property will be listed; and

2638 (iii) The listing date and closing date of the
2639 Internet sale.

2640 At the Internet sale, the personal property shall be sold and
2641 disposed of to the highest bidder; provided, all Internet sales
2642 shall comply with federal law. In the event that any Internet
2643 sale is not concluded for any reason, the authority may relist and
2644 sell the personal property by use of the same Internet web service
2645 without the public notice set forth in this paragraph.

2646 Notwithstanding anything herein to the contrary, in the case
2647 of a sale, lease or disposal of property to another authority, a
2648 municipality or an agency of the state or federal government for
2649 use and operation as a public airport, the sale, lease or other
2650 disposal thereof may be effected in such manner and upon such
2651 terms as the commissioners of the authority may deem to be in the
2652 best interest of civil aviation.



2653 (3) The authority may lease lands owned by the authority for
2654 oil, gas and mineral exploration and development upon the terms
2655 and conditions and for consideration as the authority shall deem
2656 proper and advisable. However, no oil, gas or mineral lease shall
2657 be for a primary term of more than ten (10) years and the lease or
2658 leases shall provide for annual rentals of not less than One
2659 Dollar (\$1.00) per acre and shall provide for royalties of not
2660 less than three-sixteenths (3/16) of all oil, gas and other
2661 minerals produced, including sulphur. All rentals, royalties or
2662 other revenue payable under any lease executed under this section
2663 shall be paid to and collected by the authority. The leases shall
2664 specifically provide that, in no event, shall any such lease or
2665 the exercise of any rights thereunder, interfere with the use of
2666 any airport or air navigational facilities for their intended
2667 purposes.

2668 **SECTION 39.** Section 61-3-21, Mississippi Code of 1972, is
2669 brought forward as follows:

2670 61-3-21. (1) In connection with the operation of an airport
2671 or air navigation facility owned or controlled by an authority,
2672 the authority may enter into contracts, leases and other
2673 arrangements for terms not to exceed fifty (50) years with any
2674 persons: (a) granting the privilege of using or improving the
2675 airport or air navigation facility or any portion or facility
2676 thereof or space therein for commercial purposes; (b) conferring
2677 the privilege of supplying goods, commodities, things, services or



2678 facilities at the airport or air navigation facility; and (c)
2679 making available services to be furnished by the authority or its
2680 agents at the airport or air navigation facility.

2681 In each case the authority may establish the terms and
2682 conditions and fix the charges, rentals or fees for the privileges
2683 or services, which shall be reasonable and uniform for the same
2684 class of privilege or service and which shall be established with
2685 due regard to the property and improvements used and the expenses
2686 of operation to the authority. In no case shall the public be
2687 deprived of its rightful, equal and uniform use of the airport,
2688 air navigation facility or portion or facility thereof.

2689 (2) Except as may be limited by the terms and conditions of
2690 any grant, loan or agreement authorized by Section 61-3-25,
2691 Mississippi Code of 1972, an authority may, by contract, lease or
2692 other arrangements, upon a consideration fixed by it, grant to any
2693 qualified person for a term not to exceed fifty (50) years, the
2694 privilege of operating, as agent of the authority or otherwise,
2695 any airport owned or controlled by the authority. However, no
2696 person shall be granted any authority to operate an airport other
2697 than as a public airport or to enter into any contracts, leases or
2698 other arrangements in connection with the operation of the airport
2699 which the authority might not have undertaken under subsection (1)
2700 of this section.

2701 (3) All contracts, leases and other arrangements entered
2702 into pursuant to this section are deemed to serve a public and



2703 governmental purpose as a matter of public necessity; therefore,
2704 all such contracts, leases, and other arrangements and all
2705 structures, improvements and other facilities erected, installed,
2706 constructed or located in connection therewith on an airport or
2707 air navigation facility owned or controlled by an authority, or
2708 any portion of facility thereof or space therein, shall be free
2709 and exempt from all state, county and municipal ad valorem taxes
2710 on real property and personal property for so long as may
2711 otherwise be lawful, and the charges, rentals and fees received by
2712 an authority in connection with such contracts, leases and other
2713 arrangements shall be deemed to be in lieu of said taxes.

2714 **SECTION 40.** Section 61-3-23, Mississippi Code of 1972, is
2715 brought forward as follows:

2716 61-3-23. An authority is authorized to adopt, amend, and
2717 repeal such reasonable resolutions, rules, regulations, and orders
2718 as it shall deem necessary for the management, government, and use
2719 of any airport or air navigation facility owned by it or under its
2720 control. No rule, regulation, order, or standard prescribed by
2721 the commission shall be inconsistent with, or contrary to, this
2722 chapter, or any act of the Congress of the United States or any
2723 regulation promulgated or standard established pursuant thereto.
2724 The authority shall keep on file at the principal office of the
2725 authority for public inspection a copy of all its rules and
2726 regulations.



2727 **SECTION 41.** Section 61-3-24, Mississippi Code of 1972, is
2728 brought forward as follows:

2729 61-3-24. (1) An authority, at which a commercial airline
2730 lands an aircraft operating under its Federal Aviation
2731 Administration certificate, shall have a lien upon all aircraft
2732 that land at the authority's airport by the airline for the full
2733 amount of any landing fees, or other rates and charges previously
2734 promulgated by the authority in its rules and regulations,
2735 incurred by the airline at the airport by any aircraft operating
2736 under the airline's Federal Aviation Administration certificate.

2737 (2) An authority may enforce any lien created herein against
2738 a nonresident debtor airline pursuant to the following procedure:
2739 a court of appropriate jurisdiction may issue a writ of
2740 sequestration, ex parte, against any aircraft operating under the
2741 Federal Aviation Administration certificate of the nonresident
2742 debtor airline and located at the airport operated by the
2743 authority. However, before issuing a writ of sequestration, the
2744 court shall find there is prima facie evidence that the
2745 nonresident debtor airline is past due on the landing fees or
2746 other rates and charges, that the authority has submitted prima
2747 facie evidence of exigent circumstances for the issuance of the
2748 writ, and that the authority has submitted a corporate surety bond
2749 in the amount of one hundred twenty-five percent (125%) of the
2750 past-due amount claimed. Upon issuing the writ of sequestration,
2751 the court shall grant the nonresident debtor airline an



2752 opportunity for an immediate evidentiary hearing to rebut the
2753 authority's claim and revoke the writ. The court shall allow the
2754 nonresident debtor airline to substitute in place of the
2755 sequestered aircraft a corporate surety bond with the court in the
2756 amount of one hundred twenty-five percent (125%) of the past-due
2757 amount claimed by the authority for the purpose of securing
2758 payment.

2759 **SECTION 42.** Section 61-3-25, Mississippi Code of 1972, is
2760 brought forward as follows:

2761 61-3-25. An authority is authorized to accept, receive,
2762 receipt for, disburse, and expend federal and state monies and
2763 other monies, public or private, made available by grant or loan
2764 or both, to accomplish, in whole or in part, any of the purposes
2765 of this chapter. All federal monies accepted under this section
2766 shall be accepted and expended by the authority upon such terms
2767 and conditions as are prescribed by the United States and as are
2768 consistent with state law. All state monies accepted under this
2769 section shall be accepted and expended by the authority upon such
2770 terms and conditions as are prescribed by the state.

2771 An authority is authorized to designate the Mississippi
2772 Transportation Commission as its agent to accept, receive, receipt
2773 for, and disburse federal and state monies, and other monies,
2774 public or private, made available by grant or loan or both, to
2775 accomplish in whole or in part, any of the purposes of this
2776 chapter, and an authority is authorized to designate such



2777 commission as its agent in contracting for and supervising the
2778 planning, acquisition, development, construction, improvement,
2779 maintenance, equipment or operation of any airport or other air
2780 navigation facility. An authority may enter into an agreement
2781 with the commission prescribing the terms and conditions of the
2782 agency in accordance with such terms and conditions as are
2783 prescribed by the United States, if federal money is involved, and
2784 in accordance with the applicable laws of this state. All federal
2785 monies accepted under this section by the commission shall be
2786 accepted and transferred or expended by such commission upon such
2787 terms and conditions as are prescribed by the United States. All
2788 monies received by the commission pursuant to this paragraph shall
2789 be deposited in the State Treasury, and unless otherwise
2790 prescribed by the agency from which such monies were received,
2791 shall be kept in separate funds designated according to the
2792 purposes for which the monies were made available, and held by the
2793 state in trust for such purpose.

2794 **SECTION 43.** Section 61-3-27, Mississippi Code of 1972, is
2795 brought forward as follows:

2796 61-3-27. An authority shall have the power to borrow money
2797 for any of its corporate purposes and issue its bonds therefor,
2798 including refunding bonds, which bonds may be payable out of any
2799 revenues of the authority, including grants or contributions from
2800 the federal government or other sources. Any bonds of an
2801 authority issued pursuant to this chapter which are payable, as to



2802 principal and interest, solely from revenues of an airport or air
2803 navigation facility (and they shall so state on their face) shall
2804 not constitute a debt of any municipality, the state, or any
2805 political subdivision thereof other than the authority, and shall
2806 not constitute an indebtedness within the meaning of any
2807 constitutional or statutory debt limitation or restriction.
2808 Neither the commissioners of an authority nor any person executing
2809 such bonds shall be liable personally thereon by reason of the
2810 issuance thereof, provided the issuance is in compliance with this
2811 chapter.

2812 An authority proposing to issue bonds or notes as defined in
2813 this chapter of any kind, nature, or description shall have, prior
2814 to authorization, issuance, and subsequent validation thereof,
2815 secured the legal services of a competent practicing attorney or
2816 firm of attorneys. In no instance shall the attorney's fees paid
2817 for the issuance or refunding of such bonds exceed the following
2818 amounts, to wit:

2819 On all such bond issues the attorney's fees shall not exceed
2820 one percent (1%) of the first Five Hundred Thousand Dollars
2821 (\$500,000.00); one-half percent (1/2%) of all over Five Hundred
2822 Thousand Dollars (\$500,000.00) and not more than One Million
2823 Dollars (\$1,000,000.00); and one-fourth percent (1/4%) of all
2824 amounts in excess of One Million Dollars (\$1,000,000.00).

2825 **SECTION 44.** Section 61-3-29, Mississippi Code of 1972, is
2826 brought forward as follows:



2827 61-3-29. The issuance of bonds by an authority shall be
2828 authorized by a resolution of the governing body of such
2829 authority. Every such resolution shall be adopted by the
2830 affirmative vote of at least three-fifths (3/5) of all the members
2831 of such governing body.

2832 A resolution in compliance with this section shall include
2833 any covenants with the bondholders deemed necessary by the
2834 commissioners to make such bonds secure and marketable, including,
2835 but without limitation, covenants regarding the application of the
2836 bond proceeds; the pledging, application and securing of the
2837 revenues of the authority, the creation and maintenance of
2838 reserves; the investment of funds; the issuance of additional
2839 bonds; the maintenance of minimum fees, charges and rentals; the
2840 operation and maintenance of its airport; insurance and insurance
2841 proceeds; accounts and audits; the sale of airport properties;
2842 remedies of bondholders; the vesting in a trustee or trustees such
2843 powers and rights as may be necessary to secure the bonds and the
2844 revenues and funds from which they are payable; the terms and
2845 conditions upon which bondholders may exercise their rights and
2846 remedies; the replacement of lost, destroyed or mutilated bonds;
2847 the definition, consequences and remedies of an event of default;
2848 the amendment of such resolution; and the appointment of a
2849 receiver in the event of a default.

2850 Upon final enactment, each resolution authorizing bonds shall
2851 be published in full.



2852 **SECTION 45.** Section 61-3-31, Mississippi Code of 1972, is
2853 brought forward as follows:

2854 61-3-31. After the publication of such authorizing
2855 resolution or amendatory resolution, if any, the validation of the
2856 bonds authorized thereby may be contested only if:

2857 (a) Such bonds were authorized for an objective or
2858 purpose for which the political subdivision is not authorized to
2859 expend money, or

2860 (b) The provisions of law which should have been
2861 complied with, on or before the date of such publication, were not
2862 complied with, and an action, suit or proceeding contesting such
2863 validity is commenced within twenty days after such publication of
2864 the resolution authorizing the bonds, or, as to changes made by an
2865 amendatory resolution, within twenty days after such publication
2866 of such amendatory resolution, or

2867 (c) Such bonds were authorized in violation of the
2868 provisions of the constitution or laws of Mississippi.

2869 **SECTION 46.** Section 61-3-33, Mississippi Code of 1972, is
2870 brought forward as follows:

2871 61-3-33. The determination of the authority, in the
2872 resolution authorizing bonds, as to the classification of the
2873 project for which such bonds are authorized and as to the maximum
2874 period of usefulness, shall be conclusive in any action or
2875 proceeding involving the validity of such bonds.



2876 **SECTION 47.** Section 61-3-35, Mississippi Code of 1972, is
2877 brought forward as follows:

2878 61-3-35. (1) Bonds issued under this chapter may be sold on
2879 sealed bids at public sale after publication of at least three (3)
2880 weekly notices, published in a financial publication carrying
2881 political subdivision bond notices and devoted primarily to
2882 financial news or to the subject of state and political
2883 subdivision bonds and having circulation among a large number of
2884 dealers in political subdivision bonds.

2885 (2) The public notice of sale shall describe the bonds or
2886 notes and set forth the terms and conditions of sale. It shall
2887 invite bidders to name the rate or rates of interest to be borne
2888 by the bonds or notes, which rate or rates shall be stated in
2889 conformity to the details of the issues as outlined in this
2890 chapter, all of which shall be included in the notice of sale.

2891 (3) The notice of sale may permit bidders to name one or
2892 more interest rates for the bonds or notes proposed to be sold,
2893 within such limitations as outlined in Section 61-3-41.

2894 The notice of sale shall state that all bonds or notes will
2895 be awarded to the bidder whose bid constitutes the lowest cost to
2896 the authority. The lowest cost to the authority shall be
2897 determined in accordance with the provisions of Section 61-3-41.

2898 (4) The notice of sale, in case of a sale of more than one
2899 (1) issue of bonds payable from the same source, after describing
2900 the separate issues, shall state the combined maturities as if



2901 such combined maturities constituted a single issue. The notice
2902 of sale shall state that the bonds or notes will be awarded to the
2903 bidder whose bid constitutes the lowest cost as determined by
2904 Section 61-3-41, and, as between bidders whose bids constitute the
2905 same lowest cost to the authority, such lowest bidders may
2906 negotiate between themselves, immediately after the announcement
2907 of said bids as to the conditions upon which the bid shall be
2908 awarded. If no agreement is reached, the award shall be
2909 determined by lot fairly and publicly drawn.

2910 (5) The notice of sale shall require all bidders except
2911 governmental agencies or departments to deposit a certified or
2912 cashier's check for two percent (2%) of the amount of bonds or
2913 notes proposed to be sold, partially to secure the authority from
2914 any loss resulting from the failure of the bidder to comply with
2915 the terms of his bid. In case the bidder to whom the award is
2916 made shall fail to comply with the award, his certified or
2917 cashier's check in the amount of two percent (2%) shall be
2918 forfeited to the authority. The certified or cashier's checks of
2919 unsuccessful bidders shall be returned promptly.

2920 (6) Each notice of sale shall require the purchaser to pay
2921 interest accrued on the face amount of the bonds or notes awarded,
2922 at the rate borne thereby, from the date of the bonds or notes to
2923 the date of payment of the purchase price.



2924 (7) Each notice of sale shall reserve the right to reject
2925 any and all bids and shall state that any bid not complying with
2926 the terms of the notice shall be rejected.

2927 (8) Notwithstanding any provision to the contrary in this
2928 chapter, bonds or notes issued pursuant to this chapter may be
2929 sold at a private sale in a manner and at a price determined by
2930 the authority to be the most advantageous to the authority.

2931 (9) Bonds or notes issued pursuant to this chapter may be
2932 for not less than ninety-eight percent (98%) of par value. Any
2933 notice of sale shall state whether or not the bonds or notes will
2934 be sold for less than their par value.

2935 **SECTION 48.** Section 61-3-37, Mississippi Code of 1972, is
2936 brought forward as follows:

2937 61-3-37. All proposals or bids shall be submitted to the
2938 authority in a sealed envelope and subsequently opened publicly at
2939 the time and place stated in the notice of sale, and each bid
2940 shall be publicly announced at the time of opening of bids. A
2941 determination with respect to acceptance of a bid shall be made
2942 promptly after receipt of bids and, if a bid is accepted, a prompt
2943 award of the bonds or notes shall be made in writing to the
2944 successful bidder.

2945 Bonds and notes shall be awarded to the bidder whose bid
2946 specifies the lowest maximum interest cost.

2947 Any premium must be paid in bank funds as a part of the
2948 purchase price. Bids shall not contemplate the cancellation of



2949 any interest coupon or the waiver of interest or other concession
2950 by the bidder as a substitute for bank funds.

2951 **SECTION 49.** Section 61-3-39, Mississippi Code of 1972, is
2952 brought forward as follows:

2953 61-3-39. All bonds except term bonds of a single issue shall
2954 be paid in consecutive annual or semiannual payments.

2955 The first annual or semiannual principal payment upon each
2956 authorized issue shall be paid not more than thirty-six (36)
2957 months after the date of the bonds.

2958 The last payment of each authorized issue of bonds shall
2959 mature not later than forty (40) years after its date of issue.

2960 **SECTION 50.** Section 61-3-41, Mississippi Code of 1972, is
2961 brought forward as follows:

2962 61-3-41. All bonds shall bear interest at such rate or rates
2963 not to exceed that allowed in Section 75-17-103. No bond shall
2964 bear more than one (1) rate of interest. Each bond shall bear
2965 interest from its date to its stated maturity date at the interest
2966 rate specified in the bid or as agreed to by the authority. All
2967 bonds of the same maturity shall bear the same rate of interest.
2968 All interest accruing on such bonds so issued shall be payable
2969 semiannually or annually, except that the first interest coupon
2970 attached to any such bond may be for any period not exceeding one
2971 (1) year.

2972 No interest payment shall be evidenced by more than one (1)
2973 coupon and neither cancelled nor supplemental coupons shall be



2974 permitted. The lowest interest rate specified for any bonds
2975 issued shall not be less than two-thirds (2/3) of the highest
2976 interest rate specified for the same bond issue. The interest
2977 rate of any one (1) interest coupon shall not exceed the maximum
2978 interest rate allowed on such bonds.

2979 Each interest rate specified in any bid must be in multiples
2980 of one-eighth of one percent (1/8 of 1%) or in multiples of
2981 one-tenth of one percent (1/10 of 1%), and a zero rate of interest
2982 cannot be named.

2983 All bonds shall be lithographed, engraved or typewritten,
2984 shall be in denominations of not less than Five Thousand Dollars
2985 (\$5,000.00), shall be registered by the authority, and shall be
2986 consecutively numbered in a regular series from one (1) upward.
2987 Each such bond shall specify on its face the purpose for which it
2988 was issued and the total amount authorized to be issued. The
2989 interest to accrue on each bond shall be evidenced by proper
2990 coupons to be attached thereto, unless the bonds are fully
2991 registered no-coupon bonds.

2992 **SECTION 51.** Section 61-3-43, Mississippi Code of 1972, is
2993 brought forward as follows:

2994 61-3-43. All bonds and notes shall be executed in the name
2995 of the authority by the manual or facsimile signatures of such
2996 officials, including a financial officer, as may be designated by
2997 resolution and shall be under the seal (or a facsimile thereof) of
2998 the authority. At least one signature on each such bond or note



2999 shall be a manual signature. Coupons attached to a bond may be
3000 executed by the facsimile signature of the financial officer
3001 signing the bond.

3002 **SECTION 52.** Section 61-3-45, Mississippi Code of 1972, is
3003 brought forward as follows:

3004 61-3-45. Bonds may be issued in form payable to bearer with
3005 coupons attached for the payment of interest and, if so issued,
3006 shall be subject to registration as to principal only or as to
3007 both principal and interest. Bonds may also be issued in fully
3008 registered form without coupons. Coupons and registered bonds
3009 shall be interchangeable only as provided in the resolution
3010 authorizing such bonds.

3011 Notes may be issued in registered form or notes may be issued
3012 in form payable to bearer, with interest payable to bearer on
3013 presentation for endorsement and, if so issued, shall be subject
3014 to complete registration. Interest on notes issued in registered
3015 form and interest on bearer notes which have been registered shall
3016 be payable to the registered holder.

3017 **SECTION 53.** Section 61-3-47, Mississippi Code of 1972, is
3018 brought forward as follows:

3019 61-3-47. No bonds or notes shall be made payable on demand,
3020 but any bond or note may be made subject to redemption prior to
3021 maturity on such notice and at such time or times and with such
3022 redemption provisions as may be stated in the resolution
3023 authorizing the issuance of the bond or note. When any such bond



3024 or note shall have been validly called for redemption and payment
3025 of the principal thereof and of the interest thereon accrued to
3026 the date of redemption shall have been tendered or made, interest
3027 thereon shall cease. A complete schedule of redemption dates
3028 shall be included in the resolution authorizing the bond issue.

3029 **SECTION 54.** Section 61-3-49, Mississippi Code of 1972, is
3030 brought forward as follows:

3031 61-3-49. In the discretion of the authority, all bonds may
3032 be further secured by a trust agreement between the authority and
3033 a corporate trustee, which may be any trust company or bank having
3034 powers of a trust company within or without the state. Any such
3035 trust agreement or any resolution providing for the issuance of
3036 such bonds may contain such provisions for protecting and
3037 enforcing the rights and remedies of the bondholders as are
3038 reasonable and proper and not in violation of law.

3039 The trust agreement may contain provisions for the issuance
3040 of additional bonds under the procedures established by this
3041 chapter for any of the purposes authorized by this chapter which
3042 shall be secured by the revenues pledged thereunder for such bonds
3043 to the extent provided therein.

3044 The trust agreement may include provisions to the effect
3045 that, if there is any default in the payment of principal or
3046 interest on any of said bonds, any court of competent jurisdiction
3047 may appoint a receiver to administer the properties and facilities
3048 of the authority described in the trust agreement on behalf of the



3049 authority, including authority to sell or make contracts for the
3050 sale of any services, facilities or commodities of the authority
3051 or to renew such contracts, subject to the approval of the court
3052 appointing the said receiver, and with power to provide for the
3053 payment of such bonds outstanding, or the payment of operating
3054 expenses, and to apply the income and revenues to the payment of
3055 the said bonds and interest thereon in accordance with the
3056 resolution of the authority authorizing the issuance of such bonds
3057 and the said trust agreement. The fee for the services of any
3058 corporate trustee shall not exceed the normal charges for acting
3059 as paying agent, plus any additional amount or amounts allowed by
3060 the court as the reasonable value of services rendered by the
3061 corporate trustee.

3062 The powers herein granted may be exercised whether or not a
3063 trust agreement is entered into and, if no trust agreement is
3064 entered into, such provisions as are above authorized may be set
3065 out in the resolution authorizing the bonds.

3066 **SECTION 55.** Section 61-3-51, Mississippi Code of 1972, is
3067 brought forward as follows:

3068 61-3-51. All revenues pledged to the payment of bonds shall
3069 be subject to a lien in favor of the holders of such bonds, and
3070 all such revenues received by the authority shall be immediately
3071 subject to such lien without any physical delivery thereof or
3072 further act by the authority. The lien shall be effective as
3073 against all parties asserting claims against the authority,



3074 whether by way of tort, contract or otherwise, whether or not such
3075 parties may have had notice of such lien. The pledge or trust
3076 agreement creating the same need not be filed or recorded except
3077 in the official minutes of the authority. The revenues may also
3078 be pledged as security for the payment of obligations due
3079 providers of credit enhancement with respect to any bonds issued.

3080 The state does hereby covenant with the holders of any such
3081 bonds that it will not, while any such bonds shall be outstanding,
3082 limit or diminish the right and power of the authority to
3083 establish, maintain and collect rates, fees, rentals and other
3084 charges pledged to the payment of such bonds, or to fulfill any
3085 covenants with respect to rates, fees, rentals and other charges
3086 made by the authority with such bondholders.

3087 **SECTION 56.** Section 61-3-53, Mississippi Code of 1972, is
3088 brought forward as follows:

3089 61-3-53. Any authority, authorized by a statute other than
3090 this chapter to refund its outstanding bonds and permitted to do
3091 so by the terms of any resolutions and trust agreements pertaining
3092 to such bonds, may refund all, or any part of, one or more bond
3093 issues. However, the refunding bonds shall be issued in
3094 accordance with the provisions of this chapter.

3095 In no case shall any bonds be refunded whereby:

3096 (a) The interest cost to the authority computed on the
3097 basis of the interest rates borne by the bonds refunded and by the
3098 refunding bonds, will be increased by reason of the refunding; or



3099 (b) The average maturity of the bonds refunded,
3100 computed to their stated maturities will be increased by reason of
3101 the refunding; or

3102 (c) The time at which bonds may be redeemed is more
3103 than twelve (12) months after the date of sale of the refunding
3104 bonds;

3105 (d) However, if it can be clearly shown that the
3106 refunding is being accomplished to prevent default or to provide
3107 flexibility to the authority in the financing of its projects, and
3108 if the State Treasurer shall certify that the need to refund an
3109 outstanding issue to prevent default or to provide flexibility to
3110 the authority in the financing of its projects has been determined
3111 by sufficient evidence filed with the State Treasurer, the
3112 provisions of subsections (a), (b) and (c) shall not prevent
3113 refunding.

3114 It shall not be necessary for the bonds refunded to be
3115 surrendered and cancelled simultaneously with the delivery of the
3116 refunding bonds, but the proceeds of the sale of the refunding
3117 bonds, not used to pay for surrendered and cancelled bonds at the
3118 time of refunding, shall be deposited in a trust fund under
3119 conditions satisfactory to the authority and the State Treasurer.

3120 If the refunding bonds are being issued to prevent default,
3121 the authority may exchange them with bondholders under such rules
3122 and regulations as established by the State Treasurer.



3123 **SECTION 57.** Section 61-3-55, Mississippi Code of 1972, is
3124 brought forward as follows:

3125 61-3-55. Nothing contained in this chapter shall be
3126 construed to confer on any authority any right or option to redeem
3127 any bonds or notes heretofore or hereafter issued, except as is or
3128 may be provided in the proceedings under which such bonds were or
3129 shall be issued.

3130 **SECTION 58.** Section 61-3-57, Mississippi Code of 1972, is
3131 brought forward as follows:

3132 61-3-57. All bonds and notes and appurtenant coupons issued
3133 pursuant to this chapter shall be negotiable instruments within
3134 the meaning of the Uniform Commercial Code of the State of
3135 Mississippi.

3136 **SECTION 59.** Section 61-3-59, Mississippi Code of 1972, is
3137 brought forward as follows:

3138 61-3-59. No bonds shall be delivered to any purchaser by any
3139 authority unless they shall have first been validated in
3140 accordance with the provisions of Sections 31-13-1 through
3141 31-13-11, Mississippi Code of 1972.

3142 **SECTION 60.** Section 61-3-60, Mississippi Code of 1972, is
3143 brought forward as follows:

3144 61-3-60. (1) In addition to the power to borrow money
3145 pursuant to Sections 61-3-27 through 61-3-61, Mississippi Code of
3146 1972, an airport authority may, in anticipation of the receipt of
3147 income, revenues, grants or subsidies from any source, including,



3148 but not limited to, the federal government or any federal agency,
3149 the state or any state agency, any municipality or taxing
3150 authority, or the proceeds of bonds authorized by Sections 61-3-27
3151 through 61-3-61, Mississippi Code of 1972, borrow money to be
3152 payable over a period of time not to exceed ten (10) years, in an
3153 amount or amounts not to exceed in the aggregate Ten Million
3154 Dollars (\$10,000,000.00) for the purposes and under the terms and
3155 conditions set out in subsections (2), (3), (4) and (5) of this
3156 section.

3157 (2) Any loans made under this section shall be first
3158 authorized by resolution of the airport authority setting out the
3159 need for such loan, the purposes for which the proceeds shall be
3160 used, and the source or sources from which it anticipates that the
3161 loan shall be retired. The purposes for which such loans are
3162 authorized may include any purposes for which bonds may be issued
3163 under this chapter and for the maintenance and repair of runways,
3164 taxiways, ramps or other facilities necessary for the safe,
3165 orderly and convenient handling of aircraft traffic; and for the
3166 employment of personnel and purchase of supplies and equipment and
3167 payment of expenses which, in the judgment of the authority, shall
3168 be necessary or convenient in the safe operation of the airport
3169 facilities. The resolution shall also set out the schedule of
3170 repayment and may pledge therefor any anticipated funds not
3171 previously pledged to the retirement of the loan or loans.



3172 (3) The loans authorized by this section may be made by any
3173 bank located in the State of Mississippi or by any trust companies
3174 or other lending institutions, investment banking firms or persons
3175 in the United States having the authority to enter into such
3176 loans. The loans may bear interest at a rate not to exceed
3177 thirteen percent (13%) per annum. The loans shall be evidenced by
3178 the notes of the airport authority and shall not constitute a debt
3179 of the commissioners thereof, and the lender shall have the right
3180 of mandamus and any other appropriate writ or legal or equitable
3181 remedy for the collection of the notes and the cost of collection.

3182 (4) In order to provide for, and in connection with, such
3183 short-term borrowings, an airport authority is authorized to enter
3184 into any note, loan, credit agreement or agreements, or other
3185 agreement or agreements necessary therefor containing provisions
3186 not inconsistent with the provisions of this section.

3187 (5) The interest on the notes authorized by this section
3188 shall at all times be exempt from all taxation in this state.

3189 **SECTION 61.** Section 61-3-61, Mississippi Code of 1972, is
3190 brought forward as follows:

3191 61-3-61. The accomplishment of the purposes stated in this
3192 chapter being for the benefit of the people of this state and for
3193 the improvement of their properties and industries, the authority,
3194 in carrying out the purposes of this chapter, will be performing
3195 an essential public function, and the interest on the bonds and



3196 notes issued hereunder shall at all times be free from taxation
3197 within this state.

3198 **SECTION 62.** Section 61-3-63, Mississippi Code of 1972, is
3199 brought forward as follows:

3200 61-3-63. In determining the amount to be expended for a
3201 project pursuant to this chapter, the authority may include the
3202 engineering, legal, fiscal, architectural, inspection, recording,
3203 printing, publishing and related cost of the acquisition,
3204 construction or reconstruction of the property or improvement to
3205 be financed, including interest during construction.

3206 **SECTION 63.** Section 61-3-65, Mississippi Code of 1972, is
3207 brought forward as follows:

3208 61-3-65. In addition to the general and special powers
3209 conferred by this chapter, every authority is authorized to
3210 exercise such powers as are necessarily incidental to the exercise
3211 of such general and special powers.

3212 The governing authority of each municipality, as defined
3213 herein, shall have the authority to issue general obligation bonds
3214 of the municipality, as defined herein, for the purposes set out
3215 in Sections 61-5-17 and 19-9-1(j). For the purposes of this
3216 chapter, the portion of the county, being a supervisors district
3217 or supervisors districts, or that portion of the county lying
3218 outside the territorial boundary of the other participating
3219 municipalities, shall constitute a special taxing district and for
3220 all purposes under this chapter, taxes may be levied upon the



3221 property therein and such territory shall be considered a
3222 municipality for the issuance of bonds for the purposes of this
3223 chapter. Bonds issued pursuant to authority contained in this
3224 section shall, if issued by a city, town or village, be issued in
3225 conformity with the uniform system for the issuance of municipal
3226 bonds, as set out in Sections 21-33-301 through 21-33-329,
3227 inclusive, and, if issued by a special taxing district, be issued
3228 by the board of supervisors of the county, and shall be issued in
3229 conformity with the uniform system for the issuance of county
3230 bonds, being Sections 19-9-1 through 19-9-31, inclusive.

3231 The regional airport authority shall have the power and
3232 authority to adopt all rules and regulations appropriate to the
3233 management of the airport and the activities conducted thereon,
3234 including the establishment of all rules and regulations with
3235 respect to automobiles and other traffic, the storage and
3236 disposition of property, including automobiles, and the
3237 disposition thereof of any unclaimed vehicles within a reasonable
3238 time. Such rules and regulations shall be posted in an accessible
3239 place at the airport terminal and shall be enforced by the courts
3240 of the county in which the airport is located.

3241 **SECTION 64.** Section 61-3-67, Mississippi Code of 1972, is
3242 brought forward as follows:

3243 61-3-67. For the purposes of Sections 61-3-67 through
3244 61-3-75, unless otherwise qualified, the term "public agency"
3245 includes municipality and authority, each as defined in this



3246 chapter, any agency of the state government and of the United
3247 States, and any municipality, political subdivision and agency of
3248 an adjoining state. The term "governing body" includes the
3249 commissioners of an authority, the governing body of a
3250 municipality, and the head of an agency of a state or the United
3251 States if the public agency is other than an authority or
3252 municipality.

3253 All powers, privileges, and authority granted by this chapter
3254 may be exercised and enjoyed by an authority jointly with any
3255 public agency of this state, and jointly with any public agency of
3256 any adjoining state or of the United States to the extent that the
3257 laws of such other state or of the United States permit such joint
3258 exercise of enjoyment. Any agency of the state government, when
3259 acting jointly with any authority, may exercise and enjoy all the
3260 powers, privileges, and authority conferred by this chapter upon
3261 an authority.

3262 **SECTION 65.** Section 61-3-69, Mississippi Code of 1972, is
3263 brought forward as follows:

3264 61-3-69. Any two or more public agencies may enter into
3265 agreements with each other for joint action pursuant to the
3266 provisions of Section 61-3-67. Each agreement shall specify its
3267 duration, the proportionate interest which each public agency
3268 shall have in the property, facilities, and privileges involved in
3269 the joint undertaking, the proportion of costs of operation, etc.,
3270 to be borne by each public agency, and such other terms as are



3271 deemed necessary or required by law. The agreement may also
3272 provide for amendments and termination; disposal of all or any of
3273 the property, facilities, and privileges jointly owned, prior to
3274 or at such time as said property, facilities, and privileges, or
3275 any part thereof, cease to be used for the purposes provided in
3276 this chapter, or upon termination of the agreement; the
3277 distribution of the proceeds received upon any disposal, and of
3278 any funds or other property jointly owned and undisposed of; the
3279 assumption or payment of any indebtedness arising from the joint
3280 undertaking which remains unpaid upon the disposal of all assets
3281 or upon a termination of the agreement; and such other provisions
3282 as may be necessary or convenient.

3283 **SECTION 66.** Section 61-3-71, Mississippi Code of 1972, is
3284 brought forward as follows:

3285 61-3-71. Public agencies acting jointly pursuant to Section
3286 61-3-67 shall create a joint board which shall consist of members
3287 appointed by the governing body of each participating public
3288 agency. The number to be appointed, their term and compensation,
3289 if any, shall be provided for in the joint agreement. Each joint
3290 board shall organize, select officers for such terms as are fixed
3291 by the agreement, and adopt and amend, from time to time, rules
3292 for its own procedure. The joint board shall have power, as agent
3293 of the participating public agencies, to plan, acquire, establish,
3294 develop, construct, enlarge, improve, maintain, equip, operate,
3295 lease, regulate, protect, and police any airport or other air



3296 navigation facility, airport hazard or other airport property,
3297 real or personal, to be jointly acquired, controlled, and operated
3298 and to lease any property, real or personal, inside or outside the
3299 boundaries of an airport or airport site as it may deem necessary
3300 to carry out its duties. The board may be authorized by the
3301 participating public agencies to exercise on behalf of its
3302 constituent public agencies all the powers of each with respect to
3303 the airport, air navigation facility, airport hazard, or other
3304 airport property, real or personal, subject to the limitations of
3305 Section 61-3-73.

3306 **SECTION 67.** Section 61-3-73, Mississippi Code of 1972, is
3307 brought forward as follows:

3308 61-3-73. The total expenditures to be made by the joint
3309 board for any purpose in any calendar year shall be as determined
3310 by a budget approved by the constituent public agencies on or
3311 before the preceding October 1st, or as otherwise specifically
3312 authorized by the constituent public agencies.

3313 No airport, air navigation facility, airport hazard, or real
3314 or personal property, the cost of which is in excess of sums fixed
3315 therefor by the joint agreement or allotted in the annual budget,
3316 may be acquired, established, or developed by the joint board
3317 without the approval of the governing bodies of its constituent
3318 public agencies.

3319 Eminent domain proceedings may be instituted by the joint
3320 board only by authority of the governing bodies of the constituent



3321 public agencies of the joint board. If so authorized, such
3322 proceedings shall be instituted in the names of the constituent
3323 public agencies jointly, and the property so acquired shall be
3324 held by said public agencies as tenants in common.

3325 The joint board shall not dispose of any airport, air
3326 navigation facility, or real property under its jurisdiction
3327 except with the consent of the governing bodies of its constituent
3328 public agencies. However, the joint board may, without such
3329 consent, enter into contracts, leases, or other arrangements
3330 contemplated by Section 61-3-21.

3331 Any resolutions, rules, regulations, or orders of the joint
3332 board dealing with subjects authorized by Section 61-3-23 shall
3333 become effective only upon approval of the governing bodies of the
3334 constituent public agencies. Upon such approval, the resolutions,
3335 rules, regulations, or orders of the joint board shall have the
3336 same force and effect in the territories or jurisdictions involved
3337 as the ordinances, resolutions, rules, regulations, or orders of
3338 each public agency would have in its own territory or
3339 jurisdiction.

3340 **SECTION 68.** Section 61-3-75, Mississippi Code of 1972, is
3341 brought forward as follows:

3342 61-3-75. For the purpose of providing the joint board with
3343 moneys for the necessary expenditures in carrying out the
3344 provisions of Sections 61-3-67 through 61-3-75, a joint fund shall
3345 be created and maintained into which shall be deposited the share



3346 of each of the constituent public agencies as provided by the
3347 joint agreement. Any federal, state, or other grants,
3348 contributions, or loans, and the revenues obtained from the joint
3349 ownership, control, and operation of any airport or air navigation
3350 facility under the jurisdiction of the joint board, shall be paid
3351 into the joint fund. Disbursements from such fund shall be made
3352 by order of the board, subject to the limitations prescribed in
3353 Section 61-3-73.

3354 **SECTION 69.** Section 61-3-77, Mississippi Code of 1972, is
3355 brought forward as follows:

3356 61-3-77. Any property in this state acquired by an authority
3357 for airport purposes pursuant to the provisions of this chapter,
3358 and any income derived by the authority from the ownership,
3359 operation, or control thereof, shall be exempt from taxation to
3360 the same extent as other property belonging to political
3361 subdivisions of this state.

3362 **SECTION 70.** Section 61-3-79, Mississippi Code of 1972, is
3363 brought forward as follows:

3364 61-3-79. For the purpose of aiding and cooperating in the
3365 planning, undertaking, construction, or operation of airports and
3366 air navigation facilities pursuant to the provisions of this
3367 chapter, any municipality for which an authority has been created
3368 or any municipality in which any of the property of the authority
3369 is located or which is contiguous to any property of the authority



3370 may, upon such terms, with or without consideration, as it may
3371 determine:

3372 (a) Lend or donate money to the authority;

3373 (b) Provide that all or a portion of the taxes or funds
3374 available or to become available to, or required by law to be used
3375 by, the municipality for airport purposes, be transferred or paid
3376 directly to the airport authority as such funds become available
3377 to the municipality;

3378 (c) Cause water, sewer, or drainage facilities, or any
3379 other facilities which it is empowered to provide, to be furnished
3380 onto or in connection with such airports or air navigation
3381 facilities;

3382 (d) Dedicate, sell, convey, or lease any of its
3383 interest in any property, or grant easements, licenses, or any
3384 other rights or privileges therein to the authority;

3385 (e) Furnish, dedicate, close, pave, install, grade,
3386 regrade, plan or replan streets, roads, roadways, and walks from
3387 established streets or roads to such airports or air navigation
3388 facilities;

3389 (f) Do any and all things, whether or not specifically
3390 authorized in this section and not otherwise prohibited by law,
3391 that are necessary or convenient to aid and cooperate with the
3392 authority in the planning, undertaking, construction, or operation
3393 of airports and air navigation facilities; and



3394 (g) Enter into agreements with the authority respecting
3395 action to be taken by the municipality pursuant to the provisions
3396 of this section.

3397 **SECTION 71.** Section 61-3-81, Mississippi Code of 1972, is
3398 brought forward as follows:

3399 61-3-81. Nothing contained in this chapter shall be
3400 construed to limit any right, power, or authority of a
3401 municipality to regulate airport hazards by zoning.

3402 **SECTION 72.** Section 61-3-83, Mississippi Code of 1972, is
3403 brought forward as follows:

3404 61-3-83. The acquisition of any land, or interest therein,
3405 pursuant to this chapter, the planning, acquisition,
3406 establishment, development, construction, improvement,
3407 maintenance, equipment, operation, regulation and protection of
3408 airports and air navigation facilities, including the acquisition
3409 or elimination of airport hazards, and the exercise of any other
3410 powers granted in this chapter to authorities and other public
3411 agencies, to be severally or jointly exercised, are hereby
3412 declared to be public and governmental functions, exercised for a
3413 public purpose and matters of public necessity. All land and
3414 other property and privileges acquired and used by or on behalf of
3415 any authority or other public agency in the manner and for the
3416 purposes enumerated in this chapter shall and are hereby declared
3417 to be acquired and used for public and governmental purposes and
3418 as a matter of public necessity.



3419 **SECTION 73.** Section 61-3-85, Mississippi Code of 1972, is
3420 brought forward as follows:

3421 61-3-85. No member of the Legislature, elected official or
3422 appointed official, or any partner or associate of any member of
3423 the Legislature, elected official or appointed official, shall
3424 derive any income from the issuance of any bonds under Sections
3425 61-3-35, 61-3-39, 61-3-41, 61-3-45, 61-3-51 and 61-3-53 contrary
3426 to the provisions of Section 109, Mississippi Constitution of
3427 1890, or Article 3, Chapter 4, Title 25, Mississippi Code of 1972.

3428 **SECTION 74.** Section 61-5-3, Mississippi Code of 1972, is
3429 brought forward as follows:

3430 61-5-3. As used in the Municipal Airport Law, unless the
3431 text otherwise requires:

3432 (a) "Airport" means any area of land or water which is
3433 used, or intended for use, for the landing and take-off of
3434 aircraft, and any appurtenant areas which are used, or intended
3435 for use, for airport buildings or other airport facilities or
3436 rights of way, or for other appropriate purposes, including buffer
3437 areas and areas for airport compatible development, together with
3438 all buildings and facilities located thereon.

3439 (b) "Airport hazard" means any structure, object of
3440 natural growth, or use of land which obstructs the airspace
3441 required for the flight of aircraft in landing or taking-off at an
3442 airport or is otherwise hazardous to such landing or taking-off of
3443 aircraft.



3444 (c) "Air navigation facility" means any facility, other
3445 than one owned and operated by the United States, used in,
3446 available for use in, or designed for use in, aid of air
3447 navigation, including any structures, mechanisms, lights, beacons,
3448 markers, communicating systems, or other instrumentalities, or
3449 devices used or useful as an aid, or constituting an advantage or
3450 convenience, to the safe taking-off, navigation, and landing of
3451 aircraft, or the safe and efficient operation or maintenance of an
3452 airport, and any combination of any or all of such facilities.

3453 (d) "Joint airport board" shall mean a joint airport
3454 board created pursuant to section 61-5-35.

3455 (e) "Municipal airport board" shall mean a municipal
3456 airport board created pursuant to section 61-5-25.

3457 (f) "Municipality" means any county, city, village,
3458 town, supervisors district or supervisors districts of this state.
3459 "Municipal" means pertaining to a municipality as herein defined.

3460 (g) "Person" means any individual, firm, partnership,
3461 corporation, company, association, joint-stock association, or
3462 body politic, and includes any trustee, receiver, assignee or
3463 other similar representative thereof.

3464 **SECTION 75.** Section 61-5-13, Mississippi Code of 1972, is
3465 brought forward as follows:

3466 61-5-13. A municipality, which has established or acquired
3467 or which may hereafter establish or acquire an airport or air
3468 navigation facility, is authorized to adopt, amend and repeal such



3469 reasonable ordinances, resolutions, rules, regulations and orders
3470 as it shall deem necessary for the management, government and use
3471 of such airport or air navigation facility under its control
3472 whether situated within or without the territorial limits of the
3473 municipality.

3474 As for the enforcement thereof, the municipality, may, by
3475 ordinance or resolution, as may by law be appropriate, appoint
3476 airport guards or police, with full police powers, and fix
3477 penalties, within the limits prescribed by law, for the violation
3478 of the aforesaid ordinances, resolutions, rules, regulations and
3479 orders. Said penalties shall be enforced in the same manner in
3480 which penalties prescribed by other ordinances or resolutions of
3481 the municipality are enforced. To the extent that an airport or
3482 other air navigation facility controlled and operated by a
3483 municipality is located outside the territorial limits of the
3484 municipality, it shall, subject to federal and state laws, rules
3485 and regulations, be under the jurisdiction and control of the
3486 municipality controlling or operating it, and no other
3487 municipality shall have any authority to charge or exact a license
3488 fee or occupation tax for operations thereon.

3489 All ordinances, resolutions, rules, regulations or orders
3490 which are issued by the municipality shall be kept in substantial
3491 conformity with the laws of the state or any regulations
3492 promulgated or standards established pursuant thereto, and, as



3493 nearly as may be, with the federal laws governing aeronautics and
3494 the rules, regulations and standards duly issued thereunder.

3495 **SECTION 76.** Section 61-5-25, Mississippi Code of 1972, is
3496 brought forward as follows:

3497 61-5-25. Any authority vested by the Municipal Airport Law
3498 in a municipality or in the governing body thereof, for the
3499 planning, establishment, development, construction, enlargement,
3500 improvement, maintenance, equipment, operation, regulation,
3501 protection and policing of airports or other air navigation
3502 facilities established, owned or controlled, or to be established,
3503 owned or controlled by the municipality may be vested by
3504 resolution of the governing body of the municipality in an airport
3505 board, or other municipal agency, whose powers and duties shall be
3506 prescribed in the resolution. However, the expense of such
3507 planning, establishment, development, construction, enlargement,
3508 improvement, maintenance, equipment, operation, regulation,
3509 protection and policing shall be a responsibility of the
3510 municipality.

3511 **SECTION 77.** Section 61-5-33, Mississippi Code of 1972, is
3512 brought forward as follows:

3513 61-5-33. For the purposes of Sections 61-5-33 through
3514 61-5-41, unless otherwise qualified, the term "public agency"
3515 includes municipality, as defined in Section 61-5-3, and any
3516 agency of the state government and of the United States. The term
3517 "governing body" means the governing body of a county or



3518 municipality, and the head of the agency if the public agency is
3519 other than a county or municipality. All powers, privileges and
3520 authority granted to any municipality by the Municipal Airport Law
3521 may be exercised and enjoyed jointly with any public agency of
3522 this state, or of the United States to the extent that the laws of
3523 the United States permit such joint exercise or enjoyment. If not
3524 otherwise authorized by law, any agency of the state government
3525 when acting jointly with any municipality, may exercise and enjoy
3526 all of the powers, privileges and authority conferred by the
3527 Municipal Airport Law upon a municipality.

3528 **SECTION 78.** Section 61-5-47, Mississippi Code of 1972, is
3529 brought forward as follows:

3530 61-5-47. The acquisition of any lands for the purpose of
3531 establishing airports or other air navigation facilities, the
3532 acquisition of any airport protection privileges, the acquisition,
3533 establishment, construction, enlargement, improvements,
3534 maintenance, equipment and operation of airports and other air
3535 navigation facilities by any municipality or municipalities of
3536 this state, separately or jointly, and the exercise of any other
3537 powers granted in the Municipal Airport Law to any airport board,
3538 joint board or authority are hereby declared to be public and
3539 governmental functions, exercised for a public purpose, and
3540 matters of public necessity. Such lands and other property and
3541 privileges acquired and used by the municipality in the manner and
3542 for the purposes enumerated in said law shall and are hereby



3543 declared to be acquired and used for public and governmental
3544 purposes and as a matter of public necessity.

3545 **SECTION 79.** Section 61-5-75, Mississippi Code of 1972, is
3546 brought forward as follows:

3547 61-5-75. The governing authorities of any municipality are
3548 authorized, in their discretion, to exercise all the powers
3549 conferred on boards of supervisors with reference to acquiring
3550 land to be used as an airport or landing place for airplanes, and
3551 erect suitable buildings thereon, and equip and maintain such
3552 airport. They may acquire airports or landing places already
3553 established. Such airport or landing place may be situated beyond
3554 the limits of such municipality. The governing authorities of a
3555 municipality may lease, or sublease, or contract the maintenance
3556 and operation of, any airport or landing place for airplanes to
3557 the United States of America, or any department or agency thereof,
3558 or to any person, firm, association, or corporation, for the
3559 purpose of training aviators and for other legal purposes. The
3560 county wherein such airport may be situated is hereby authorized
3561 to make such contribution to the cost of acquiring the necessary
3562 land for such airport, the placing of same in suitable condition,
3563 and the equipping and maintenance thereof, as the board of
3564 supervisors of such county and the governing body of such
3565 municipality may mutually agree upon.

3566 The governing authorities of the several municipalities of
3567 the state in or near which the state university or a state



3568 supported four year college, now or hereafter in existence, are or
3569 shall be located, are authorized, in their discretion, to assist
3570 the board of trustees of state institutions of higher learning,
3571 the state building commission or any other state agency by
3572 contributing municipal funds to be used in the acquisition of a
3573 site for an airport, erecting suitable buildings and building or
3574 extending runways, equipping, maintaining and operating an
3575 airport, which shall be available for the use of said university
3576 or colleges, as the case may be, and for the general public.

3577 Any such municipality which offers assistance in the
3578 acquisition of a site for constructing suitable buildings,
3579 building or extending runways or maintaining and operating such
3580 airports for the university or other state supported colleges, as
3581 the case may be, may or may not be in the county in which the
3582 university or the state supported four year college is located,
3583 provided the airport is not more than ten miles from said
3584 municipality.

3585 **SECTION 80.** Section 61-7-29, Mississippi Code of 1972, is
3586 brought forward as follows:

3587 61-7-29. In any case in which: (1) it is desired to remove,
3588 lower, or otherwise terminate a nonconforming structure or use; or
3589 (2) the approach protection necessary cannot, because of
3590 constitutional limitations, be provided by airport zoning
3591 regulations under this chapter; or (3) it appears advisable that
3592 the necessary approach protection be provided by acquisition of



3593 property rights rather than by airport zoning regulations, then
3594 the political subdivision within which the property or
3595 non-conforming use is located or the political subdivision owning
3596 the airport or served by it may acquire, by purchase, grant, or
3597 condemnation in the manner provided by the law under which
3598 political subdivisions are authorized to acquire real property for
3599 public purposes, such air right, aviation easement, or other
3600 estate or interest in the property or non-conforming structure or
3601 use in question as may be necessary to effectuate the purposes of
3602 this chapter.

3603 **SECTION 81.** Section 61-9-1, Mississippi Code of 1972, is
3604 brought forward as follows:

3605 61-9-1. Any incorporated municipality of this state which
3606 has heretofore or may hereafter establish or acquire an airport or
3607 air navigational facility any part of which is situated within ten
3608 miles of the corporate limits of such municipality, may, by
3609 ordinance adopted for such purpose, incorporate the properties
3610 constituting such airport or air navigational facility into its
3611 corporate boundaries. Such incorporation may be accomplished by
3612 the adoption of an ordinance as provided in this chapter,
3613 regardless of whether or not such airport or air navigational
3614 facility is located within the same county as that of the
3615 incorporated municipality and irrespective of whether or not it is
3616 adjacent or contiguous thereto.



3617 **SECTION 82.** Section 71-3-5, Mississippi Code of 1972, is
3618 brought forward as follows:

3619 71-3-5. The following shall constitute employers subject to
3620 the provisions of this chapter:

3621 Every person, firm and private corporation, including any
3622 public service corporation but excluding, however, all nonprofit
3623 charitable, fraternal, cultural, or religious corporations or
3624 associations, that have in service five (5) or more workmen or
3625 operatives regularly in the same business or in or about the same
3626 establishment under any contract of hire, express or implied.

3627 Any state agency, state institution, state department, or
3628 subdivision thereof, including counties, municipalities and school
3629 districts, or the singular thereof, not heretofore included under
3630 the Workers' Compensation Law, may elect, by proper action of its
3631 officers or department head, to come within its provisions and, in
3632 such case, shall notify the commission of such action by filing
3633 notice of compensation insurance with the commission. Payment for
3634 compensation insurance policies so taken may be made from any
3635 appropriation or funds available to such agency, department or
3636 subdivision thereof, or from the general fund of any county or
3637 municipality.

3638 From and after July 1, 1990, all offices, departments,
3639 agencies, bureaus, commissions, boards, institutions, hospitals,
3640 colleges, universities, airport authorities or other
3641 instrumentalities of the "state" as such term is defined in



3642 Section 11-46-1, Mississippi Code of 1972, shall come under the
3643 provisions of the Workers' Compensation Law. Payment for
3644 compensation insurance policies so taken may be made from any
3645 appropriation or funds available to such office, department,
3646 agency, bureau, commission, board, institution, hospital, college,
3647 university, airport authority or other instrumentality of the
3648 state.

3649 From and after October 1, 1990, counties and municipalities
3650 shall come under the provisions of the Workers' Compensation Law.
3651 Payment for compensation insurance policies so taken may be made
3652 from any funds available to such counties and municipalities.

3653 From and after October 1, 1993, all "political subdivisions,"
3654 as such term is defined in Section 11-46-1, Mississippi Code of
3655 1972, except counties and municipalities shall come under the
3656 provisions of the Workers' Compensation Law. Payment for
3657 compensation insurance policies so taken may be made from any
3658 funds available to such political subdivisions.

3659 From and after July 1, 1988, the "state" as such term is
3660 defined in Section 11-46-1, Mississippi Code of 1972, may elect to
3661 become a self-insurer under the provisions elsewhere set out by
3662 law, by notifying the commission of its intent to become a
3663 self-insurer. The cost of being such a self-insurer, as provided
3664 otherwise by law, may be paid from funds available to the offices,
3665 departments, agencies, bureaus, commissions, boards, institutions,



3666 hospitals, colleges, universities, airport authorities or other
3667 instrumentalities of the state.

3668 The Mississippi Transportation Commission, the Department of
3669 Public Safety and the Mississippi Industries for the Blind may
3670 elect to become self-insurers under the provisions elsewhere set
3671 out by law by notifying the commission of their intention of
3672 becoming such a self-insurer. The cost of being such a
3673 self-insurer, as provided elsewhere by law, may be paid from funds
3674 available to the Mississippi Transportation Commission, the
3675 Department of Public Safety or the Mississippi Industries for the
3676 Blind.

3677 The Mississippi State Senate and the Mississippi House of
3678 Representatives may elect to become self-insurers under provisions
3679 elsewhere set out by law by notifying the commission of their
3680 intention of becoming such self-insurers. The cost of being such
3681 self-insurers, as provided elsewhere by law, may be paid from
3682 funds available to the Mississippi State Senate and the
3683 Mississippi House of Representatives. The Mississippi State
3684 Senate and the Mississippi House of Representatives are authorized
3685 and empowered to provide workers' compensation benefits for
3686 employees after January 1, 1970.

3687 Any municipality of the State of Mississippi having forty
3688 thousand (40,000) population or more desiring to do so may elect
3689 to become a self-insurer under provisions elsewhere set out by law
3690 by notifying the commission of its intention of becoming such an



3691 insurer. The cost of being such a self-insurer, as provided
3692 elsewhere by law, may be provided from any funds available to such
3693 municipality.

3694 The commission may, under such rules and regulations as it
3695 prescribes, permit two (2) or more "political subdivisions," as
3696 such term is defined in Section 11-46-1, Mississippi Code of 1972,
3697 to pool their liabilities to participate in a group workers'
3698 compensation self-insurance program. The governing authorities of
3699 any political subdivision may authorize the organization and
3700 operation of, or the participation in such a group self-insurance
3701 program with other political subdivisions, provided such program
3702 is approved by the commission. The cost of participating in a
3703 group self-insurance program may be provided from any funds
3704 available to a political subdivision.

3705 Domestic servants, farmers and farm labor are not included
3706 under the provisions of this chapter, but this exemption does not
3707 apply to the processing of agricultural products when carried on
3708 commercially. Any purchaser of timber products shall not be
3709 liable for workers' compensation for any person who harvests and
3710 delivers timber to such purchaser if such purchaser is not liable
3711 for unemployment tax on the person harvesting and delivering the
3712 timber as provided by United States Code Annotated, Title 26,
3713 Section 3306, as amended. Provided, however, nothing in this
3714 section shall be construed to exempt an employer who would
3715 otherwise be covered under this section from providing workers'



3716 compensation coverage on those employees for whom he is liable for
3717 unemployment tax.

3718 Employers exempted by this section may assume, with respect
3719 to any employee or classification of employees, the liability for
3720 compensation imposed upon employers by this chapter with respect
3721 to employees within the coverage of this chapter. The purchase
3722 and acceptance by such employer of valid workers' compensation
3723 insurance applicable to such employee or classification of
3724 employees shall constitute, as to such employer, an assumption by
3725 him of such liability under this chapter without any further act
3726 on his part notwithstanding any other provisions of this chapter,
3727 but only with respect to such employee or such classification of
3728 employees as are within the coverage of the state fund. Such
3729 assumption of liability shall take effect and continue from the
3730 effective date of such workers' compensation insurance and as long
3731 only as such coverage shall remain in force, in which case the
3732 employer shall be subject with respect to such employee or
3733 classification of employees to no other liability than the
3734 compensation as provided for in this chapter.

3735 An owner/operator, and his drivers, must provide a
3736 certificate of insurance of workers' compensation coverage to the
3737 motor carrier or proof of coverage under a self-insured plan or an
3738 occupational accident policy. Any such occupational accident
3739 policy shall provide a minimum of One Million Dollars
3740 (\$1,000,000.00) of coverage. Should the owner/operator fail to



3741 provide written proof of coverage to the motor carrier, then the
3742 owner/operator, and his drivers, shall be covered under the motor
3743 carrier's workers' compensation insurance program and the motor
3744 carrier is authorized to collect payment of the premium from the
3745 owner/operator. In the event that coverage is obtained by the
3746 owner/operator under a workers' compensation policy or through a
3747 self-insured or occupational accident policy, then the
3748 owner/operator, and his drivers, shall not be entitled to benefits
3749 under the motor carrier's workers' compensation insurance program
3750 unless the owner/operator has elected in writing to be covered
3751 under the carrier's workers' compensation program or policy or if
3752 the owner/operator is covered by the carrier's plan because he
3753 failed to obtain coverage. Coverage under the motor carrier's
3754 workers' compensation insurance program does not terminate the
3755 independent contractor status of the owner/operator under the
3756 written contract or lease agreement. Nothing shall prohibit or
3757 prevent an owner/operator from having or securing an occupational
3758 accident policy in addition to any workers' compensation coverage
3759 authorized by this section. Other than the amendments to this
3760 section by Chapter 523, Laws of 2006, the provisions of this
3761 section shall not be construed to have any effect on any other
3762 provision of law, judicial decision or any applicable common law.

3763 This chapter shall not apply to transportation and maritime
3764 employments for which a rule of liability is provided by the laws
3765 of the United States.



3766 This chapter shall not be applicable to a mere direct
3767 buyer-seller or vendor-vendee relationship where there is no
3768 employer-employee relationship as defined by Section 71-3-3, and
3769 any insurance carrier is hereby prohibited from charging a premium
3770 for any person who is a seller or vendor rather than an employee.

3771 Any employer may elect, by proper and written action of its
3772 own governing authority, to be exempt from the provisions of the
3773 Workers' Compensation Law as to its sole proprietor, its partner
3774 in a partnership or to its employee who is the owner of fifteen
3775 percent (15%) or more of its stock in a corporation, if such sole
3776 proprietor, partner or employee also voluntarily agrees thereto in
3777 writing. Any sole proprietor, partner or employee owning fifteen
3778 percent (15%) or more of the stock of his/her corporate employer
3779 who becomes exempt from coverage under the Workers' Compensation
3780 Law shall be excluded from the total number of workers or
3781 operatives toward reaching the mandatory coverage threshold level
3782 of five (5).

3783 **SECTION 83.** This act shall take effect and be in force from
3784 and after its passage.

