

By: Representative Smith

To: Ways and Means

HOUSE BILL NO. 1

1 AN ACT TO AMEND SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI
3 MAJOR ECONOMIC IMPACT ACT TO INCLUDE CERTAIN TIRE OR OTHER RUBBER
4 OR AUTOMOTIVE MANUFACTURING PLANTS AND THEIR AFFILIATES AND TO
5 INCLUDE CERTAIN MARITIME FABRICATION AND ASSEMBLY FACILITIES; TO
6 AMEND SECTION 57-75-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
7 CONTRACTS BY THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY OR A
8 PUBLIC AGENCY FOR CERTAIN CONTRACTS RELATED TO THE PROJECTS
9 INCLUDED IN THIS ACT SHALL BE EXEMPT FROM ALL OR A PORTION OF THE
10 PROVISIONS OF SECTION 31-7-13 AND THAT SUCH CONTRACTS MAY BE
11 AWARDED ON THE BASIS OF NEGOTIATION UNDER CERTAIN CIRCUMSTANCES;
12 TO AMEND SECTION 57-75-11, MISSISSIPPI CODE OF 1972, TO GRANT THE
13 MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY CERTAIN ADDITIONAL
14 POWERS AND DUTIES WITH REGARD TO THE PROJECTS INCLUDED IN THIS
15 ACT; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE OF 1972, TO
16 AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE
17 PROJECTS INCLUDED IN THIS ACT AND TO SPECIFY THE PURPOSES FOR
18 WHICH THE PROCEEDS OF SUCH BONDS MAY BE UTILIZED; TO AMEND SECTION
19 57-75-17, MISSISSIPPI CODE OF 1972, TO PROVIDE PROTECTION FOR
20 CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE PLANT PROJECTS FROM
21 SURFACE OR SUBSURFACE MINERAL EXPLORATION ACTIVITIES; TO AMEND
22 SECTION 57-75-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
23 BOARD OF SUPERVISORS OF A COUNTY OR THE GOVERNING AUTHORITIES OF A
24 MUNICIPALITY MAY EACH ENTER INTO AN AGREEMENT WITH AN ENTERPRISE
25 OPERATING CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING
26 PLANT PROJECTS PROVIDING THAT THE COUNTY OR MUNICIPALITY WILL NOT
27 LEVY ANY TAXES, FEES OR ASSESSMENTS UPON THE ENTERPRISE OTHER THAN
28 TAXES, FEES OR ASSESSMENTS THAT ARE GENERALLY LEVIED UPON ALL
29 TAXPAYERS AND TO AUTHORIZE THE BOARD OF SUPERVISORS OR GOVERNING
30 AUTHORITIES TO ENTER INTO A FEE-IN-LIEU OF AD VALOREM TAXES
31 AGREEMENT WITH THE ENTERPRISE OPERATING SUCH A PROJECT; TO AMEND
32 SECTION 57-75-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A COUNTY
33 IN WHICH CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING
34 PLANT PROJECTS ARE LOCATED TO ASSIST THE ENTERPRISE ESTABLISHING



35 THE PROJECT AND CERTAIN PUBLIC AGENCIES IN DEFRAYING CERTAIN
36 COSTS; TO AUTHORIZE SUCH A COUNTY TO PROVIDE FUNDS FOR SUCH
37 PURPOSES BY APPROPRIATING MONEY FROM ITS GENERAL FUND OR FROM THE
38 PROCEEDS OF GENERAL OBLIGATION BONDS ISSUED BY THE COUNTY AND/OR
39 LOANS FROM THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY OR
40 MISSISSIPPI DEVELOPMENT AUTHORITY; TO AUTHORIZE CERTAIN PUBLIC
41 AGENCIES TO PROVIDE FUNDS FOR SUCH PURPOSES BY APPROPRIATING MONEY
42 FROM CERTAIN SOURCES, INCLUDING FROM THE PROCEEDS OF LOANS FROM
43 THE MISSISSIPPI MAJOR ECONOMIC IMPACT AUTHORITY; TO AUTHORIZE
44 CERTAIN TRANSFERS AND CONVEYANCES OF REAL OR PERSONAL PROPERTY
45 WITH OR WITHOUT CONSIDERATION; TO AUTHORIZE CERTAIN PUBLIC
46 AGENCIES TO MAKE GRANTS TO EACH OTHER IN CONNECTION WITH SUCH A
47 PROJECT; TO EXEMPT THE ACQUISITION OF CERTAIN REAL PROPERTY AND/OR
48 OPTIONS TO PURCHASE SUCH REAL PROPERTY FOR SUCH A PROJECT FROM
49 CERTAIN REQUIREMENTS; TO AUTHORIZE CERTAIN PUBLIC AGENCIES TO
50 PROVIDE PERIODIC GRANTS AND OTHER SUCH CONTRIBUTIONS OF FUNDS TO
51 ASSIST THE ENTERPRISE ESTABLISHING THE PROJECT AND TO ENTER INTO
52 CERTAIN AGREEMENTS IN CONNECTION THEREWITH; TO AMEND SECTION
53 57-99-1, MISSISSIPPI CODE OF 1972, TO INCLUDE CERTAIN TIRE OR
54 OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS WITHIN THE
55 DEFINITION OF THE TERM "QUALIFIED BUSINESS OR INDUSTRY" FOR THE
56 PURPOSES OF THE LAW THAT AUTHORIZES INCENTIVE PAYMENTS TO SUCH
57 QUALIFIED BUSINESSES THAT ARE FUNDED BY A CERTAIN PORTION OF THE
58 WITHHOLDING TAXES PAID BY THE QUALIFIED BUSINESS; TO AMEND SECTION
59 57-99-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THE COMMENCEMENT OF
60 THE INCENTIVE PERIOD UNDER THE WITHHOLDING REBATE INCENTIVE
61 PROGRAM FOR CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE
62 MANUFACTURING PLANT PROJECTS; TO AMEND SECTION 21-1-59,
63 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE GOVERNING
64 AUTHORITIES OF A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH AN
65 ENTERPRISE OPERATING CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE
66 MANUFACTURING PLANT PROJECTS PROVIDING THAT THE MUNICIPALITY WILL
67 NOT CHANGE ITS BOUNDARIES SO AS TO INCLUDE WITHIN THE LIMITS OF
68 SUCH MUNICIPALITY THE PROJECT SITE OF SUCH A PROJECT UNLESS
69 CONSENT THERETO SHALL BE OBTAINED IN WRITING FROM THE ENTERPRISE
70 OPERATING THE PROJECT; TO AMEND SECTION 27-7-30, MISSISSIPPI CODE
71 OF 1972, TO PROVIDE INCOME TAX EXEMPTIONS FOR INCOME ARISING FROM
72 THE PROJECTS INCLUDED IN THIS ACT; TO PROVIDE FOR THE DURATION OF
73 THE INCOME TAX EXEMPTIONS; TO PROVIDE THAT IN REGARD TO CERTAIN
74 TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS,
75 IN THE EVENT THE ANNUAL FULL-TIME JOBS MAINTAINED FALLS BELOW A
76 CERTAIN AMOUNT, THE TAX EXEMPTION SHALL BE SUSPENDED UNTIL THE
77 FIRST TAX YEAR DURING WHICH THE ANNUAL NUMBER OF FULL-TIME JOBS IS
78 ABOVE THAT AMOUNT; TO PROVIDE THAT THE ENTERPRISE OPERATING A
79 CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT
80 PROJECT SHALL BE ENTITLED TO UTILIZE A SINGLE SALES APPORTIONMENT
81 FACTOR IN THE CALCULATION OF ITS LIABILITY FOR INCOME TAX FOR ANY
82 YEAR FOR WHICH IT FILES A MISSISSIPPI INCOME TAX RETURN; TO AMEND
83 SECTION 27-31-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A
84 MUNICIPALITY CHANGES ITS BOUNDARIES SO AS TO INCLUDE WITHIN THE
85 BOUNDARIES OF SUCH MUNICIPALITY THE PROJECT SITE OF CERTAIN TIRE



86 OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANTS, ALL REAL AND
87 PERSONAL PROPERTY LOCATED ON THE PROJECT SITE WITHIN THE
88 BOUNDARIES OF SUCH MUNICIPALITY THAT IS OWNED BY A BUSINESS
89 ENTERPRISE OPERATING SUCH PROJECT SHALL BE EXEMPT FROM AD VALOREM
90 TAXATION FOR A PERIOD OF TIME NOT TO EXCEED 30 YEARS UPON
91 RECEIVING APPROVAL FOR SUCH EXEMPTION BY THE MISSISSIPPI
92 DEVELOPMENT AUTHORITY; TO AMEND SECTION 27-65-101, MISSISSIPPI
93 CODE OF 1972, TO EXEMPT FROM SALES TAXATION CERTAIN SALES OR
94 LEASES TO ENTERPRISES OPERATING THE PROJECTS INCLUDED IN THIS ACT
95 AND THE AFFILIATES OF CERTAIN TIRE OR OTHER RUBBER OR AUTOMOTIVE
96 MANUFACTURING PLANT PROJECTS; TO AMEND SECTION 29-1-1, MISSISSIPPI
97 CODE OF 1972, TO EXEMPT LAND ACQUIRED, SOLD OR LEASED PURSUANT TO
98 THE STATE PORTS AND HARBORS LAW FROM CERTAIN REQUIREMENTS
99 REGARDING THE PURCHASE OF LAND BY THE STATE; TO AMEND SECTION
100 31-19-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN
101 PROVISIONS REGARDING THE ISSUANCE OF BONDS SHALL NOT APPLY TO THE
102 SALE OF BONDS BY A COUNTY IN CONNECTION WITH CERTAIN TIRE OR OTHER
103 RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS; TO AMEND
104 SECTION 43-37-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
105 PROVISIONS OF THIS ACT; TO AMEND SECTIONS 27-13-5 AND 27-13-7,
106 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN REGARD TO CERTAIN
107 TIRE OR OTHER RUBBER OR AUTOMOTIVE MANUFACTURING PLANT PROJECTS,
108 ANY FEE-IN-LIEU OF FRANCHISE TAX AGREEMENT SHALL NOT EXCEED 25
109 YEARS AND SHALL APPLY ONLY TO NEW FRANCHISE TAX LIABILITY
110 CONNECTED WITH THE PROJECT; TO PROVIDE THAT IN THE EVENT THAT THE
111 ANNUAL NUMBER OF FULL-TIME JOBS MAINTAINED BY THE ENTERPRISE
112 CONNECTED WITH SUCH PROJECT FALLS BELOW THE AGREED UPON AMOUNT FOR
113 TWO CONSECUTIVE YEARS, THE FRANCHISE TAX FEE-IN-LIEU FOR THE
114 PROJECT SHALL BE SUSPENDED UNTIL THE FIRST TAX YEAR DURING WHICH
115 THE ANNUAL NUMBER OF FULL-TIME JOBS MAINTAINED BY THE ENTERPRISE
116 REACHES THE AGREED UPON AMOUNT; TO PROVIDE THAT THE ENTERPRISE
117 CONNECTED WITH SUCH A PROJECT SHALL BE ENTITLED TO UTILIZE A
118 SINGLE SALES APPORTIONMENT FACTOR IN THE CALCULATION OF ITS
119 LIABILITY FOR FRANCHISE TAX IMPOSED BY THIS CHAPTER WHICH IS
120 ATTRIBUTABLE TO THE PROJECT FOR ANY YEAR FOR WHICH IT FILES A
121 MISSISSIPPI FRANCHISE TAX RETURN; TO AMEND SECTION 19-9-5,
122 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
123 ACT; TO AMEND SECTION 29-3-29, MISSISSIPPI CODE OF 1972, IN
124 CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION
125 27-31-104, MISSISSIPPI CODE OF 1972; TO CLARIFY THAT FEE-IN-LIEU
126 AGREEMENTS SHALL BECOME A BINDING OBLIGATION OF THE PARTIES AND BE
127 EFFECTIVE UPON THE EXECUTION OF THE AGREEMENT BY THE PARTIES AND
128 APPROVAL BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; HOWEVER, THE
129 TERM FOR WHICH THE FEE-IN-LIEU MAY BE GRANTED UNDER THE AGREEMENT
130 SHALL NOT EXCEED A SINGLE PERIOD OF 10 YEARS COMMENCING ON THE
131 DATE SPECIFIED IN THE AGREEMENT; TO CLARIFY THAT FEE-IN-LIEU
132 AGREEMENTS SHALL BE BINDING ON FUTURE BOARDS OF SUPERVISORS OF THE
133 COUNTY AND GOVERNING AUTHORITIES OF A MUNICIPALITY FOR THE
134 DURATION OF THE AGREEMENT; TO CLARIFY THAT THE PARTIES TO A
135 FEE-IN-LIEU AGREEMENT MAY AGREE ON TERMS AND CONDITIONS PROVIDING
136 FOR THE REDUCTION, SUSPENSION, TERMINATION OR REINSTATEMENT OF A



137 FEE-IN-LIEU AGREEMENT OR ANY FEE-IN-LIEU PERIOD GRANTED UNDER THE
138 AGREEMENT UPON THE CESSATION OF OPERATIONS BY A PROJECT FOR 12 OR
139 MORE CONSECUTIVE MONTHS OR DUE TO OTHER CONDITIONS SET FORTH IN
140 THE AGREEMENT; TO AMEND SECTION 27-31-107, MISSISSIPPI CODE OF
141 1972, TO CLARIFY THAT SUCH SECTION DOES NOT APPLY TO A FEE-IN-LIEU
142 GRANTED UNDER SECTIONS 27-31-104 AND 27-31-105(2); AND FOR RELATED
143 PURPOSES.

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

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

147 57-75-5. Words and phrases used in this chapter shall have
148 meanings as follows, unless the context clearly indicates a
149 different meaning:

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

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

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

157 (d) "Facility related to the project" means and
158 includes any of the following, as the same may pertain to the
159 project within the project area: (i) facilities to provide
160 potable and industrial water supply systems, sewage and waste
161 disposal systems and water, natural gas and electric transmission
162 systems to the site of the project; (ii) airports, airfields and
163 air terminals; (iii) rail lines; (iv) port facilities; (v)
164 highways, streets and other roadways; (vi) public school
165 buildings, classrooms and instructional facilities, training



166 facilities and equipment, including any functionally related
167 facilities; (vii) parks, outdoor recreation facilities and
168 athletic facilities; (viii) auditoriums, pavilions, campgrounds,
169 art centers, cultural centers, folklore centers and other public
170 facilities; (ix) health care facilities, public or private; and
171 (x) fire protection facilities, equipment and elevated water
172 tanks.

173 (e) "Person" means any natural person, corporation,
174 association, partnership, receiver, trustee, guardian, executor,
175 administrator, fiduciary, governmental unit, public agency,
176 political subdivision, or any other group acting as a unit, and
177 the plural as well as the singular.

178 (f) "Project" means:

179 (i) Any industrial, commercial, research and
180 development, warehousing, distribution, transportation,
181 processing, mining, United States government or tourism enterprise
182 together with all real property required for construction,
183 maintenance and operation of the enterprise with an initial
184 capital investment of not less than Three Hundred Million Dollars
185 (\$300,000,000.00) from private or United States government sources
186 together with all buildings, and other supporting land and
187 facilities, structures or improvements of whatever kind required
188 or useful for construction, maintenance and operation of the
189 enterprise; or with an initial capital investment of not less than
190 One Hundred Fifty Million Dollars (\$150,000,000.00) from private



191 or United States government sources together with all buildings
192 and other supporting land and facilities, structures or
193 improvements of whatever kind required or useful for construction,
194 maintenance and operation of the enterprise and which creates at
195 least one thousand (1,000) net new full-time jobs; or which
196 creates at least one thousand (1,000) net new full-time jobs which
197 provides an average salary, excluding benefits which are not
198 subject to Mississippi income taxation, of at least one hundred
199 twenty-five percent (125%) of the most recently published average
200 annual wage of the state as determined by the Mississippi
201 Department of Employment Security. "Project" shall include any
202 addition to or expansion of an existing enterprise if such
203 addition or expansion has an initial capital investment of not
204 less than Three Hundred Million Dollars (\$300,000,000.00) from
205 private or United States government sources, or has an initial
206 capital investment of not less than One Hundred Fifty Million
207 Dollars (\$150,000,000.00) from private or United States government
208 sources together with all buildings and other supporting land and
209 facilities, structures or improvements of whatever kind required
210 or useful for construction, maintenance and operation of the
211 enterprise and which creates at least one thousand (1,000) net new
212 full-time jobs; or which creates at least one thousand (1,000) net
213 new full-time jobs which provides an average salary, excluding
214 benefits which are not subject to Mississippi income taxation, of
215 at least one hundred twenty-five percent (125%) of the most



216 recently published average annual wage of the state as determined
217 by the Mississippi Department of Employment Security. "Project"
218 shall also include any ancillary development or business resulting
219 from the enterprise, of which the authority is notified, within
220 three (3) years from the date that the enterprise entered into
221 commercial production, that the project area has been selected as
222 the site for the ancillary development or business.

223 (ii) 1. Any major capital project designed to
224 improve, expand or otherwise enhance any active duty or reserve
225 United States armed services bases and facilities or any major
226 Mississippi National Guard training installations, their support
227 areas or their military operations, upon designation by the
228 authority that any such base was or is at risk to be recommended
229 for closure or realignment pursuant to the Defense Base Closure
230 and Realignment Act of 1990, as amended, or other applicable
231 federal law; or any major development project determined by the
232 authority to be necessary to acquire or improve base properties
233 and to provide employment opportunities through construction of
234 projects as defined in Section 57-3-5, which shall be located on
235 or provide direct support service or access to such military
236 installation property in the event of closure or reduction of
237 military operations at the installation.

238 2. Any major study or investigation related
239 to such a facility, installation or base, upon a determination by
240 the authority that the study or investigation is critical to the



241 expansion, retention or reuse of the facility, installation or
242 base.

243 3. Any project as defined in Section 57-3-5,
244 any business or enterprise determined to be in the furtherance of
245 the public purposes of this act as determined by the authority or
246 any facility related to such project each of which shall be,
247 directly or indirectly, related to any military base or other
248 military-related facility no longer operated by the United States
249 armed services or the Mississippi National Guard.

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

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

258 2. "Project" shall also include any ancillary
259 development or business resulting from an enterprise operating a
260 project as defined in item 1 of this paragraph (f) (iv), of which
261 the authority is notified, within three (3) years from the date
262 that the enterprise entered into commercial production, that the
263 state has been selected as the site for the ancillary development
264 or business.



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

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

275 2. The project and any facility related to
276 the project shall include a total investment from private sources
277 of not less than Sixty Million Dollars (\$60,000,000.00), or from
278 any combination of sources of not less than Eighty Million Dollars
279 (\$80,000,000.00).

280 (vi) Any real property owned or controlled by the
281 National Aeronautics and Space Administration, the United States
282 government, or any agency thereof, which is legally conveyed to
283 the State of Mississippi or to the State of Mississippi for the
284 benefit of the Mississippi Major Economic Impact Authority, its
285 successors and assigns pursuant to Section 212 of Public Law
286 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

287 (vii) Any major capital project related to the
288 establishment, improvement, expansion and/or other enhancement of
289 any active duty military installation and having a minimum capital



290 investment from any source or combination of sources other than
291 the State of Mississippi of at least Forty Million Dollars
292 (\$40,000,000.00), and which will create at least four hundred
293 (400) military installation related full-time jobs, which jobs may
294 be military jobs, civilian jobs or a combination of military and
295 civilian jobs. The authority shall require that binding
296 commitments be entered into requiring that the minimum
297 requirements for the project provided for in this subparagraph
298 shall be met not later than July 1, 2008.

299 (viii) Any major capital project with an initial
300 capital investment from any source or combination of sources of
301 not less than Ten Million Dollars (\$10,000,000.00) which will
302 create at least eighty (80) full-time jobs which provide an
303 average annual salary, excluding benefits which are not subject to
304 Mississippi income taxes, of at least one hundred thirty-five
305 percent (135%) of the most recently published average annual wage
306 of the state or the most recently published average annual wage of
307 the county in which the project is located as determined by the
308 Mississippi Department of Employment Security, whichever is the
309 lesser. The authority shall require that binding commitments be
310 entered into requiring that:

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



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

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

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

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

329 (x) Any major capital project with an initial
330 capital investment from any source or combination of sources of
331 not less than Seventy-five Million Dollars (\$75,000,000.00) which
332 will create at least one hundred twenty-five (125) full-time jobs
333 which provide an average annual salary, excluding benefits which
334 are not subject to Mississippi income taxes, of at least one
335 hundred thirty-five percent (135%) of the most recently published
336 average annual wage of the state or the most recently published
337 average annual wage of the county in which the project is located



338 as determined by the Mississippi Department of Employment
339 Security, whichever is the greater. The authority shall require
340 that binding commitments be entered into requiring that:

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

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

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

348 (xii) Any project built according to the
349 specifications and federal provisions set forth by the National
350 Aeronautics and Space Administration Center Operations Directorate
351 at Stennis Space Center for the purpose of consolidating common
352 services from National Aeronautics and Space Administration
353 centers in human resources, procurement, financial management and
354 information technology located on land owned or controlled by the
355 National Aeronautics and Space Administration, which will create
356 at least four hundred seventy (470) full-time jobs.

357 (xiii) Any major capital project with an initial
358 capital investment from any source or combination of sources of
359 not less than Ten Million Dollars (\$10,000,000.00) which will
360 create at least two hundred fifty (250) full-time jobs. The
361 authority shall require that binding commitments be entered into
362 requiring that:



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

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

368 (xiv) Any major pharmaceutical facility with a
369 capital investment of not less than Fifty Million Dollars
370 (\$50,000,000.00) made after July 1, 2002, through four (4) years
371 after the initial date of any loan or grant made by the authority
372 for such project, which will maintain at least seven hundred fifty
373 (750) full-time employees. The authority shall require that
374 binding commitments be entered into requiring that:

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

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

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

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



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

391 (xvi) Any major industrial wood processing
392 facility with an initial capital investment of not less than One
393 Hundred Million Dollars (\$100,000,000.00) which will create at
394 least one hundred twenty-five (125) full-time jobs which provide
395 an average annual salary, excluding benefits which are not subject
396 to Mississippi income taxes, of at least Thirty Thousand Dollars
397 (\$30,000.00). The authority shall require that binding
398 commitments be entered into requiring that:

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

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

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

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



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

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

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

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

429 (xix) Any major coal and/or petroleum coke
430 gasification project with an initial capital investment from any
431 source or combination of sources other than the State of
432 Mississippi of not less than Eight Hundred Million Dollars
433 (\$800,000,000.00), which will create at least two hundred (200)
434 full-time jobs with an average annual salary, excluding benefits
435 which are not subject to Mississippi income taxes, of at least



436 Forty-five Thousand Dollars (\$45,000.00). The authority shall
437 require that binding commitments be entered into requiring that:

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

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

443 (xx) Any planned mixed use development located on
444 not less than four thousand (4,000) acres of land that will
445 consist of commercial, recreational, resort, tourism and
446 residential development with a capital investment from private
447 sources of not less than Four Hundred Seventy-five Million Dollars
448 (\$475,000,000.00) in the aggregate in any one (1) or any
449 combination of tourism projects that will create at least three
450 thousand five hundred (3,500) jobs in the aggregate. For the
451 purposes of this paragraph (f) (xx), the term "tourism project"
452 means and has the same definition as that term has in Section
453 57-28-1. In order to meet the minimum capital investment required
454 under this paragraph (f) (xx), at least Two Hundred Thirty-seven
455 Million Five Hundred Thousand Dollars (\$237,500,000.00) of such
456 investment must be made not later than June 1, 2015, and the
457 remainder of the minimum capital investment must be made not later
458 than June 1, 2017. In order to meet the minimum number of jobs
459 required to be created under this paragraph (f) (xx), at least one
460 thousand seven hundred fifty (1,750) of such jobs must be created



461 not later than June 1, 2015, and the remainder of the jobs must be
462 created not later than June 1, 2017. The authority shall require
463 that binding commitments be entered into requiring that:

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

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

469 (xxi) Any enterprise owning or operating an
470 automotive manufacturing and assembly plant and its affiliates for
471 which construction begins after March 2, 2007, and not later than
472 December 1, 2007, with an initial capital investment from private
473 sources of not less than Five Hundred Million Dollars
474 (\$500,000,000.00) which will create at least one thousand five
475 hundred (1,500) jobs meeting criteria established by the
476 authority, which criteria shall include, but not be limited to,
477 the requirement that such jobs must be held by persons eligible
478 for employment in the United States under applicable state and
479 federal law. The authority shall require that binding commitments
480 be entered into requiring that:

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

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



486 (xxii) Any enterprise owning or operating a major
487 powertrain component manufacturing and assembly plant for which
488 construction begins after May 11, 2007, and not later than
489 December 1, 2007, with an initial capital investment from private
490 sources of not less than Three Hundred Million Dollars
491 (\$300,000,000.00) which will create at least five hundred (500)
492 new full-time jobs meeting criteria established by the authority,
493 which criteria shall include, but not be limited to, the
494 requirement that such jobs must be held by persons eligible for
495 employment in the United States under applicable state and federal
496 law, and the requirement that the average annual wages and taxable
497 benefits of such jobs shall be at least one hundred twenty-five
498 percent (125%) of the most recently published average annual wage
499 of the state or the most recently published average annual wage of
500 the county in which the project is located as determined by the
501 Mississippi Department of Employment Security, whichever is the
502 lesser. The authority shall require that binding commitments be
503 entered into requiring that:

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

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

509 (xxiii) Any biological and agricultural defense
510 project operated by an agency of the government of the United



511 States with an initial capital investment of not less than Four
512 Hundred Fifty Million Dollars (\$450,000,000.00) from any source
513 other than the State of Mississippi and its subdivisions, which
514 will create at least two hundred fifty (250) new full-time jobs.
515 All jobs created by the project must be held by persons eligible
516 for employment in the United States under applicable state and
517 federal law.

518 (xxiv) Any enterprise owning or operating an
519 existing tire manufacturing plant which adds to such plant capital
520 assets of not less than Twenty-five Million Dollars
521 (\$25,000,000.00) after January 1, 2009, and that maintains at
522 least one thousand two hundred (1,200) full-time jobs in this
523 state at one (1) location with an average annual salary, excluding
524 benefits which are not subject to Mississippi income taxes, of at
525 least Forty-five Thousand Dollars (\$45,000.00). The authority
526 shall require that binding commitments be entered into requiring
527 that:

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

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

533 (xxv) Any enterprise owning or operating a
534 facility for the manufacture of composite components for the
535 aerospace industry which will have an investment from private



536 sources of not less than One Hundred Seventy-five Million Dollars
537 (\$175,000,000.00) by not later than December 31, 2015, and which
538 will result in the full-time employment at the project site of not
539 less than two hundred seventy-five (275) persons by December 31,
540 2011, and not less than four hundred twenty-five (425) persons by
541 December 31, 2013, and not less than eight hundred (800) persons
542 by December 31, 2017, all with an average annual compensation,
543 excluding benefits which are not subject to Mississippi income
544 taxes, of at least Fifty-three Thousand Dollars (\$53,000.00). The
545 authority shall require that binding commitments be entered into
546 requiring that:

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

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

552 (xxvi) Any enterprise owning or operating a
553 facility for the manufacture of pipe which will have an investment
554 from any source other than the State of Mississippi and its
555 subdivisions of not less than Three Hundred Million Dollars
556 (\$300,000,000.00) by not later than December 31, 2015, and which
557 will create at least five hundred (500) new full-time jobs within
558 five (5) years after the start of commercial production and
559 maintain such jobs for at least ten (10) years, all with an
560 average annual compensation, excluding benefits which are not



561 subject to Mississippi income taxes, of at least Thirty-two
562 Thousand Dollars (\$32,000.00). The authority shall require that
563 binding commitments be entered into requiring that:

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

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

569 (xxvii) Any enterprise owning or operating a
570 facility for the manufacture of solar panels which will have an
571 investment from any source other than the State of Mississippi and
572 its subdivisions of not less than One Hundred Thirty-two Million
573 Dollars (\$132,000,000.00) by not later than December 31, 2015, and
574 which will create at least five hundred (500) new full-time jobs
575 within five (5) years after the start of commercial production and
576 maintain such jobs for at least ten (10) years, all with an
577 average annual compensation, excluding benefits which are not
578 subject to Mississippi income taxes, of at least Thirty-four
579 Thousand Dollars (\$34,000.00). The authority shall require that
580 binding commitments be entered into requiring that:

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

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



586 (xxviii) 1. Any enterprise owning or operating an
587 automotive parts manufacturing plant and its affiliates for which
588 construction begins after June 1, 2013, and not later than June
589 30, 2014, with an initial capital investment of not less than
590 Three Hundred Million Dollars (\$300,000,000.00) which will create
591 at least five hundred (500) new full-time jobs meeting criteria
592 established by the authority, which criteria shall include, but
593 not be limited to, the requirement that such jobs must be held by
594 persons eligible for employment in the United States under
595 applicable state and federal law, and the requirement that the
596 average annual wages and taxable benefits of such jobs shall be at
597 least one hundred ten percent (110%) of the most recently
598 published average annual wage of the state or the most recently
599 published average annual wage of the county in which the project
600 is located as determined by the Mississippi Department of
601 Employment Security, whichever is the lesser. The authority shall
602 require that binding commitments be entered into requiring that:

603 a. The minimum requirements for the
604 project provided for in this subparagraph shall be met; and

605 b. That if such commitments are not met,
606 all or a portion of the funds provided by the state for the
607 project as determined by the authority shall be repaid.

608 2. It is anticipated that the project defined
609 in this subparagraph (xxviii) will expand in three (3) additional
610 phases, will create an additional five hundred (500) full-time



611 jobs meeting the above criteria in each phase, and will invest an
612 additional Three Hundred Million Dollars (\$300,000,000.00) per
613 phase.

614 (xxix) Any enterprise engaged in the manufacture
615 of tires or other related rubber or automotive products for which
616 construction of a plant begins after January 1, 2016, and is
617 substantially completed no later than December 31, 2022, and for
618 which such enterprise commits to an aggregate capital investment
619 by such enterprise and its affiliates of not less than One Billion
620 Four Hundred Fifty Million Dollars (\$1,450,000,000.00) and the
621 creation thereby of at least two thousand five hundred (2,500) new
622 full-time jobs meeting criteria established by the authority,
623 which criteria shall include, but not be limited to, the
624 requirement that such jobs must be held by persons eligible for
625 employment in the United States under applicable state and federal
626 law, and the requirement that the average annual salary or wage,
627 excluding the value of any benefits which are not subject to
628 Mississippi income tax, of such jobs shall be at least Forty
629 Thousand Dollars (\$40,000.00). The authority shall require that
630 binding commitments be entered into requiring that:

631 1. Minimum requirements for investment and
632 jobs for the project shall be met; and

633 2. If such requirements are not met, all or a
634 portion of the funds provided by the state for the project may, as
635 determined by the authority, be subject to repayment by such



636 enterprise and/or its affiliates, together with any penalties or
637 damages required by the authority in connection therewith.

638 (xxx) Any enterprise owning or operating a
639 maritime fabrication and assembly facility for which construction
640 begins after February 1, 2016, and concludes not later than
641 December 31, 2018, with an initial capital investment in land,
642 buildings and equipment not less than Sixty-eight Million Dollars
643 (\$68,000,000.00) and will create not less than one thousand
644 (1,000) new full-time jobs meeting criteria established by the
645 authority, which criteria shall include, but not be limited to,
646 the requirement that such jobs must be held by persons eligible
647 for employment in the United States under applicable state and
648 federal law, and the requirement that the average annual
649 compensation, excluding benefits which are not subject to
650 Mississippi income taxes, of at least Forty Thousand Dollars
651 (\$40,000.00). The authority shall require that binding
652 commitments be entered into requiring that:

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

655 2. If such commitments are not met, all or a
656 portion of the funds provided by the state for the project may, as
657 determined by the authority, be subject to repayment by such
658 enterprise, together with any penalties or damages required by the
659 authority in connection therewith.



660 (g) (i) "Project area" means the project site,
661 together with any area or territory within the state lying within
662 sixty-five (65) miles of any portion of the project site whether
663 or not such area or territory be contiguous; however, for the
664 project defined in paragraph (f)(iv) of this section the term
665 "project area" means any area or territory within the state. The
666 project area shall also include all territory within a county if
667 any portion of such county lies within sixty-five (65) miles of
668 any portion of the project site. "Project site" means the real
669 property on which the principal facilities of the enterprise will
670 operate. The provisions of this subparagraph (i) shall not apply
671 to a project as defined in paragraph (f)(xxi) of this section.

672 (ii) For the purposes of a project as defined in
673 paragraph (f)(xxi) of this section, the term "project area" means
674 the acreage authorized in the certificate of convenience and
675 necessity issued by the Mississippi Development Authority to a
676 regional economic development alliance under Section 57-64-1 et
677 seq.

678 (h) "Public agency" means:

679 (i) Any department, board, commission, institution
680 or other agency or instrumentality of the state;

681 (ii) Any city, town, county, political
682 subdivision, school district or other district created or existing
683 under the laws of the state or any public agency of any such city,
684 town, county, political subdivision or district or any other



685 public entity created or existing under local and private
686 legislation;

687 (iii) Any department, commission, agency or
688 instrumentality of the United States of America; and

689 (iv) Any other state of the United States of
690 America which may be cooperating with respect to location of the
691 project within the state, or any agency thereof.

692 (i) "State" means State of Mississippi.

693 (j) "Fee-in-lieu" means a negotiated fee to be paid by
694 the project in lieu of any franchise taxes imposed on the project
695 by Chapter 13, Title 27, Mississippi Code of 1972. The
696 fee-in-lieu shall not be less than Twenty-five Thousand Dollars
697 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an
698 enterprise operating an existing project defined in paragraph
699 (f)(iv)¹ of this section; however, a fee-in-lieu shall not be
700 negotiated for other existing enterprises that fall within the
701 definition of the term "project."

702 (k) "Affiliate" means a subsidiary or related business
703 entity which shares a common direct or indirect ownership with the
704 enterprise owning or operating a project as defined in paragraph
705 (f)(xxi) * * *, paragraph (f)(xxviii) or paragraph (f)(xxix) of
706 this section. The subsidiary or related business must provide
707 services directly related to the core activities of the project.

708 (l) "Tier One supplier" means a supplier of a project
709 as defined in paragraph (f)(xxi) of this section that is certified



710 by the enterprise owning the project and creates a minimum of
711 fifty (50) new full-time jobs.

712 **SECTION 2.** Section 57-75-9, Mississippi Code of 1972, is
713 amended as follows:

714 57-75-9. (1) The authority is hereby designated and
715 empowered to act on behalf of the state in submitting a siting
716 proposal for any project eligible for assistance under this act.
717 The authority is empowered to take all steps appropriate or
718 necessary to effect the siting, development, and operation of the
719 project within the state, including the negotiation of a
720 fee-in-lieu. If the state is selected as the preferred site for
721 the project, the authority is hereby designated and empowered to
722 act on behalf of the state and to represent the state in the
723 planning, financing, development, construction and operation of
724 the project or any facility related to the project, with the
725 concurrence of the affected public agency. The authority may take
726 affirmative steps to coordinate fully all aspects of the
727 submission of a siting proposal for the project and, if the state
728 is selected as the preferred site, to coordinate fully, with the
729 concurrence of the affected public agency, the development of the
730 project or any facility related to the project with private
731 business, the United States government and other public agencies.
732 All public agencies are encouraged to cooperate to the fullest
733 extent possible to effectuate the duties of the authority;
734 however, the development of the project or any facility related to



735 the project by the authority may be done only with the concurrence
736 of the affected public agency.

737 (2) (a) Contracts, by the authority or a public agency,
738 including, but not limited to, design and construction contracts,
739 for the acquisition, purchase, construction or installation of a
740 project defined in Section 57-75-5(f)(iv)1 or any facility related
741 to the project shall be exempt from the provisions of Section
742 31-7-13 if:

743 (i) The authority finds and records such finding
744 on its minutes, that because of availability or the particular
745 nature of a project, it would not be in the public interest or
746 would less effectively achieve the purposes of this chapter to
747 enter into such contracts on the basis of Section 31-7-13; and

748 (ii) The enterprise that is involved in the
749 project concurs in such finding.

750 (b) When the requirements of paragraph (a) of this
751 subsection are met:

752 (i) The requirements of Section 31-7-13 shall not
753 apply to such contracts; and

754 (ii) The contracts may be entered into on the
755 basis of negotiation.

756 (c) The enterprise involved with the project may, upon
757 approval of the authority, negotiate such contracts in the name of
758 the authority.



759 (d) The provisions of this subsection (2) shall not
760 apply to contracts by the authority for excavation, fill dirt and
761 compaction for the preparation of the site of a project as defined
762 in Section 57-75-5(f) (iv)1 and such contracts may be entered into
763 pursuant to subsection (3) of this section.

764 (3) (a) Contracts by the authority for excavation, fill
765 dirt and compaction for the preparation of the site of a project
766 defined in Section 57-75-5(f) (iv)1 shall be exempt from the
767 provisions of Section 31-7-13 and the following procedure shall be
768 followed in the award of such contracts:

769 (i) The authority shall advertise for a period of
770 time to be set by the authority, but in no event less than one (1)
771 business day, the date, time and place of a meeting with the
772 authority to receive specifications on a request for proposals on
773 excavation, fill dirt and compaction for the preparation of the
774 site of the project defined in Section 57-75-5(f) (iv)1.

775 (ii) The authority shall set the minimum
776 qualifications necessary to be considered for award of the
777 contract and the advertisement shall set forth such minimum
778 qualifications.

779 (iii) Following the meeting the authority shall,
780 in its discretion, select one or more of the qualified contractors
781 with whom to negotiate or award the contract. The decision of the
782 authority concerning the selection of the contractor shall be
783 final.



784 (b) Contracts by the authority or a public agency for
785 site preparation, utilities, real estate improvements, wastewater
786 or for public works for a project defined in Section
787 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii) shall be exempt from
788 the provisions of Section 31-7-13 and the following procedure
789 shall be followed in the award of such contracts:

790 (i) The authority or the public agency shall
791 advertise for a period of time to be set by the authority or the
792 public agency, but in no event less than one (1) nor more than
793 five (5) calendar days, the date, time and place of a meeting with
794 the authority or the public agency to receive specifications on
795 the preparation of the site of the project defined in Section
796 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii).

797 (ii) The authority or the public agency shall set
798 the minimum qualifications necessary to be considered for award of
799 the contract and the advertisement shall set forth such minimum
800 qualifications.

801 (iii) Following the meeting the authority or the
802 public agency shall, in its discretion, select one or more of the
803 qualified contractors with whom to negotiate or award the
804 contract. The decision of the authority or the public agency
805 concerning the selection of the contractor shall be final.

806 (c) Contracts by a public agency for site preparation,
807 utilities, real estate improvements, infrastructure, roads or for
808 public works for a project defined in Section 57-75-5(f) (xxiii),



809 Section 57-75-5(f) (xxix) or Section 57-75-5(f) (xxx) may be exempt
810 from the provisions of Section 31-7-13 and the following procedure
811 shall be followed in the award of contracts:

812 (i) The public agency shall advertise for a period
813 of time to be set by the public agency, but in no event less than
814 one (1) nor more than five (5) calendar days, the date, time and
815 place of a meeting with the public agency to receive
816 specifications on site preparation, utilities, real estate
817 improvements, infrastructure, roads or for public works related to
818 the project defined in Section 57-75-5(f) (xxiii), Section
819 57-75-5(f) (xxix) or Section 57-75-5(f) (xxx).

820 (ii) The public agency shall set the minimum
821 qualifications necessary to be considered for award of the
822 contract and the advertisement shall set forth such minimum
823 qualifications.

824 (iii) Following the meeting the public agency
825 shall, in its discretion, which discretion may include
826 participation by an enterprise involved in the project, select one
827 or more of the qualified contractors with whom to negotiate or
828 award the contract. The decision of the public agency concerning
829 selection of the contractor shall be final.

830 (4) (a) Contracts, by the authority or a public agency,
831 including, but not limited to, design and construction contracts,
832 for the acquisition, purchase, construction or installation of a
833 project defined in Section 57-75-5(f) (xxvi), Section



834 57-75-5(f) (xxvii) * * *, Section 57-75-5(f) (xxviii), Section
835 57-75-5(f) (xxix) or Section 57-75-5(f) (xxx) shall be exempt from
836 the provisions of Section 31-7-13 if:

837 (i) The authority finds and records such finding
838 on its minutes, that because of availability or the particular
839 nature of a project, it would not be in the public interest or
840 would less effectively achieve the purposes of this chapter to
841 enter into such contracts on the basis of Section 31-7-13; and

842 (ii) The enterprise that is involved in the
843 project concurs in such finding.

844 (b) When the requirements of paragraph (a) of this
845 subsection are met:

846 (i) The requirements of Section 31-7-13 shall not
847 apply to such contracts; and

848 (ii) The contracts may be entered into on the
849 basis of negotiation with the authority or such public agency, and
850 the authority or such public agency may, as part of such
851 negotiations, further negotiate and require the level of
852 participation by the enterprise involved in the project in the
853 negotiation of such contracts.

854 **SECTION 3.** Section 57-75-11, Mississippi Code of 1972, is
855 amended as follows:

856 57-75-11. The authority, in addition to any and all powers
857 now or hereafter granted to it, is empowered and shall exercise



858 discretion and the use of these powers depending on the
859 circumstances of the project or projects:

860 (a) To maintain an office at a place or places within
861 the state.

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

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

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

873 (e) (i) To acquire by purchase, lease, gift, or in
874 other manner, including quick-take eminent domain, or obtain
875 options to acquire, and to own, maintain, use, operate and convey
876 any and all property of any kind, real, personal, or mixed, or any
877 interest or estate therein, within the project area, necessary for
878 the project or any facility related to the project. The
879 provisions of this paragraph that allow the acquisition of
880 property by quick-take eminent domain shall be repealed by
881 operation of law on July 1, 1994; and



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

889 (f) To acquire by purchase or lease any public lands
890 and public property, including sixteenth section lands and lieu
891 lands, within the project area, which are necessary for the
892 project. Sixteenth section lands or lieu lands acquired under
893 this act shall be deemed to be acquired for the purposes of
894 industrial development thereon and such acquisition will serve a
895 higher public interest in accordance with the purposes of this
896 act.

897 (g) If the authority identifies any land owned by the
898 state as being necessary, for the location or use of the project,
899 or any facility related to the project, to recommend to the
900 Legislature the conveyance of such land or any interest therein,
901 as the Legislature deems appropriate.

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

905 (i) From and after the date of notification to the
906 authority by the enterprise that the state has been finally



907 selected as the site of the project, to acquire by condemnation
908 and to own, maintain, use, operate and convey or otherwise dispose
909 of any and all property of any kind, real, personal or mixed, or
910 any interest or estate therein, within the project area, necessary
911 for the project or any facility related to the project, with the
912 concurrence of the affected public agency, and the exercise of the
913 powers granted by this act, according to the procedures provided
914 by Chapter 27, Title 11, Mississippi Code of 1972, except as
915 modified by this act.

916 (i) Except as otherwise provided in subparagraph
917 (iii) of this paragraph (i), in acquiring lands by condemnation,
918 the authority shall not acquire minerals or royalties in minerals
919 unless a competent registered professional engineer shall have
920 certified that the acquisition of such minerals and royalties in
921 minerals is necessary for purposes of the project; provided that
922 limestone, clay, chalk, sand and gravel shall not be considered as
923 minerals for the purposes of subparagraphs (i) and (ii) of this
924 paragraph (i);

925 (ii) Unless minerals or royalties in minerals have
926 been acquired by condemnation or otherwise, no person or persons
927 owning the drilling rights or the right to share in production of
928 minerals shall be prevented from exploring, developing, or
929 producing oil or gas with necessary rights-of-way for ingress and
930 egress, pipelines and other means of transporting interests on any
931 land or interest therein of the authority held or used for the



932 purposes of this act; but any such activities shall be under such
933 reasonable regulation by the authority as will adequately protect
934 the project contemplated by this act as provided in paragraph (r)
935 of this section; and

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

940 (j) To negotiate the necessary relocation or rerouting
941 of roads and highways, railroad, telephone and telegraph lines and
942 properties, electric power lines, pipelines and related
943 facilities, or to require the anchoring or other protection of any
944 of these, provided due compensation is paid to the owners thereof
945 or agreement is had with such owners regarding the payment of the
946 cost of such relocation, and to acquire by condemnation or
947 otherwise easements or rights-of-way for such relocation or
948 rerouting and to convey the same to the owners of the facilities
949 being relocated or rerouted in connection with the purposes of
950 this act.

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

953 (l) To perform or have performed any and all acts and
954 make all payments necessary to comply with all applicable federal
955 laws, rules or regulations including, but not limited to, the
956 Uniform Relocation Assistance and Real Property Acquisition



957 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
958 to 4655) and relocation rules and regulations promulgated by any
959 agency or department of the federal government.

960 (m) To construct, extend, improve, maintain, and
961 reconstruct, to cause to be constructed, extended, improved,
962 maintained, and reconstructed, and to use and operate any and all
963 components of the project or any facility related to the project,
964 with the concurrence of the affected public agency, within the
965 project area, necessary to the project and to the exercise of such
966 powers, rights, and privileges granted the authority.

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

970 (o) (i) To lease, sell or convey any or all property
971 acquired by the authority under the provisions of this act to the
972 enterprise, its successors or assigns, and/or any entity for
973 purposes in furtherance of economic development as determined by
974 the authority, and in connection therewith to pay the costs of
975 title search, perfection of title, title insurance and recording
976 fees as may be required. The authority may provide in the
977 instrument conveying such property a provision that such property
978 shall revert to the authority if, as and when the property is
979 declared by the transferee to be no longer needed.

980 (ii) To lease, sell, transfer or convey on any
981 terms agreed upon by the authority any or all real and personal



982 property, improvements, leases, funds and contractual obligations
983 of a project as defined in Section 57-75-5(f) (vi) and conveyed to
984 the State of Mississippi by a Quitclaim Deed from the United
985 States of America dated February 23, 1996, filed of record at
986 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,
987 Tishomingo County, Mississippi, to any governmental authority
988 located within the geographic boundaries of the county wherein
989 such project exists upon agreement of such governmental authority
990 to undertake and assume from the State of Mississippi all
991 obligations and responsibilities in connection with ownership and
992 operation of the project. Property leased, sold, transferred or
993 otherwise conveyed by the authority under this paragraph (o) shall
994 be used only for economic development purposes.

995 (p) To enter into contracts with any person or public
996 agency, including, but not limited to, contracts authorized by
997 Section 57-75-17, in furtherance of any of the purposes authorized
998 by this act upon such consideration as the authority and such
999 person or public agency may agree. Any such contract may extend
1000 over any period of time, notwithstanding any rule of law to the
1001 contrary, may be upon such terms as the parties thereto shall
1002 agree, and may provide that it shall continue in effect until
1003 bonds specified therein, refunding bonds issued in lieu of such
1004 bonds, and all other obligations specified therein are paid or
1005 terminated. Any such contract shall be binding upon the parties
1006 thereto according to its terms. Such contracts may include an



1007 agreement to reimburse the enterprise, its successors and assigns
1008 for any assistance provided by the enterprise in the acquisition
1009 of real property for the project or any facility related to the
1010 project.

1011 (q) To establish and maintain reasonable rates and
1012 charges for the use of any facility within the project area owned
1013 or operated by the authority, and from time to time, to adjust
1014 such rates and to impose penalties for failure to pay such rates
1015 and charges when due.

1016 (r) To adopt and enforce with the concurrence of the
1017 affected public agency all necessary and reasonable rules and
1018 regulations to carry out and effectuate the implementation of the
1019 project and any land use plan or zoning classification adopted for
1020 the project area, including, but not limited to, rules,
1021 regulations, and restrictions concerning mining, construction,
1022 excavation or any other activity the occurrence of which may
1023 endanger the structure or operation of the project. Such rules
1024 may be enforced within the project area and without the project
1025 area as necessary to protect the structure and operation of the
1026 project. The authority is authorized to plan or replan, zone or
1027 rezone, and make exceptions to any regulations, whether local or
1028 state, with the concurrence of the affected public agency which
1029 are inconsistent with the design, planning, construction or
1030 operation of the project and facilities related to the project.



1031 (s) To plan, design, coordinate and implement measures
1032 and programs to mitigate impacts on the natural environment caused
1033 by the project or any facility related to the project.

1034 (t) To develop plans for technology transfer activities
1035 to ensure private sector conduits for exchange of information,
1036 technology and expertise related to the project to generate
1037 opportunities for commercial development within the state.

1038 (u) To consult with the State Department of Education
1039 and other public agencies for the purpose of improving public
1040 schools and curricula within the project area.

1041 (v) To consult with the State Board of Health and other
1042 public agencies for the purpose of improving medical centers,
1043 hospitals and public health centers in order to provide
1044 appropriate health care facilities within the project area.

1045 (w) To consult with the Office of Minority Business
1046 Enterprise Development and other public agencies for the purpose
1047 of developing plans for technical assistance and loan programs to
1048 maximize the economic impact related to the project for minority
1049 business enterprises within the State of Mississippi.

1050 (x) To deposit into the "Yellow Creek Project Area
1051 Fund" created pursuant to Section 57-75-31:

1052 (i) Any funds or aid received as authorized in
1053 this section for the project described in Section 57-75-5(f)(vi),
1054 and



1055 (ii) Any funds received from the sale or lease of
1056 property from the project described in Section 57-75-5(f) (vi)
1057 pursuant to the powers exercised under this section.

1058 (y) To manage and develop the project described in
1059 Section 57-75-5(f) (vi).

1060 (z) To promulgate rules and regulations necessary to
1061 effectuate the purposes of this act.

1062 (aa) To negotiate a fee-in-lieu with the owners of the
1063 project.

1064 (bb) To enter into contractual agreements to warrant
1065 any site work for a project defined in Section 57-75-5(f) (iv)1;
1066 provided, however, that the aggregate amount of such warranties
1067 shall not exceed Fifteen Million Dollars (\$15,000,000.00).

1068 (cc) To provide grant funds to an enterprise operating
1069 a project defined in Section 57-75-5(f) (iv)1 in an amount not to
1070 exceed Thirty-nine Million Dollars (\$39,000,000.00).

1071 (dd) (i) To own surface water transmission lines
1072 constructed with the proceeds of bonds issued pursuant to this act
1073 and in connection therewith to purchase and provide water to any
1074 project defined in Section 57-75-5(f) (iv) and to certificated
1075 water providers; and

1076 (ii) To lease such surface water transmission
1077 lines to a public agency or public utility to provide water to
1078 such project and to certificated water providers.



1079 (ee) To provide grant funds to an enterprise operating
1080 a project defined in Section 57-75-5(f) (v) or, in connection with
1081 a facility related to such a project, for job training, recruiting
1082 and infrastructure.

1083 (ff) To enter into negotiations with persons proposing
1084 projects defined in Section 57-75-5(f) (xi) and execute acquisition
1085 options and conduct planning, design and environmental impact
1086 studies with regard to such project.

1087 (gg) To establish such guidelines, rules and
1088 regulations as the authority may deem necessary and appropriate
1089 from time to time in its sole discretion, to promote the purposes
1090 of this act.

1091 (hh) In connection with projects defined in Section
1092 57-75-5(f) (ii):

1093 (i) To provide grant funds or loans to a public
1094 agency or an enterprise owning, leasing or operating a project
1095 defined in Section 57-75-5(f) (ii) in amounts not to exceed the
1096 amount authorized in Section 57-75-15(3) (b);

1097 (ii) To supervise the use of all such grant funds
1098 or loans; and

1099 (iii) To requisition money in the Mississippi
1100 Major Economic Impact Authority Revolving Loan Fund in connection
1101 with such loans.

1102 (ii) In connection with projects defined under Section
1103 57-75-5(f) (xiv):



1104 (i) To provide grant funds or loans to an
1105 enterprise owning, leasing or operating a project defined in
1106 Section 57-75-5(f)(xiv); however, the aggregate amount of any such
1107 loans under this paragraph (ii) shall not exceed Eighteen Million
1108 Dollars (\$18,000,000.00) and the aggregate amount of any such
1109 grants under this paragraph (ii) shall not exceed Six Million
1110 Dollars (\$6,000,000.00);

1111 (ii) To supervise the use of all such grant funds
1112 or loans; and

1113 (iii) Notwithstanding any provision of this act to
1114 the contrary, such loans shall be for a term not to exceed twenty
1115 (20) years as may be determined by the authority, shall bear
1116 interest at such rates as may be determined by the authority,
1117 shall, in the sole discretion of the authority, be secured in an
1118 amount and a manner as may be determined by the authority.

1119 (jj) In connection with projects defined under Section
1120 57-75-5(f)(xviii):

1121 (i) To provide grant funds of Twenty-five Million
1122 Dollars (\$25,000,000.00) to an enterprise owning or operating a
1123 project defined in Section 57-75-5(f)(xviii) to be used for real
1124 estate improvements and which may be disbursed as determined by
1125 the authority;

1126 (ii) To provide loans to an enterprise owning or
1127 operating a project defined in Section 57-75-5(f)(xviii) or make



1128 payments to a lender providing financing to the enterprise;
1129 subject to the following provisions:

1130 1. Not more than Ten Million Dollars
1131 (\$10,000,000.00) may be loaned to such an enterprise for the
1132 purpose of defraying costs incurred by the enterprise for site
1133 preparation and real property improvements during the construction
1134 of the project in excess of budgeted costs; however, the amount of
1135 any such loan shall not exceed fifty percent (50%) of such excess
1136 costs;

1137 2. Not more than Sixty Million Dollars
1138 (\$60,000,000.00) may be loaned to such an enterprise or paid to a
1139 lender providing financing to the enterprise for purposes
1140 determined appropriate by the authority, and the enterprise shall
1141 be obligated to repay the amount of the loan or payment plus any
1142 expenses incurred by the state as a result of the issuance of
1143 bonds pursuant to Section 57-75-15(3) (p); however, no such loan or
1144 payment may be made before the beginning of the fifth year after
1145 issuance by the enterprise of debt in like amount the proceeds of
1146 which are to be used in connection with the project;

1147 (iii) To supervise the use of all such loan funds;

1148 (iv) Loans under this paragraph (jj) may be for
1149 any term determined appropriate by the authority provided that the
1150 payments on any loan must be in an amount sufficient to pay the
1151 state's debt service on bonds issued for the purpose of providing
1152 funds for such a loan; and



1153 (v) The repayment obligation of the enterprise for
1154 any loan or payment authorized under this paragraph (jj) shall, in
1155 the discretion of the authority, be secured in an amount and a
1156 manner as may be determined by the authority.

1157 (kk) In connection with projects defined in Section
1158 57-75-5(f)(xxi) or a facility related to such a project:

1159 (i) To provide grant funds to reimburse public
1160 agencies, Itawamba Community College, Northeast Mississippi
1161 Community College, and/or East Mississippi Community College,
1162 public or private nonprofits or an enterprise owning or operating
1163 a project as defined in Section 57-75-5(f)(xxi) for site
1164 preparation, real estate improvements, utilities, railroads,
1165 roads, infrastructure, job training, recruiting and any other
1166 expenses approved by the authority in amounts not to exceed the
1167 amount authorized in Section 57-75-15(3)(s);

1168 (ii) To supervise the use of all such grant funds
1169 so reimbursed; and

1170 (iii) To enter into contractual agreements to
1171 warrant site preparation and availability for a project defined in
1172 Section 57-75-5(f)(xxi).

1173 (ll) In connection with a project related to a Tier One
1174 supplier:

1175 (i) To provide grant funds to reimburse public
1176 agencies, public or private nonprofits and Tier One suppliers for
1177 site preparation, real estate improvements, utilities, railroads,



1178 roads, infrastructure, job training, recruiting and any other
1179 expenses approved by the authority in amounts not to exceed the
1180 amount authorized in Section 57-75-15(3) (t);

1181 (ii) To supervise the use of all such grant funds
1182 so reimbursed.

1183 (mm) In connection with projects defined in Section
1184 57-75-5(f) (xxii) or a facility related to such a project:

1185 (i) To provide grant funds to reimburse public
1186 agencies or an enterprise owning or operating a project as defined
1187 in Section 57-75-5(f) (xxii) for site preparation, real estate
1188 improvements, utilities, fire protection, wastewater, railroads,
1189 roads, infrastructure, job training, recruiting and any other
1190 expenses approved by the authority in amounts not to exceed the
1191 amount authorized in Section 57-75-15(3) (u); and

1192 (ii) To supervise the use of all such grant funds
1193 so reimbursed.

1194 (nn) It is the policy of the authority and the
1195 authority is authorized to accommodate and support any enterprise
1196 owning or operating a project defined in Section
1197 57-75-5(f) (xviii), 57-75-5(f) (xxi), 57-75-5(f) (xxii),
1198 57-75-5(f) (xxvi), 57-75-5(f) (xxvii) * * *, 57-75-5(f) (xxviii),
1199 57-75-5(f) (xxix) or 57-75-5(f) (xxx) or an enterprise developing or
1200 owning a project defined in Section 57-75-5(f) (xx), that wishes to
1201 have a program of diversity in contracting, and/or that wishes to
1202 do business with or cause its prime contractor to do business with



1203 Mississippi companies, including those companies that are small
1204 business concerns owned and controlled by socially and
1205 economically disadvantaged individuals. The term "socially and
1206 economically disadvantaged individuals" shall have the meaning
1207 ascribed to such term under Section 8(d) of the Small Business Act
1208 (15 USCS 637(d)) and relevant subcontracting regulations
1209 promulgated pursuant thereto; except that women shall be presumed
1210 to be socially and economically disadvantaged individuals for the
1211 purposes of this paragraph.

1212 (oo) To provide grant funds to an enterprise developing
1213 or owning a project defined in Section 57-75-5(f)(xx) for
1214 reimbursement of costs incurred by such enterprise for
1215 infrastructure improvements in the initial phase of development of
1216 the project, upon dedication of such improvements to the
1217 appropriate public agency.

1218 (pp) In connection with projects defined in Section
1219 57-75-5(f)(xxiii):

1220 (i) To provide grant funds to reimburse public
1221 agencies or an enterprise operating a project as defined in
1222 Section 57-75-5(f)(xxiii) for site preparation, utilities, real
1223 estate improvements, infrastructure, roads, public works, job
1224 training and any other expenses approved by the authority in
1225 amounts not to exceed the amount authorized in Section
1226 57-75-15(3)(v); and



1227 (ii) To supervise the use of all such grant funds
1228 so reimbursed.

1229 (qq) (i) To provide grant funds for the expansion of a
1230 publicly owned building for the project defined in Section
1231 57-75-5(f) (xxiv) or loans to an enterprise owning, leasing or
1232 operating a project defined in Section 57-75-5(f) (xxiv) for the
1233 purchase and/or relocation of equipment, or for any other purpose
1234 related to the project as approved by the authority; however, the
1235 aggregate amount of any such loans under this paragraph (qq) shall
1236 not exceed Six Million Dollars (\$6,000,000.00) and the aggregate
1237 amount of any such grants under this paragraph (qq) shall not
1238 exceed Seven Million Dollars (\$7,000,000.00);

1239 (ii) To supervise the use of all such grant funds
1240 or loans; and

1241 (iii) Notwithstanding any provision of this act to
1242 the contrary, such loans shall be for a term not to exceed ten
1243 (10) years as may be determined by the authority, shall bear a
1244 rate of interest to be determined by the authority, and shall be
1245 secured in an amount and a manner as may be determined by the
1246 authority.

1247 (rr) (i) To provide grant funds to an enterprise
1248 owning or operating a project defined in Section 57-75-5(f) (xxv)
1249 for reimbursement of costs incurred by the enterprise in
1250 reconfiguring the manufacturing plant and for the purchase of



1251 equipment, or for any other purpose related to the project as
1252 approved by the authority;

1253 (ii) To supervise the use of all such grant funds.

1254 (ss) In connection with projects defined under Section
1255 57-75-5(f) (xxvi):

1256 (i) To provide grant funds and/or loans to a
1257 public agency in an amount not to exceed Fifteen Million Dollars
1258 (\$15,000,000.00) for the construction of a publicly owned building
1259 to be leased by the enterprise owning or operating the project;

1260 (ii) To provide loan guarantees in an amount not
1261 to exceed the total cost of the project for which financing is
1262 sought or Twenty Million Dollars (\$20,000,000.00), whichever is
1263 less, for the purpose of encouraging the extension of conventional
1264 financing and the issuance of letters of credit to the enterprise
1265 owning or operating the project;

1266 (iii) In connection with any loan guarantee made
1267 pursuant to this paragraph, to make payments to lenders providing
1268 financing to the enterprise owning or operating the project and
1269 the enterprise shall be obligated to repay the amount of the
1270 payment plus any expenses incurred by the state as a result of the
1271 issuance of bonds pursuant to Section 57-75-15(3) (y);

1272 (iv) To supervise the use of all such grant funds,
1273 loan funds or payments; and

1274 (v) To require the enterprise owning or operating
1275 the project to provide security for the repayment obligation for



1276 any loan guarantee authorized under this paragraph in an amount
1277 and in a manner as may be determined by the authority.

1278 (tt) In connection with projects defined under Section
1279 57-75-5(f) (xxvii):

1280 (i) To provide loans to a public agency in an
1281 amount not to exceed Fifty Million Dollars (\$50,000,000.00) for
1282 the construction of a publicly owned building and acquisition of
1283 equipment to be leased by the enterprise owning or operating the
1284 project; and

1285 (ii) To supervise the use of all such loan funds.

1286 (uu) In connection with projects defined under Section
1287 57-75-5(f) (xxviii):

1288 (i) To provide grant funds to reimburse public
1289 agencies or an enterprise operating a project for site
1290 preparation, utilities, real estate purchase and improvements,
1291 infrastructure, roads, rail improvements, public works, job
1292 training and any other expenses approved by the authority in
1293 amounts not to exceed the amount authorized in Section

1294 57-75-15(3) (aa); * * *

1295 (ii) To supervise the use of all such grant funds
1296 so reimbursed.

1297 (vv) In connection with projects defined under Section
1298 57-75-5(f) (xxix):

1299 (i) To provide grant funds to reimburse or
1300 otherwise defray the costs incurred by public agencies or an



1301 enterprise operating a project for site preparation, utilities,
1302 real estate purchases, purchase options and improvements,
1303 infrastructure, roads, rail improvements, public works, buildings
1304 and fixtures, job recruitment and training, as well as planning,
1305 design, environmental mitigation and environmental impact studies
1306 with respect to a project, and any other purposes approved by the
1307 authority in amounts not to exceed the amount authorized in
1308 Section 57-75-15(3) (bb);

1309 (ii) To provide loans to public agencies for site
1310 preparation, utilities, real estate purchases, purchase options
1311 and improvements, infrastructure, roads, rail improvements, public
1312 works, buildings and fixtures, job recruiting and training, as
1313 well as planning, design, environmental mitigation and
1314 environmental impact studies with respect to a project, and any
1315 other purposes approved by the authority in amounts not to exceed
1316 the amount authorized in Section 57-75-15(3) (bb);

1317 (iii) To supervise the use of all such grant funds
1318 so reimbursed and/or loans so made; and

1319 (iv) To the extent that the authority enters into
1320 any construction or similar contract for site preparation work or
1321 for the construction of any improvements on a project site, to
1322 assign or otherwise transfer to an enterprise or affiliate thereof
1323 that owns or operates such a project on such project site any and
1324 all contractual, express or implied warranties of any kind arising
1325 from such contract or work performed or materials purchased in



1326 connection therewith, and cause any such contract to contain terms
1327 and provisions designating such enterprise as a third-party
1328 beneficiary under the contract.

1329 (ww) In connection with projects defined under Section
1330 57-75-5(f) (xxx):

1331 (i) To provide grant funds to reimburse or
1332 otherwise defray the costs incurred by public agencies or an
1333 enterprise operating a project for public infrastructure needs,
1334 site preparation, building improvements, purchase of launch
1335 systems, recruitment of employees to fill new full-time jobs,
1336 providing internal company training and train prospective, new and
1337 existing employees of the enterprise associated with the project,
1338 including training of company employees who will utilize such
1339 instruction to teach other prospective, new and existing employees
1340 of the company and other workforce expenses and any other expenses
1341 approved by the authority in amounts not to exceed the amount
1342 authorized in Section 57-75-15(3) (cc); and

1343 (ii) To supervise the use of all such grant funds
1344 so reimbursed.

1345 (* * *xx) (i) In addition to any other requirements
1346 or conditions under this chapter, the authority shall require that
1347 any application for assistance regarding a project under this
1348 chapter include, at a minimum:



1349 1. A two-year business plan (which shall
1350 include pro forma balance sheets, income statements and monthly
1351 cash flow statements);

1352 2. Financial statements or tax returns for
1353 the three (3) years immediately prior to the application (if the
1354 project is a new company or enterprise, personal financial
1355 statements or tax returns will be required);

1356 3. Credit reports on all persons or entities
1357 with a twenty percent (20%) or greater interest in the project;

1358 4. Data supporting the expertise of the
1359 project's principals;

1360 5. A cost-benefit analysis of the project
1361 performed by a state institution of higher learning or other
1362 entity selected by the authority; and

1363 6. Any other information required by the
1364 authority.

1365 (ii) The authority shall require that binding
1366 commitments be entered into requiring that:

1367 1. The applicable minimum requirements of
1368 this chapter and such other requirements as the authority
1369 considers proper shall be met; and

1370 2. If the agreed upon commitments are not
1371 met, all or a portion of the funds provided under this chapter as
1372 determined by the authority shall be repaid.



1373 (iii) Where appropriate, in the discretion of the
1374 authority, the authority shall acquire a security interest in or
1375 other lien upon any applicable collateral.

1376 (iv) The provisions of this paragraph (* * *xx)
1377 shall not apply to a project defined in Section 57-75-5(f)(xxiii).

1378 **SECTION 4.** Section 57-75-15, Mississippi Code of 1972, is
1379 amended as follows:

1380 **[Through June 30, 2018, this section shall read as follows:]**

1381 57-75-15. (1) Upon notification to the authority by the
1382 enterprise that the state has been finally selected as the site
1383 for the project, the State Bond Commission shall have the power
1384 and is hereby authorized and directed, upon receipt of a
1385 declaration from the authority as hereinafter provided, to borrow
1386 money and issue general obligation bonds of the state in one or
1387 more series for the purposes herein set out. Upon such
1388 notification, the authority may thereafter from time to time
1389 declare the necessity for the issuance of general obligation bonds
1390 as authorized by this section and forward such declaration to the
1391 State Bond Commission, provided that before such notification, the
1392 authority may enter into agreements with the United States
1393 government, private companies and others that will commit the
1394 authority to direct the State Bond Commission to issue bonds for
1395 eligible undertakings set out in subsection (4) of this section,
1396 conditioned on the siting of the project in the state.



1397 (2) Upon receipt of any such declaration from the authority,
1398 the State Bond Commission shall verify that the state has been
1399 selected as the site of the project and shall act as the issuing
1400 agent for the series of bonds directed to be issued in such
1401 declaration pursuant to authority granted in this section.

1402 (3) (a) Bonds issued under the authority of this section
1403 for projects as defined in Section 57-75-5(f)(i) shall not exceed
1404 an aggregate principal amount in the sum of Sixty-seven Million
1405 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

1406 (b) Bonds issued under the authority of this section
1407 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
1408 Sixty-three Million Dollars (\$63,000,000.00). The authority, with
1409 the express direction of the State Bond Commission, is authorized
1410 to expend any remaining proceeds of bonds issued under the
1411 authority of this act prior to January 1, 1998, for the purpose of
1412 financing projects as then defined in Section 57-75-5(f)(ii) or
1413 for any other projects as defined in Section 57-75-5(f)(ii), as it
1414 may be amended from time to time. No bonds shall be issued under
1415 this paragraph (b) until the State Bond Commission by resolution
1416 adopts a finding that the issuance of such bonds will improve,
1417 expand or otherwise enhance the military installation, its support
1418 areas or military operations, or will provide employment
1419 opportunities to replace those lost by closure or reductions in
1420 operations at the military installation or will support critical
1421 studies or investigations authorized by Section 57-75-5(f)(ii).



1422 (c) Bonds issued under the authority of this section
1423 for projects as defined in Section 57-75-5(f) (iii) shall not
1424 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
1425 issued under this paragraph after December 31, 1996.

1426 (d) Bonds issued under the authority of this section
1427 for projects defined in Section 57-75-5(f) (iv) shall not exceed
1428 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
1429 additional amount of bonds in an amount not to exceed Twelve
1430 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
1431 issued under the authority of this section for the purpose of
1432 defraying costs associated with the construction of surface water
1433 transmission lines for a project defined in Section 57-75-5(f) (iv)
1434 or for any facility related to the project. No bonds shall be
1435 issued under this paragraph after June 30, 2005.

1436 (e) Bonds issued under the authority of this section
1437 for projects defined in Section 57-75-5(f) (v) and for facilities
1438 related to such projects shall not exceed Thirty-eight Million
1439 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
1440 issued under this paragraph after April 1, 2005.

1441 (f) Bonds issued under the authority of this section
1442 for projects defined in Section 57-75-5(f) (vii) shall not exceed
1443 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1444 under this paragraph after June 30, 2006.

1445 (g) Bonds issued under the authority of this section
1446 for projects defined in Section 57-75-5(f) (viii) shall not exceed



1447 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
1448 bonds shall be issued under this paragraph after June 30, 2008.

1449 (h) Bonds issued under the authority of this section
1450 for projects defined in Section 57-75-5(f)(ix) shall not exceed
1451 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1452 under this paragraph after June 30, 2007.

1453 (i) Bonds issued under the authority of this section
1454 for projects defined in Section 57-75-5(f)(x) shall not exceed
1455 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1456 under this paragraph after April 1, 2005.

1457 (j) Bonds issued under the authority of this section
1458 for projects defined in Section 57-75-5(f)(xii) shall not exceed
1459 Thirty-three Million Dollars (\$33,000,000.00). The amount of
1460 bonds that may be issued under this paragraph for projects defined
1461 in Section 57-75-5(f)(xii) may be reduced by the amount of any
1462 federal or local funds made available for such projects. No bonds
1463 shall be issued under this paragraph until local governments in or
1464 near the county in which the project is located have irrevocably
1465 committed funds to the project in an amount of not less than Two
1466 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
1467 aggregate; however, this irrevocable commitment requirement may be
1468 waived by the authority upon a finding that due to the unforeseen
1469 circumstances created by Hurricane Katrina, the local governments
1470 are unable to comply with such commitment. No bonds shall be
1471 issued under this paragraph after June 30, 2008.



1472 (k) Bonds issued under the authority of this section
1473 for projects defined in Section 57-75-5(f) (xiii) shall not exceed
1474 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
1475 under this paragraph after June 30, 2009.

1476 (l) Bonds issued under the authority of this section
1477 for projects defined in Section 57-75-5(f) (xiv) shall not exceed
1478 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
1479 issued under this paragraph until local governments in the county
1480 in which the project is located have irrevocably committed funds
1481 to the project in an amount of not less than Two Million Dollars
1482 (\$2,000,000.00). No bonds shall be issued under this paragraph
1483 after June 30, 2009.

1484 (m) Bonds issued under the authority of this section
1485 for projects defined in Section 57-75-5(f) (xv) shall not exceed
1486 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
1487 issued under this paragraph after June 30, 2009.

1488 (n) Bonds issued under the authority of this section
1489 for projects defined in Section 57-75-5(f) (xvi) shall not exceed
1490 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
1491 under this paragraph after June 30, 2011.

1492 (o) Bonds issued under the authority of this section
1493 for projects defined in Section 57-75-5(f) (xvii) shall not exceed
1494 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
1495 bonds shall be issued under this paragraph after June 30, 2010.



1496 (p) Bonds issued under the authority of this section
1497 for projects defined in Section 57-75-5(f) (xviii) shall not exceed
1498 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
1499 issued under this paragraph after June 30, 2011.

1500 (q) Bonds issued under the authority of this section
1501 for projects defined in Section 57-75-5(f) (xix) shall not exceed
1502 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
1503 issued under this paragraph after June 30, 2012.

1504 (r) Bonds issued under the authority of this section
1505 for projects defined in Section 57-75-5(f) (xx) shall not exceed
1506 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
1507 issued under this paragraph after April 25, 2013.

1508 (s) Bonds issued under the authority of this section
1509 for projects defined in Section 57-75-5(f) (xxi) shall not exceed
1510 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
1511 (\$293,900,000.00). No bonds shall be issued under this paragraph
1512 after July 1, 2020.

1513 (t) Bonds issued under the authority of this section
1514 for Tier One suppliers shall not exceed Thirty Million Dollars
1515 (\$30,000,000.00). No bonds shall be issued under this paragraph
1516 after July 1, 2020.

1517 (u) Bonds issued under the authority of this section
1518 for projects defined in Section 57-75-5(f) (xxii) shall not exceed
1519 Forty-eight Million Four Hundred Thousand Dollars



1520 (\$48,400,000.00). No bonds shall be issued under this paragraph
1521 after July 1, 2020.

1522 (v) Bonds issued under the authority of this section
1523 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed
1524 Eighty-eight Million Two Hundred Fifty Thousand Dollars
1525 (\$88,250,000.00). No bonds shall be issued under this paragraph
1526 after July 1, 2009.

1527 (w) Bonds issued under the authority of this section
1528 for projects defined in Section 57-75-5(f)(xxiv) shall not exceed
1529 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
1530 issued under this paragraph after July 1, 2020.

1531 (x) Bonds issued under the authority of this section
1532 for projects defined in Section 57-75-5(f)(xxv) shall not exceed
1533 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
1534 issued under this paragraph after July 1, 2017.

1535 (y) Bonds issued under the authority of this section
1536 for projects defined in Section 57-75-5(f)(xxvi) shall not exceed
1537 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
1538 No bonds shall be issued under this paragraph after July 1, 2021.

1539 (z) Bonds issued under the authority of this section
1540 for projects defined in Section 57-75-5(f)(xxvii) shall not exceed
1541 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
1542 under this paragraph after April 25, 2013.

1543 (aa) Bonds issued under the authority of this section
1544 for projects defined in Section 57-75-5(f)(xxviii) shall not



1545 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
1546 bonds shall be issued under this paragraph after July 1, 2023.

1547 (bb) Bonds issued under the authority of this section
1548 for projects defined in Section 57-75-5(f)(xxix) shall not exceed
1549 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No
1550 bonds shall be issued under this paragraph after July 1, 2034.

1551 (cc) Bonds issued under the authority of this section
1552 for projects defined in Section 57-75-5(f)(xxx) shall not exceed
1553 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued
1554 under this paragraph after July 1, 2025.

1555 (4) (a) The proceeds from the sale of the bonds issued
1556 under this section may be applied for the following purposes:

1557 (i) Defraying all or any designated portion of the
1558 costs incurred with respect to acquisition, planning, design,
1559 construction, installation, rehabilitation, improvement,
1560 relocation and with respect to state-owned property, operation and
1561 maintenance of the project and any facility related to the project
1562 located within the project area, including costs of design and
1563 engineering, all costs incurred to provide land, easements and
1564 rights-of-way, relocation costs with respect to the project and
1565 with respect to any facility related to the project located within
1566 the project area, and costs associated with mitigation of
1567 environmental impacts and environmental impact studies;

1568 (ii) Defraying the cost of providing for the
1569 recruitment, screening, selection, training or retraining of



1570 employees, candidates for employment or replacement employees of
1571 the project and any related activity;

1572 (iii) Reimbursing the Mississippi Development
1573 Authority for expenses it incurred in regard to projects defined
1574 in Section 57-75-5(f) (iv) prior to November 6, 2000. The
1575 Mississippi Development Authority shall submit an itemized list of
1576 expenses it incurred in regard to such projects to the Chairmen of
1577 the Finance and Appropriations Committees of the Senate and the
1578 Chairmen of the Ways and Means and Appropriations Committees of
1579 the House of Representatives;

1580 (iv) Providing grants to enterprises operating
1581 projects defined in Section 57-75-5(f) (iv)1;

1582 (v) Paying any warranty made by the authority
1583 regarding site work for a project defined in Section
1584 57-75-5(f) (iv)1;

1585 (vi) Defraying the cost of marketing and promotion
1586 of a project as defined in Section 57-75-5(f) (iv)1, Section
1587 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii). The authority shall
1588 submit an itemized list of costs incurred for marketing and
1589 promotion of such project to the Chairmen of the Finance and
1590 Appropriations Committees of the Senate and the Chairmen of the
1591 Ways and Means and Appropriations Committees of the House of
1592 Representatives;

1593 (vii) Providing for the payment of interest on the
1594 bonds;



1595 (viii) Providing debt service reserves;

1596 (ix) Paying underwriters' discount, original issue
1597 discount, accountants' fees, engineers' fees, attorneys' fees,
1598 rating agency fees and other fees and expenses in connection with
1599 the issuance of the bonds;

1600 (x) For purposes authorized in paragraphs (b),
1601 (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this
1602 subsection (4);

1603 (xi) Providing grants to enterprises operating
1604 projects defined in Section 57-75-5(f) (v), or, in connection with
1605 a facility related to such a project, for any purposes deemed by
1606 the authority in its sole discretion to be necessary and
1607 appropriate;

1608 (xii) Providing grant funds or loans to a public
1609 agency or an enterprise owning, leasing or operating a project
1610 defined in Section 57-75-5(f) (ii);

1611 (xiii) Providing grant funds or loans to an
1612 enterprise owning, leasing or operating a project defined in
1613 Section 57-75-5(f) (xiv);

1614 (xiv) Providing grants, loans and payments to or
1615 for the benefit of an enterprise owning or operating a project
1616 defined in Section 57-75-5(f) (xviii);

1617 (xv) Purchasing equipment for a project defined in
1618 Section 57-75-5(f) (viii) subject to such terms and conditions as
1619 the authority considers necessary and appropriate;



1620 (xvi) Providing grant funds to an enterprise
1621 developing or owning a project defined in Section 57-75-5(f)(xx);
1622 (xvii) Providing grants and loans for projects as
1623 authorized in Section 57-75-11(kk), (ll), (mm) * * *, (uu), (vv)
1624 or, in connection with a facility related to such a project, for
1625 any purposes deemed by the authority in its sole discretion to be
1626 necessary and appropriate;

1627 (xviii) Providing grants for projects as
1628 authorized in Section 57-75-11(pp) for any purposes deemed by the
1629 authority in its sole discretion to be necessary and appropriate;

1630 (xix) Providing grants and loans for projects as
1631 authorized in Section 57-75-11(qq);

1632 (xx) Providing grants for projects as authorized
1633 in Section 57-75-11(rr);

1634 (xxi) Providing grants, loans and payments as
1635 authorized in Section 57-75-11(ss); * * *

1636 (xxii) Providing grants and loans as authorized in
1637 Section 57-75-11(tt) * * *; and

1638 (xxiii) Providing grants as authorized in Section
1639 57-75-11(wv) for any purposes deemed by the authority in its sole
1640 discretion to be necessary and appropriate.

1641 Such bonds shall be issued from time to time and in such
1642 principal amounts as shall be designated by the authority, not to
1643 exceed in aggregate principal amounts the amount authorized in
1644 subsection (3) of this section. Proceeds from the sale of the



1645 bonds issued under this section may be invested, subject to
1646 federal limitations, pending their use, in such securities as may
1647 be specified in the resolution authorizing the issuance of the
1648 bonds or the trust indenture securing them, and the earning on
1649 such investment applied as provided in such resolution or trust
1650 indenture.

1651 (b) (i) The proceeds of bonds issued after June 21,
1652 2002, under this section for projects described in Section
1653 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1654 necessary costs incurred by the Mississippi Development Authority
1655 in providing assistance related to a project for which funding is
1656 provided from the use of proceeds of such bonds. The Mississippi
1657 Development Authority shall maintain an accounting of actual costs
1658 incurred for each project for which reimbursements are sought.
1659 Reimbursements under this paragraph (b) (i) shall not exceed Three
1660 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
1661 Reimbursements under this paragraph (b) (i) shall satisfy any
1662 applicable federal tax law requirements.

1663 (ii) The proceeds of bonds issued after June 21,
1664 2002, under this section for projects described in Section
1665 57-75-5(f) (iv) may be used to reimburse reasonable actual and
1666 necessary costs incurred by the Department of Audit in providing
1667 services related to a project for which funding is provided from
1668 the use of proceeds of such bonds. The Department of Audit shall
1669 maintain an accounting of actual costs incurred for each project



1670 for which reimbursements are sought. The Department of Audit may
1671 escalate its budget and expend such funds in accordance with rules
1672 and regulations of the Department of Finance and Administration in
1673 a manner consistent with the escalation of federal funds.
1674 Reimbursements under this paragraph (b) (ii) shall not exceed One
1675 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
1676 Reimbursements under this paragraph (b) (ii) shall satisfy any
1677 applicable federal tax law requirements.

1678 (c) (i) Except as otherwise provided in this
1679 subsection, the proceeds of bonds issued under this section for
1680 * * * a project described in Section 57-75-5(f) * * * may be used
1681 to reimburse reasonable actual and necessary costs incurred by the
1682 Mississippi Development Authority in providing assistance related
1683 to * * * the project for which funding is provided for the use of
1684 proceeds of such bonds. The Mississippi Development Authority
1685 shall maintain an accounting of actual costs incurred for each
1686 project for which reimbursements are sought. Reimbursements under
1687 this paragraph shall not exceed Twenty-five Thousand Dollars
1688 (\$25,000.00) * * * for each project.

1689 (ii) Except as otherwise provided in this
1690 subsection, the proceeds of bonds issued under this section for
1691 * * * a project described in Section 57-75-5(f) * * * may be used
1692 to reimburse reasonable actual and necessary costs incurred by the
1693 Department of Audit in providing services related to * * * the
1694 project for which funding is provided from the use of proceeds of



1695 such bonds. The Department of Audit shall maintain an accounting
1696 of actual costs incurred for each project for which reimbursements
1697 are sought. The Department of Audit may escalate its budget and
1698 expend such funds in accordance with rules and regulations of the
1699 Department of Finance and Administration in a manner consistent
1700 with the escalation of federal funds. Reimbursements under this
1701 paragraph shall not exceed Twenty-five Thousand Dollars
1702 (\$25,000.00) * * * for each project. Reimbursements under this
1703 paragraph shall satisfy any applicable federal tax law
1704 requirements.

1705 * * *

1706 (5) The principal of and the interest on the bonds shall be
1707 payable in the manner hereinafter set forth. The bonds shall bear
1708 date or dates; be in such denomination or denominations; bear
1709 interest at such rate or rates; be payable at such place or places
1710 within or without the state; mature absolutely at such time or
1711 times; be redeemable before maturity at such time or times and
1712 upon such terms, with or without premium; bear such registration
1713 privileges; and be substantially in such form; all as shall be
1714 determined by resolution of the State Bond Commission except that
1715 such bonds shall mature or otherwise be retired in annual
1716 installments beginning not more than five (5) years from the date
1717 thereof and extending not more than twenty-five (25) years from
1718 the date thereof. The bonds shall be signed by the Chairman of
1719 the State Bond Commission, or by his facsimile signature, and the



1720 official seal of the State Bond Commission shall be imprinted on
1721 or affixed thereto, attested by the manual or facsimile signature
1722 of the Secretary of the State Bond Commission. Whenever any such
1723 bonds have been signed by the officials herein designated to sign
1724 the bonds, who were in office at the time of such signing but who
1725 may have ceased to be such officers before the sale and delivery
1726 of such bonds, or who may not have been in office on the date such
1727 bonds may bear, the signatures of such officers upon such bonds
1728 shall nevertheless be valid and sufficient for all purposes and
1729 have the same effect as if the person so officially signing such
1730 bonds had remained in office until the delivery of the same to the
1731 purchaser, or had been in office on the date such bonds may bear.

1732 (6) All bonds issued under the provisions of this section
1733 shall be and are hereby declared to have all the qualities and
1734 incidents of negotiable instruments under the provisions of the
1735 Uniform Commercial Code and in exercising the powers granted by
1736 this chapter, the State Bond Commission shall not be required to
1737 and need not comply with the provisions of the Uniform Commercial
1738 Code.

1739 (7) The State Bond Commission shall act as issuing agent for
1740 the bonds, prescribe the form of the bonds, determine the
1741 appropriate method for sale of the bonds, advertise for and accept
1742 bids or negotiate the sale of the bonds, issue and sell the bonds,
1743 pay all fees and costs incurred in such issuance and sale, and do
1744 any and all other things necessary and advisable in connection



1745 with the issuance and sale of the bonds. The State Bond
1746 Commission may sell such bonds on sealed bids at public sale or
1747 may negotiate the sale of the bonds for such price as it may
1748 determine to be for the best interest of the State of Mississippi.
1749 The bonds shall bear interest at such rate or rates not exceeding
1750 the limits set forth in Section 75-17-101 as shall be fixed by the
1751 State Bond Commission. All interest accruing on such bonds so
1752 issued shall be payable semiannually or annually.

1753 If the bonds are to be sold on sealed bids at public sale,
1754 notice of the sale of any bonds shall be published at least one
1755 time, the first of which shall be made not less than ten (10) days
1756 prior to the date of sale, and shall be so published in one or
1757 more newspapers having a general circulation in the City of
1758 Jackson, Mississippi, selected by the State Bond Commission.

1759 The State Bond Commission, when issuing any bonds under the
1760 authority of this section, may provide that the bonds, at the
1761 option of the state, may be called in for payment and redemption
1762 at the call price named therein and accrued interest on such date
1763 or dates named therein.

1764 (8) State bonds issued under the provisions of this section
1765 shall be the general obligations of the state and backed by the
1766 full faith and credit of the state. The Legislature shall
1767 appropriate annually an amount sufficient to pay the principal of
1768 and the interest on such bonds as they become due. All bonds



1769 shall contain recitals on their faces substantially covering the
1770 foregoing provisions of this section.

1771 (9) The State Treasurer is authorized to certify to the
1772 Department of Finance and Administration the necessity for
1773 warrants, and the Department of Finance and Administration is
1774 authorized and directed to issue such warrants payable out of any
1775 funds appropriated by the Legislature under this section for such
1776 purpose, in such amounts as may be necessary to pay when due the
1777 principal of and interest on all bonds issued under the provisions
1778 of this section. The State Treasurer shall forward the necessary
1779 amount to the designated place or places of payment of such bonds
1780 in ample time to discharge such bonds, or the interest thereon, on
1781 the due dates thereof.

1782 (10) The bonds may be issued without any other proceedings
1783 or the happening of any other conditions or things other than
1784 those proceedings, conditions and things which are specified or
1785 required by this chapter. Any resolution providing for the
1786 issuance of general obligation bonds under the provisions of this
1787 section shall become effective immediately upon its adoption by
1788 the State Bond Commission, and any such resolution may be adopted
1789 at any regular or special meeting of the State Bond Commission by
1790 a majority of its members.

1791 (11) In anticipation of the issuance of bonds hereunder, the
1792 State Bond Commission is authorized to negotiate and enter into
1793 any purchase, loan, credit or other agreement with any bank, trust



1794 company or other lending institution or to issue and sell interim
1795 notes for the purpose of making any payments authorized under this
1796 section. All borrowings made under this provision shall be
1797 evidenced by notes of the state which shall be issued from time to
1798 time, for such amounts not exceeding the amount of bonds
1799 authorized herein, in such form and in such denomination and
1800 subject to such terms and conditions of sale and issuance,
1801 prepayment or redemption and maturity, rate or rates of interest
1802 not to exceed the maximum rate authorized herein for bonds, and
1803 time of payment of interest as the State Bond Commission shall
1804 agree to in such agreement. Such notes shall constitute general
1805 obligations of the state and shall be backed by the full faith and
1806 credit of the state. Such notes may also be issued for the
1807 purpose of refunding previously issued notes. No note shall
1808 mature more than three (3) years following the date of its
1809 issuance. The State Bond Commission is authorized to provide for
1810 the compensation of any purchaser of the notes by payment of a
1811 fixed fee or commission and for all other costs and expenses of
1812 issuance and service, including paying agent costs. Such costs
1813 and expenses may be paid from the proceeds of the notes.

1814 (12) The bonds and interim notes authorized under the
1815 authority of this section may be validated in the Chancery Court
1816 of the First Judicial District of Hinds County, Mississippi, in
1817 the manner and with the force and effect provided now or hereafter
1818 by Chapter 13, Title 31, Mississippi Code of 1972, for the



1819 validation of county, municipal, school district and other bonds.
1820 The necessary papers for such validation proceedings shall be
1821 transmitted to the State Bond Attorney, and the required notice
1822 shall be published in a newspaper published in the City of
1823 Jackson, Mississippi.

1824 (13) Any bonds or interim notes issued under the provisions
1825 of this chapter, a transaction relating to the sale or securing of
1826 such bonds or interim notes, their transfer and the income
1827 therefrom shall at all times be free from taxation by the state or
1828 any local unit or political subdivision or other instrumentality
1829 of the state, excepting inheritance and gift taxes.

1830 (14) All bonds issued under this chapter shall be legal
1831 investments for trustees, other fiduciaries, savings banks, trust
1832 companies and insurance companies organized under the laws of the
1833 State of Mississippi; and such bonds shall be legal securities
1834 which may be deposited with and shall be received by all public
1835 officers and bodies of the state and all municipalities and other
1836 political subdivisions thereof for the purpose of securing the
1837 deposit of public funds.

1838 (15) The Attorney General of the State of Mississippi shall
1839 represent the State Bond Commission in issuing, selling and
1840 validating bonds herein provided for, and the Bond Commission is
1841 hereby authorized and empowered to expend from the proceeds
1842 derived from the sale of the bonds authorized hereunder all



1843 necessary administrative, legal and other expenses incidental and
1844 related to the issuance of bonds authorized under this chapter.

1845 (16) There is hereby created a special fund in the State
1846 Treasury to be known as the Mississippi Major Economic Impact
1847 Authority Fund wherein shall be deposited the proceeds of the
1848 bonds issued under this chapter and all monies received by the
1849 authority to carry out the purposes of this chapter. Expenditures
1850 authorized herein shall be paid by the State Treasurer upon
1851 warrants drawn from the fund, and the Department of Finance and
1852 Administration shall issue warrants upon requisitions signed by
1853 the director of the authority.

1854 (17) (a) There is hereby created the Mississippi Economic
1855 Impact Authority Sinking Fund from which the principal of and
1856 interest on such bonds shall be paid by appropriation. All monies
1857 paid into the sinking fund not appropriated to pay accruing bonds
1858 and interest shall be invested by the State Treasurer in such
1859 securities as are provided by law for the investment of the
1860 sinking funds of the state.

1861 (b) In the event that all or any part of the bonds and
1862 notes are purchased, they shall be cancelled and returned to the
1863 loan and transfer agent as cancelled and paid bonds and notes and
1864 thereafter all payments of interest thereon shall cease and the
1865 cancelled bonds, notes and coupons, together with any other
1866 cancelled bonds, notes and coupons, shall be destroyed as promptly
1867 as possible after cancellation but not later than two (2) years



1868 after cancellation. A certificate evidencing the destruction of
1869 the cancelled bonds, notes and coupons shall be provided by the
1870 loan and transfer agent to the seller.

1871 (c) The State Treasurer shall determine and report to
1872 the Department of Finance and Administration and Legislative
1873 Budget Office by September 1 of each year the amount of money
1874 necessary for the payment of the principal of and interest on
1875 outstanding obligations for the following fiscal year and the
1876 times and amounts of the payments. It shall be the duty of the
1877 Governor to include in every executive budget submitted to the
1878 Legislature full information relating to the issuance of bonds and
1879 notes under the provisions of this chapter and the status of the
1880 sinking fund for the payment of the principal of and interest on
1881 the bonds and notes.

1882 (d) Any monies repaid to the state from loans
1883 authorized in Section 57-75-11(hh) shall be deposited into the
1884 Mississippi Major Economic Impact Authority Sinking Fund unless
1885 the State Bond Commission, at the request of the authority, shall
1886 determine that such loan repayments are needed to provide
1887 additional loans as authorized under Section 57-75-11(hh). For
1888 purposes of providing additional loans, there is hereby created
1889 the Mississippi Major Economic Impact Authority Revolving Loan
1890 Fund and loan repayments shall be deposited into the fund. The
1891 fund shall be maintained for such period as determined by the
1892 State Bond Commission for the sole purpose of making additional



1893 loans as authorized by Section 57-75-11(hh). Unexpended amounts
1894 remaining in the fund at the end of a fiscal year shall not lapse
1895 into the State General Fund and any interest earned on amounts in
1896 such fund shall be deposited to the credit of the fund.

1897 (e) Any monies repaid to the state from loans
1898 authorized in Section 57-75-11(ii) shall be deposited into the
1899 Mississippi Major Economic Impact Authority Sinking Fund.

1900 (f) Any monies repaid to the state from loans
1901 authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall
1902 be deposited into the Mississippi Major Economic Impact Authority
1903 Sinking Fund.

1904 (18) (a) Upon receipt of a declaration by the authority
1905 that it has determined that the state is a potential site for a
1906 project, the State Bond Commission is authorized and directed to
1907 authorize the State Treasurer to borrow money from any special
1908 fund in the State Treasury not otherwise appropriated to be
1909 utilized by the authority for the purposes provided for in this
1910 subsection.

1911 (b) The proceeds of the money borrowed under this
1912 subsection may be utilized by the authority for the purpose of
1913 defraying all or a portion of the costs incurred by the authority
1914 with respect to acquisition options and planning, design and
1915 environmental impact studies with respect to a project defined in
1916 Section 57-75-5(f) (xi) or Section 57-75-5(f) (xxix). The authority
1917 may escalate its budget and expend the proceeds of the money



1918 borrowed under this subsection in accordance with rules and
1919 regulations of the Department of Finance and Administration in a
1920 manner consistent with the escalation of federal funds.

1921 (c) The authority shall request an appropriation or
1922 additional authority to issue general obligation bonds to repay
1923 the borrowed funds and establish a date for the repayment of the
1924 funds so borrowed.

1925 (d) Borrowings made under the provisions of this
1926 subsection shall not exceed Five Hundred Thousand Dollars
1927 (\$500,000.00) at any one time.

1928 **[From and after July 1, 2018, this section shall read as**
1929 **follows:]**

1930 57-75-15. (1) Upon notification to the authority by the
1931 enterprise that the state has been finally selected as the site
1932 for the project, the State Bond Commission shall have the power
1933 and is hereby authorized and directed, upon receipt of a
1934 declaration from the authority as hereinafter provided, to borrow
1935 money and issue general obligation bonds of the state in one or
1936 more series for the purposes herein set out. Upon such
1937 notification, the authority may thereafter from time to time
1938 declare the necessity for the issuance of general obligation bonds
1939 as authorized by this section and forward such declaration to the
1940 State Bond Commission, provided that before such notification, the
1941 authority may enter into agreements with the United States
1942 government, private companies and others that will commit the



1943 authority to direct the State Bond Commission to issue bonds for
1944 eligible undertakings set out in subsection (4) of this section,
1945 conditioned on the siting of the project in the state.

1946 (2) Upon receipt of any such declaration from the authority,
1947 the State Bond Commission shall verify that the state has been
1948 selected as the site of the project and shall act as the issuing
1949 agent for the series of bonds directed to be issued in such
1950 declaration pursuant to authority granted in this section.

1951 (3) (a) Bonds issued under the authority of this section
1952 for projects as defined in Section 57-75-5(f)(i) shall not exceed
1953 an aggregate principal amount in the sum of Sixty-seven Million
1954 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

1955 (b) Bonds issued under the authority of this section
1956 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
1957 Sixty-three Million Dollars (\$63,000,000.00). The authority, with
1958 the express direction of the State Bond Commission, is authorized
1959 to expend any remaining proceeds of bonds issued under the
1960 authority of this act prior to January 1, 1998, for the purpose of
1961 financing projects as then defined in Section 57-75-5(f)(ii) or
1962 for any other projects as defined in Section 57-75-5(f)(ii), as it
1963 may be amended from time to time. No bonds shall be issued under
1964 this paragraph (b) until the State Bond Commission by resolution
1965 adopts a finding that the issuance of such bonds will improve,
1966 expand or otherwise enhance the military installation, its support
1967 areas or military operations, or will provide employment



1968 opportunities to replace those lost by closure or reductions in
1969 operations at the military installation or will support critical
1970 studies or investigations authorized by Section 57-75-5(f)(ii).

1971 (c) Bonds issued under the authority of this section
1972 for projects as defined in Section 57-75-5(f)(iii) shall not
1973 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
1974 issued under this paragraph after December 31, 1996.

1975 (d) Bonds issued under the authority of this section
1976 for projects defined in Section 57-75-5(f)(iv) shall not exceed
1977 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
1978 additional amount of bonds in an amount not to exceed Twelve
1979 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
1980 issued under the authority of this section for the purpose of
1981 defraying costs associated with the construction of surface water
1982 transmission lines for a project defined in Section 57-75-5(f)(iv)
1983 or for any facility related to the project. No bonds shall be
1984 issued under this paragraph after June 30, 2005.

1985 (e) Bonds issued under the authority of this section
1986 for projects defined in Section 57-75-5(f)(v) and for facilities
1987 related to such projects shall not exceed Thirty-eight Million
1988 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
1989 issued under this paragraph after April 1, 2005.

1990 (f) Bonds issued under the authority of this section
1991 for projects defined in Section 57-75-5(f)(vii) shall not exceed



1992 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
1993 under this paragraph after June 30, 2006.

1994 (g) Bonds issued under the authority of this section
1995 for projects defined in Section 57-75-5(f)(viii) shall not exceed
1996 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
1997 bonds shall be issued under this paragraph after June 30, 2008.

1998 (h) Bonds issued under the authority of this section
1999 for projects defined in Section 57-75-5(f)(ix) shall not exceed
2000 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
2001 under this paragraph after June 30, 2007.

2002 (i) Bonds issued under the authority of this section
2003 for projects defined in Section 57-75-5(f)(x) shall not exceed
2004 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
2005 under this paragraph after April 1, 2005.

2006 (j) Bonds issued under the authority of this section
2007 for projects defined in Section 57-75-5(f)(xii) shall not exceed
2008 Thirty-three Million Dollars (\$33,000,000.00). The amount of
2009 bonds that may be issued under this paragraph for projects defined
2010 in Section 57-75-5(f)(xii) may be reduced by the amount of any
2011 federal or local funds made available for such projects. No bonds
2012 shall be issued under this paragraph until local governments in or
2013 near the county in which the project is located have irrevocably
2014 committed funds to the project in an amount of not less than Two
2015 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
2016 aggregate; however, this irrevocable commitment requirement may be



2017 waived by the authority upon a finding that due to the unforeseen
2018 circumstances created by Hurricane Katrina, the local governments
2019 are unable to comply with such commitment. No bonds shall be
2020 issued under this paragraph after June 30, 2008.

2021 (k) Bonds issued under the authority of this section
2022 for projects defined in Section 57-75-5(f)(xiii) shall not exceed
2023 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
2024 under this paragraph after June 30, 2009.

2025 (l) Bonds issued under the authority of this section
2026 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
2027 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
2028 issued under this paragraph until local governments in the county
2029 in which the project is located have irrevocably committed funds
2030 to the project in an amount of not less than Two Million Dollars
2031 (\$2,000,000.00). No bonds shall be issued under this paragraph
2032 after June 30, 2009.

2033 (m) Bonds issued under the authority of this section
2034 for projects defined in Section 57-75-5(f)(xv) shall not exceed
2035 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
2036 issued under this paragraph after June 30, 2009.

2037 (n) Bonds issued under the authority of this section
2038 for projects defined in Section 57-75-5(f)(xvi) shall not exceed
2039 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
2040 under this paragraph after June 30, 2011.



2041 (o) Bonds issued under the authority of this section
2042 for projects defined in Section 57-75-5(f) (xvii) shall not exceed
2043 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
2044 bonds shall be issued under this paragraph after June 30, 2010.

2045 (p) Bonds issued under the authority of this section
2046 for projects defined in Section 57-75-5(f) (xviii) shall not exceed
2047 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
2048 issued under this paragraph after June 30, 2016.

2049 (q) Bonds issued under the authority of this section
2050 for projects defined in Section 57-75-5(f) (xix) shall not exceed
2051 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
2052 issued under this paragraph after June 30, 2012.

2053 (r) Bonds issued under the authority of this section
2054 for projects defined in Section 57-75-5(f) (xx) shall not exceed
2055 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
2056 issued under this paragraph after April 25, 2013.

2057 (s) Bonds issued under the authority of this section
2058 for projects defined in Section 57-75-5(f) (xxi) shall not exceed
2059 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
2060 (\$293,900,000.00). No bonds shall be issued under this paragraph
2061 after July 1, 2020.

2062 (t) Bonds issued under the authority of this section
2063 for Tier One suppliers shall not exceed Thirty Million Dollars
2064 (\$30,000,000.00). No bonds shall be issued under this paragraph
2065 after July 1, 2020.



2066 (u) Bonds issued under the authority of this section
2067 for projects defined in Section 57-75-5(f) (xxii) shall not exceed
2068 Forty-eight Million Four Hundred Thousand Dollars
2069 (\$48,400,000.00). No bonds shall be issued under this paragraph
2070 after July 1, 2020.

2071 (v) Bonds issued under the authority of this section
2072 for projects defined in Section 57-75-5(f) (xxiii) shall not exceed
2073 Eighty-eight Million Two Hundred Fifty Thousand Dollars
2074 (\$88,250,000.00). No bonds shall be issued under this paragraph
2075 after July 1, 2009.

2076 (w) Bonds issued under the authority of this section
2077 for projects defined in Section 57-75-5(f) (xxiv) shall not exceed
2078 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
2079 issued under this paragraph after July 1, 2020.

2080 (x) Bonds issued under the authority of this section
2081 for projects defined in Section 57-75-5(f) (xxv) shall not exceed
2082 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
2083 issued under this paragraph after July 1, 2017.

2084 (y) Bonds issued under the authority of this section
2085 for projects defined in Section 57-75-5(f) (xxvi) shall not exceed
2086 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
2087 No bonds shall be issued under this paragraph after July 1, 2021.

2088 (z) Bonds issued under the authority of this section
2089 for projects defined in Section 57-75-5(f) (xxvii) shall not exceed



2090 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
2091 under this paragraph after April 25, 2013.

2092 (aa) Bonds issued under the authority of this section
2093 for projects defined in Section 57-75-5(f) (xxviii) shall not
2094 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
2095 bonds shall be issued under this paragraph after July 1, 2023.

2096 (bb) Bonds issued under the authority of this section
2097 for projects defined in Section 57-75-5(f) (xxix) shall not exceed
2098 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No
2099 bonds shall be issued under this paragraph after July 1, 2034.

2100 (cc) Bonds issued under the authority of this section
2101 for projects defined in Section 57-75-5(f) (xxx) shall not exceed
2102 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued
2103 under this paragraph after July 1, 2025.

2104 (4) (a) The proceeds from the sale of the bonds issued
2105 under this section may be applied for the following purposes:

2106 (i) Defraying all or any designated portion of the
2107 costs incurred with respect to acquisition, planning, design,
2108 construction, installation, rehabilitation, improvement,
2109 relocation and with respect to state-owned property, operation and
2110 maintenance of the project and any facility related to the project
2111 located within the project area, including costs of design and
2112 engineering, all costs incurred to provide land, easements and
2113 rights-of-way, relocation costs with respect to the project and
2114 with respect to any facility related to the project located within



2115 the project area, and costs associated with mitigation of
2116 environmental impacts and environmental impact studies;

2117 (ii) Defraying the cost of providing for the
2118 recruitment, screening, selection, training or retraining of
2119 employees, candidates for employment or replacement employees of
2120 the project and any related activity;

2121 (iii) Reimbursing the Mississippi Development
2122 Authority for expenses it incurred in regard to projects defined
2123 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
2124 Mississippi Development Authority shall submit an itemized list of
2125 expenses it incurred in regard to such projects to the Chairmen of
2126 the Finance and Appropriations Committees of the Senate and the
2127 Chairmen of the Ways and Means and Appropriations Committees of
2128 the House of Representatives;

2129 (iv) Providing grants to enterprises operating
2130 projects defined in Section 57-75-5(f)(iv)1;

2131 (v) Paying any warranty made by the authority
2132 regarding site work for a project defined in Section
2133 57-75-5(f)(iv)1;

2134 (vi) Defraying the cost of marketing and promotion
2135 of a project as defined in Section 57-75-5(f)(iv)1, Section
2136 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall
2137 submit an itemized list of costs incurred for marketing and
2138 promotion of such project to the Chairmen of the Finance and
2139 Appropriations Committees of the Senate and the Chairmen of the



2140 Ways and Means and Appropriations Committees of the House of
2141 Representatives;

2142 (vii) Providing for the payment of interest on the
2143 bonds;

2144 (viii) Providing debt service reserves;

2145 (ix) Paying underwriters' discount, original issue
2146 discount, accountants' fees, engineers' fees, attorneys' fees,
2147 rating agency fees and other fees and expenses in connection with
2148 the issuance of the bonds;

2149 (x) For purposes authorized in paragraphs (b),
2150 (c), (d), (e) and (f) of this subsection (4);

2151 (xi) Providing grants to enterprises operating
2152 projects defined in Section 57-75-5(f)(v), or, in connection with
2153 a facility related to such a project, for any purposes deemed by
2154 the authority in its sole discretion to be necessary and
2155 appropriate;

2156 (xii) Providing grant funds or loans to a public
2157 agency or an enterprise owning, leasing or operating a project
2158 defined in Section 57-75-5(f)(ii);

2159 (xiii) Providing grant funds or loans to an
2160 enterprise owning, leasing or operating a project defined in
2161 Section 57-75-5(f)(xiv);

2162 (xiv) Providing grants, loans and payments to or
2163 for the benefit of an enterprise owning or operating a project
2164 defined in Section 57-75-5(f)(xviii);



2165 (xv) Purchasing equipment for a project defined in
2166 Section 57-75-5(f)(viii) subject to such terms and conditions as
2167 the authority considers necessary and appropriate;

2168 (xvi) Providing grant funds to an enterprise
2169 developing or owning a project defined in Section 57-75-5(f)(xx);

2170 (xvii) Providing grants and loans for projects as
2171 authorized in Section 57-75-11(kk), (ll), (mm) * * *, (uu), (vv)
2172 or, in connection with a facility related to such a project, for
2173 any purposes deemed by the authority in its sole discretion to be
2174 necessary and appropriate;

2175 (xviii) Providing grants for projects as
2176 authorized in Section 57-75-11(pp) for any purposes deemed by the
2177 authority in its sole discretion to be necessary and appropriate;

2178 (xix) Providing grants and loans for projects as
2179 authorized in Section 57-75-11(qq);

2180 (xx) Providing grants for projects as authorized
2181 in Section 57-75-11(rr);

2182 (xxi) Providing grants, loans and payments as
2183 authorized in Section 57-75-11(ss); * * *

2184 (xxii) Providing loans as authorized in Section
2185 57-75-11(tt) * * *; and

2186 (xxiii) Providing grants as authorized in Section
2187 57-75-11(wv) for any purposes deemed by the authority in its sole
2188 discretion to be necessary and appropriate.



2189 Such bonds shall be issued from time to time and in such
2190 principal amounts as shall be designated by the authority, not to
2191 exceed in aggregate principal amounts the amount authorized in
2192 subsection (3) of this section. Proceeds from the sale of the
2193 bonds issued under this section may be invested, subject to
2194 federal limitations, pending their use, in such securities as may
2195 be specified in the resolution authorizing the issuance of the
2196 bonds or the trust indenture securing them, and the earning on
2197 such investment applied as provided in such resolution or trust
2198 indenture.

2199 (b) (i) The proceeds of bonds issued after June 21,
2200 2002, under this section for projects described in Section
2201 57-75-5(f) (iv) may be used to reimburse reasonable actual and
2202 necessary costs incurred by the Mississippi Development Authority
2203 in providing assistance related to a project for which funding is
2204 provided from the use of proceeds of such bonds. The Mississippi
2205 Development Authority shall maintain an accounting of actual costs
2206 incurred for each project for which reimbursements are sought.
2207 Reimbursements under this paragraph (b) (i) shall not exceed Three
2208 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
2209 Reimbursements under this paragraph (b) (i) shall satisfy any
2210 applicable federal tax law requirements.

2211 (ii) The proceeds of bonds issued after June 21,
2212 2002, under this section for projects described in Section
2213 57-75-5(f) (iv) may be used to reimburse reasonable actual and



2214 necessary costs incurred by the Department of Audit in providing
2215 services related to a project for which funding is provided from
2216 the use of proceeds of such bonds. The Department of Audit shall
2217 maintain an accounting of actual costs incurred for each project
2218 for which reimbursements are sought. The Department of Audit may
2219 escalate its budget and expend such funds in accordance with rules
2220 and regulations of the Department of Finance and Administration in
2221 a manner consistent with the escalation of federal funds.

2222 Reimbursements under this paragraph (b) (ii) shall not exceed One
2223 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

2224 Reimbursements under this paragraph (b) (ii) shall satisfy any
2225 applicable federal tax law requirements.

2226 (c) (i) Except as otherwise provided in this
2227 subsection, the proceeds of bonds issued under this section
2228 for * * * a project described in Section 57-75-5(f) * * * may be
2229 used to reimburse reasonable actual and necessary costs incurred
2230 by the Mississippi Development Authority in providing assistance
2231 related to * * * the project for which funding is provided for the
2232 use of proceeds of such bonds. The Mississippi Development
2233 Authority shall maintain an accounting of actual costs incurred
2234 for each project for which reimbursements are sought.

2235 Reimbursements under this paragraph shall not exceed Twenty-five
2236 Thousand Dollars (\$25,000.00) * * * for each project.

2237 (ii) Except as otherwise provided in this
2238 subsection, the proceeds of bonds issued under this section



2239 for * * * a project described in Section 57-75-5(f) * * * may be
2240 used to reimburse reasonable actual and necessary costs incurred
2241 by the Department of Audit in providing services related to * * *
2242 the project for which funding is provided from the use of proceeds
2243 of such bonds. The Department of Audit shall maintain an
2244 accounting of actual costs incurred for each project for which
2245 reimbursements are sought. The Department of Audit may escalate
2246 its budget and expend such funds in accordance with rules and
2247 regulations of the Department of Finance and Administration in a
2248 manner consistent with the escalation of federal funds.
2249 Reimbursements under this paragraph shall not exceed Twenty-five
2250 Thousand Dollars (\$25,000.00) * * * for each project.
2251 Reimbursements under this paragraph shall satisfy any applicable
2252 federal tax law requirements.

2253 * * *

2254 (5) The principal of and the interest on the bonds shall be
2255 payable in the manner hereinafter set forth. The bonds shall bear
2256 date or dates; be in such denomination or denominations; bear
2257 interest at such rate or rates; be payable at such place or places
2258 within or without the state; mature absolutely at such time or
2259 times; be redeemable before maturity at such time or times and
2260 upon such terms, with or without premium; bear such registration
2261 privileges; and be substantially in such form; all as shall be
2262 determined by resolution of the State Bond Commission except that
2263 such bonds shall mature or otherwise be retired in annual



2264 installments beginning not more than five (5) years from the date
2265 thereof and extending not more than twenty-five (25) years from
2266 the date thereof. The bonds shall be signed by the Chairman of
2267 the State Bond Commission, or by his facsimile signature, and the
2268 official seal of the State Bond Commission shall be imprinted on
2269 or affixed thereto, attested by the manual or facsimile signature
2270 of the Secretary of the State Bond Commission. Whenever any such
2271 bonds have been signed by the officials herein designated to sign
2272 the bonds, who were in office at the time of such signing but who
2273 may have ceased to be such officers before the sale and delivery
2274 of such bonds, or who may not have been in office on the date such
2275 bonds may bear, the signatures of such officers upon such bonds
2276 shall nevertheless be valid and sufficient for all purposes and
2277 have the same effect as if the person so officially signing such
2278 bonds had remained in office until the delivery of the same to the
2279 purchaser, or had been in office on the date such bonds may bear.

2280 (6) All bonds issued under the provisions of this section
2281 shall be and are hereby declared to have all the qualities and
2282 incidents of negotiable instruments under the provisions of the
2283 Uniform Commercial Code and in exercising the powers granted by
2284 this chapter, the State Bond Commission shall not be required to
2285 and need not comply with the provisions of the Uniform Commercial
2286 Code.

2287 (7) The State Bond Commission shall act as issuing agent for
2288 the bonds, prescribe the form of the bonds, advertise for and



2289 accept bids, issue and sell the bonds on sealed bids at public
2290 sale, pay all fees and costs incurred in such issuance and sale,
2291 and do any and all other things necessary and advisable in
2292 connection with the issuance and sale of the bonds. The State
2293 Bond Commission may sell such bonds on sealed bids at public sale
2294 for such price as it may determine to be for the best interest of
2295 the State of Mississippi, but no such sale shall be made at a
2296 price less than par plus accrued interest to date of delivery of
2297 the bonds to the purchaser. The bonds shall bear interest at such
2298 rate or rates not exceeding the limits set forth in Section
2299 75-17-101 as shall be fixed by the State Bond Commission. All
2300 interest accruing on such bonds so issued shall be payable
2301 semiannually or annually; provided that the first interest payment
2302 may be for any period of not more than one (1) year.

2303 Notice of the sale of any bonds shall be published at least
2304 one time, the first of which shall be made not less than ten (10)
2305 days prior to the date of sale, and shall be so published in one
2306 or more newspapers having a general circulation in the City of
2307 Jackson, Mississippi, selected by the State Bond Commission.

2308 The State Bond Commission, when issuing any bonds under the
2309 authority of this section, may provide that the bonds, at the
2310 option of the state, may be called in for payment and redemption
2311 at the call price named therein and accrued interest on such date
2312 or dates named therein.



2313 (8) State bonds issued under the provisions of this section
2314 shall be the general obligations of the state and backed by the
2315 full faith and credit of the state. The Legislature shall
2316 appropriate annually an amount sufficient to pay the principal of
2317 and the interest on such bonds as they become due. All bonds
2318 shall contain recitals on their faces substantially covering the
2319 foregoing provisions of this section.

2320 (9) The State Treasurer is authorized to certify to the
2321 Department of Finance and Administration the necessity for
2322 warrants, and the Department of Finance and Administration is
2323 authorized and directed to issue such warrants payable out of any
2324 funds appropriated by the Legislature under this section for such
2325 purpose, in such amounts as may be necessary to pay when due the
2326 principal of and interest on all bonds issued under the provisions
2327 of this section. The State Treasurer shall forward the necessary
2328 amount to the designated place or places of payment of such bonds
2329 in ample time to discharge such bonds, or the interest thereon, on
2330 the due dates thereof.

2331 (10) The bonds may be issued without any other proceedings
2332 or the happening of any other conditions or things other than
2333 those proceedings, conditions and things which are specified or
2334 required by this chapter. Any resolution providing for the
2335 issuance of general obligation bonds under the provisions of this
2336 section shall become effective immediately upon its adoption by
2337 the State Bond Commission, and any such resolution may be adopted



2338 at any regular or special meeting of the State Bond Commission by
2339 a majority of its members.

2340 (11) In anticipation of the issuance of bonds hereunder, the
2341 State Bond Commission is authorized to negotiate and enter into
2342 any purchase, loan, credit or other agreement with any bank, trust
2343 company or other lending institution or to issue and sell interim
2344 notes for the purpose of making any payments authorized under this
2345 section. All borrowings made under this provision shall be
2346 evidenced by notes of the state which shall be issued from time to
2347 time, for such amounts not exceeding the amount of bonds
2348 authorized herein, in such form and in such denomination and
2349 subject to such terms and conditions of sale and issuance,
2350 prepayment or redemption and maturity, rate or rates of interest
2351 not to exceed the maximum rate authorized herein for bonds, and
2352 time of payment of interest as the State Bond Commission shall
2353 agree to in such agreement. Such notes shall constitute general
2354 obligations of the state and shall be backed by the full faith and
2355 credit of the state. Such notes may also be issued for the
2356 purpose of refunding previously issued notes. No note shall
2357 mature more than three (3) years following the date of its
2358 issuance. The State Bond Commission is authorized to provide for
2359 the compensation of any purchaser of the notes by payment of a
2360 fixed fee or commission and for all other costs and expenses of
2361 issuance and service, including paying agent costs. Such costs
2362 and expenses may be paid from the proceeds of the notes.



2363 (12) The bonds and interim notes authorized under the
2364 authority of this section may be validated in the Chancery Court
2365 of the First Judicial District of Hinds County, Mississippi, in
2366 the manner and with the force and effect provided now or hereafter
2367 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2368 validation of county, municipal, school district and other bonds.
2369 The necessary papers for such validation proceedings shall be
2370 transmitted to the State Bond Attorney, and the required notice
2371 shall be published in a newspaper published in the City of
2372 Jackson, Mississippi.

2373 (13) Any bonds or interim notes issued under the provisions
2374 of this chapter, a transaction relating to the sale or securing of
2375 such bonds or interim notes, their transfer and the income
2376 therefrom shall at all times be free from taxation by the state or
2377 any local unit or political subdivision or other instrumentality
2378 of the state, excepting inheritance and gift taxes.

2379 (14) All bonds issued under this chapter shall be legal
2380 investments for trustees, other fiduciaries, savings banks, trust
2381 companies and insurance companies organized under the laws of the
2382 State of Mississippi; and such bonds shall be legal securities
2383 which may be deposited with and shall be received by all public
2384 officers and bodies of the state and all municipalities and other
2385 political subdivisions thereof for the purpose of securing the
2386 deposit of public funds.



2387 (15) The Attorney General of the State of Mississippi shall
2388 represent the State Bond Commission in issuing, selling and
2389 validating bonds herein provided for, and the Bond Commission is
2390 hereby authorized and empowered to expend from the proceeds
2391 derived from the sale of the bonds authorized hereunder all
2392 necessary administrative, legal and other expenses incidental and
2393 related to the issuance of bonds authorized under this chapter.

2394 (16) There is hereby created a special fund in the State
2395 Treasury to be known as the Mississippi Major Economic Impact
2396 Authority Fund wherein shall be deposited the proceeds of the
2397 bonds issued under this chapter and all monies received by the
2398 authority to carry out the purposes of this chapter. Expenditures
2399 authorized herein shall be paid by the State Treasurer upon
2400 warrants drawn from the fund, and the Department of Finance and
2401 Administration shall issue warrants upon requisitions signed by
2402 the director of the authority.

2403 (17) (a) There is hereby created the Mississippi Economic
2404 Impact Authority Sinking Fund from which the principal of and
2405 interest on such bonds shall be paid by appropriation. All monies
2406 paid into the sinking fund not appropriated to pay accruing bonds
2407 and interest shall be invested by the State Treasurer in such
2408 securities as are provided by law for the investment of the
2409 sinking funds of the state.

2410 (b) In the event that all or any part of the bonds and
2411 notes are purchased, they shall be cancelled and returned to the



2412 loan and transfer agent as cancelled and paid bonds and notes and
2413 thereafter all payments of interest thereon shall cease and the
2414 cancelled bonds, notes and coupons, together with any other
2415 cancelled bonds, notes and coupons, shall be destroyed as promptly
2416 as possible after cancellation but not later than two (2) years
2417 after cancellation. A certificate evidencing the destruction of
2418 the cancelled bonds, notes and coupons shall be provided by the
2419 loan and transfer agent to the seller.

2420 (c) The State Treasurer shall determine and report to
2421 the Department of Finance and Administration and Legislative
2422 Budget Office by September 1 of each year the amount of money
2423 necessary for the payment of the principal of and interest on
2424 outstanding obligations for the following fiscal year and the
2425 times and amounts of the payments. It shall be the duty of the
2426 Governor to include in every executive budget submitted to the
2427 Legislature full information relating to the issuance of bonds and
2428 notes under the provisions of this chapter and the status of the
2429 sinking fund for the payment of the principal of and interest on
2430 the bonds and notes.

2431 (d) Any monies repaid to the state from loans
2432 authorized in Section 57-75-11(hh) shall be deposited into the
2433 Mississippi Major Economic Impact Authority Sinking Fund unless
2434 the State Bond Commission, at the request of the authority, shall
2435 determine that such loan repayments are needed to provide
2436 additional loans as authorized under Section 57-75-11(hh). For



2437 purposes of providing additional loans, there is hereby created
2438 the Mississippi Major Economic Impact Authority Revolving Loan
2439 Fund and loan repayments shall be deposited into the fund. The
2440 fund shall be maintained for such period as determined by the
2441 State Bond Commission for the sole purpose of making additional
2442 loans as authorized by Section 57-75-11(hh). Unexpended amounts
2443 remaining in the fund at the end of a fiscal year shall not lapse
2444 into the State General Fund and any interest earned on amounts in
2445 such fund shall be deposited to the credit of the fund.

2446 (e) Any monies repaid to the state from loans
2447 authorized in Section 57-75-11(ii) shall be deposited into the
2448 Mississippi Major Economic Impact Authority Sinking Fund.

2449 (f) Any monies repaid to the state from loans
2450 authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall
2451 be deposited into the Mississippi Major Economic Impact Authority
2452 Sinking Fund.

2453 (18) (a) Upon receipt of a declaration by the authority
2454 that it has determined that the state is a potential site for a
2455 project, the State Bond Commission is authorized and directed to
2456 authorize the State Treasurer to borrow money from any special
2457 fund in the State Treasury not otherwise appropriated to be
2458 utilized by the authority for the purposes provided for in this
2459 subsection.

2460 (b) The proceeds of the money borrowed under this
2461 subsection may be utilized by the authority for the purpose of



2462 defraying all or a portion of the costs incurred by the authority
2463 with respect to acquisition options and planning, design and
2464 environmental impact studies with respect to a project defined in
2465 Section 57-75-5(f) (xi) or Section 57-75-5(f) (xxix). The authority
2466 may escalate its budget and expend the proceeds of the money
2467 borrowed under this subsection in accordance with rules and
2468 regulations of the Department of Finance and Administration in a
2469 manner consistent with the escalation of federal funds.

2470 (c) The authority shall request an appropriation or
2471 additional authority to issue general obligation bonds to repay
2472 the borrowed funds and establish a date for the repayment of the
2473 funds so borrowed.

2474 (d) Borrowings made under the provisions of this
2475 subsection shall not exceed Five Hundred Thousand Dollars
2476 (\$500,000.00) at any one time.

2477 **SECTION 5.** Section 57-75-17, Mississippi Code of 1972, is
2478 amended as follows:

2479 57-75-17. (1) For the purpose of aiding in the planning,
2480 design, undertaking and carrying out of the project or any
2481 facility related to the project, any public agency is authorized
2482 and empowered upon such terms, with or without consideration, as
2483 it may determine:

2484 (a) To enter into agreements, which may extend over any
2485 period, with the authority respecting action to be taken by such
2486 public agency with respect to the acquisition, planning,



2487 construction, improvement, operation, maintenance or funding of
2488 the project or any such facility, and which agreements may
2489 include:

2490 (i) The appropriation or payment of funds to the
2491 authority or to a trustee in amounts which shall be sufficient to
2492 enable the authority to defray any designated portion or
2493 percentage of the expenses of administering, planning, designing,
2494 constructing, acquiring, improving, operating, and maintaining the
2495 project or any facility related to the project,

2496 (ii) The appropriation or payment of funds to the
2497 authority or to a trustee to pay interest and principal (whether
2498 at maturity or upon sinking fund redemption) on bonds of the
2499 authority issued pursuant to this act and to fund reserves for
2500 debt service, for operation and maintenance and for renewals and
2501 replacements, and to fulfill requirements of any covenant with
2502 respect to debt service contained in any resolution, trust
2503 indenture or other security agreement relating to the bonds of the
2504 authority issued pursuant to this act,

2505 (iii) The furnishing of other assistance in
2506 connection with the project or facility related to the project,
2507 and

2508 (iv) The borrowing of money from the authority in
2509 connection with a project defined in Section 57-75-5(f) (ii);

2510 (b) To dedicate, sell, donate, convey or lease any
2511 property or interest in property to the authority or grant



2512 easements, licenses or other rights or privileges therein to the
2513 authority;

2514 (c) To incur the expense of any public improvements
2515 made or to be made by such public agency in exercising the powers
2516 granted in this section;

2517 (d) To lend, grant or contribute funds to the
2518 authority;

2519 (e) To cause public buildings and public facilities,
2520 including parks, playgrounds, recreational areas, community
2521 meeting facilities, water, sewer or drainage facilities, or any
2522 other works which it is otherwise empowered to undertake, to be
2523 furnished to or with respect to the project or any such facility;

2524 (f) To furnish, dedicate, close, vacate, pave, install,
2525 upgrade or improve highways, streets, roads, sidewalks, airports,
2526 railroads, or ports;

2527 (g) To plan or replan, zone or rezone any parcel of
2528 land within the public agency or make exceptions from land use,
2529 building and zoning regulations;

2530 (h) To cause administrative and other services to be
2531 furnished to the authority, including services pertaining to the
2532 acquisition of real property and the furnishing of relocation
2533 assistance; and

2534 (i) To loan to the owner, lessee or operator of any
2535 project defined in Section 57-75-5(f)(ii) the proceeds of any loan



2536 from the authority to the public entity under the provisions of
2537 this act.

2538 (2) Any contract between a public agency entered into with
2539 the authority pursuant to any of the powers granted by this act
2540 shall be binding upon said public agency according to its terms,
2541 and such public agency shall have the power to enter into such
2542 contracts as in the discretion of the governing authorities
2543 thereof would be to the best interest of the people of such public
2544 agency. Such contracts may include within the discretion of such
2545 governing authorities of public agencies defined under Section
2546 57-75-5(h) (ii) a pledge of the full faith and credit of such
2547 public agency or any other lawfully available funds for the
2548 performance thereof. If at any time title to or possession of the
2549 project or any such facility is held by any public body or
2550 governmental agency other than the authority, including any agency
2551 or instrumentality of the United States of America, the agreements
2552 referred to in this section shall inure to the benefit of and may
2553 be enforced by such public body or governmental agency.

2554 (3) Notwithstanding any provisions of this act to the
2555 contrary, any contract entered into between the authority and any
2556 public agency for the appropriation or payment of funds to the
2557 authority under item (a) (ii) or (a) (iv) of this section shall
2558 contain a provision therein requiring periodic payments by the
2559 public agency as required by the authority to pay its indebtedness
2560 and, if the public agency is not a county or municipality, such



2561 contract shall include as an additional party to the contract the
2562 county or municipality (referred to in this paragraph as "levying
2563 authority") that levies and collects taxes for the contracting
2564 public agency. If the public agency fails to pay its indebtedness
2565 for any month, the authority shall certify to the * * * Department
2566 of Revenue, or other appropriate agency, the amount of the
2567 delinquency, and the * * * Department of Revenue shall deduct such
2568 amount from the public agency's or levying authority's, as the
2569 case may be, next allocation of sales taxes, petroleum taxes,
2570 highway privilege taxes, severance taxes, Tennessee Valley
2571 Authority payments in lieu of taxes and homestead exemption
2572 reimbursements in that order of priority. The * * * Department of
2573 Revenue, or other appropriate agency, shall pay the sums so
2574 deducted to the authority to be applied to the discharge of the
2575 contractual obligation.

2576 (4) Notwithstanding any provision of this act to the
2577 contrary, all loans made pursuant to Section 57-75-11(hh) and this
2578 section shall be for a term not to exceed twenty (20) years as may
2579 be determined by the authority, shall bear interest at such rates
2580 as may be determined by the authority, shall, in the sole
2581 discretion of the authority, be secured in an amount and a manner
2582 as may be determined by the authority.

2583 (5) (a) Before authorizing any loan to a public agency
2584 defined in Section 57-75-5(h)(ii), a local governmental unit, the
2585 governing authority of such local governmental unit in connection



2586 with a project defined in Section 57-75-5(f)(ii), shall adopt a
2587 resolution declaring its intention so to do, stating the amount of
2588 the loan proposed to be authorized and the purpose for which the
2589 loan is to be authorized, and the date upon which the loan will be
2590 authorized. Such resolution shall be published once a week for at
2591 least three (3) consecutive weeks in at least one (1) newspaper
2592 published in such local governmental unit. The first publication
2593 of such resolution shall be made not less than twenty-one (21)
2594 days before the date fixed in such resolution for the
2595 authorization of the loan and the last publication shall be made
2596 not more than seven (7) days before such date. If no newspaper is
2597 published in such local governmental unit, then such notice shall
2598 be given by publishing the resolution for the required time in
2599 some newspaper having a general circulation in such local
2600 governmental unit and, in addition, by posting a copy of such
2601 resolution for at least twenty-one (21) days next preceding the
2602 date fixed therein at three (3) public places in such local
2603 governmental unit. If fifteen percent (15%) of the qualified
2604 electors of the local governmental unit or fifteen hundred (1500),
2605 whichever is the lesser, file a written protest against the
2606 authorization of such loan on or before the date specified in such
2607 resolution, then an election on the question of the authorization
2608 of such loan shall be called and held as otherwise provided for in
2609 connection with the issuance of general obligation indebtedness of
2610 such local governmental unit. Notice of such election shall be



2611 given as otherwise required in connection with the issuance of
2612 general obligation indebtedness of such local governmental unit.
2613 If three-fifths (3/5) of the qualified electors voting in the
2614 election vote in favor of authorizing the loan, then the governing
2615 authority of the local governmental unit shall proceed with the
2616 loan; however, if less than three-fifths (3/5) of the qualified
2617 electors voting in the election vote in favor of authorizing the
2618 loan, then the loan shall not be incurred. If no protest be
2619 filed, then such loan may be entered into by the local
2620 governmental unit without an election on the question of the
2621 authorization of such loan, at any time within a period of two (2)
2622 years after the date specified in the resolution. However, the
2623 governing authority of any local governmental unit, in its
2624 discretion, may nevertheless call an election on such question, in
2625 which event it shall not be necessary to publish the resolution
2626 declaring its intention to authorize such loan as provided in this
2627 subsection.

2628 (b) Local governmental units may, in connection with
2629 any such loan, enter into any covenants and agreements with
2630 respect to such local governmental unit's operations, revenues,
2631 assets, monies, funds or property, or such loan, as may be
2632 prescribed by the authority.

2633 (c) Upon the making of any such loan by the authority
2634 to any local governmental unit, such local governmental unit shall
2635 be held and be deemed to have agreed that if such governmental



2636 unit fails to pay the principal of, premium, if any, and interest
2637 on any such loan as when due and payable, such governmental unit
2638 shall have waived any and all defenses to such nonpayment, and the
2639 authority, upon such nonpayment, shall thereupon avail itself of
2640 all remedies, rights and provisions of law applicable in such
2641 circumstance, including without limitation any remedies or rights
2642 theretofore agreed to by the local governmental unit, and that
2643 such loan shall for all of the purposes of this section, be held
2644 and be deemed to have become due and payable and to be unpaid.
2645 The authority may carry out the provisions of this section and
2646 exercise all of the rights and other applicable laws of this
2647 state.

2648 (d) This section shall be deemed to provide an
2649 additional, alternative and complete method for the doing of the
2650 things authorized by this section and shall be deemed and
2651 construed to be supplemental to any power conferred by other laws
2652 on public agencies and not in derogation of any such powers. Any
2653 obligation incurred pursuant to the provisions of this section
2654 shall not constitute an indebtedness of the public agency within
2655 the meaning of any constitutional or statutory limitation or
2656 restriction. For purposes of this act, a public agency shall not
2657 be required to comply with the provisions of any other law except
2658 as provided in this section.

2659 (6) Any public agency providing any utility service or
2660 services, to any project defined in Section 57-75-5(f)(iv)1 may



2661 enter into leases or subleases for any period of time not to
2662 exceed thirty (30) years, in the capacity as lessor or lessee or
2663 sublessor or sublessee of lands alone, or lands and facilities
2664 located thereon, whether the facilities are owned by the owner of
2665 the land, a lessee, sublessee or a third party, and whether the
2666 public agency is a lessor, lessee or owner of the land. Any such
2667 public agency may also enter into operating agreements and/or
2668 lease-purchase agreements with respect to land or utility
2669 facilities as owner, operator, lessor or lessee for any period of
2670 time not to exceed thirty (30) years. Any such public agency may
2671 also enter into contracts for the provision of utilities for any
2672 period of time not to exceed thirty (30) years and may set a
2673 special rate structure for such utilities.

2674 (7) (a) No well shall be permitted by any public agency
2675 responsible for the conservation of oil and gas in the State of
2676 Mississippi to be drilled on or under a tract of land which is a
2677 part of a project owned or operated by an enterprise as defined in
2678 Section 57-75-5(f) (xxix) and which enterprise is a nonconsenting
2679 owner as defined in Section 53-3-7(1), which owns both the surface
2680 estate of said tract of land and also owns one hundred percent
2681 (100%) of the drilling rights in said tract of land.

2682 (b) No mining activities on or under land which is part
2683 of a project as defined in Section 57-75-5(f) (xxix) shall be
2684 permitted by any public agency responsible for mining in the state



2685 without the consent of the enterprise owning or operating such
2686 project.

2687 **SECTION 6.** Section 57-75-33, Mississippi Code of 1972, is
2688 amended as follows:

2689 57-75-33. The board of supervisors of a county or the
2690 governing authorities of a municipality may each enter into an
2691 agreement with an enterprise operating a project as defined in
2692 Section 57-75-5(f)(iv)¹, Section 57-75-5(f)(xxi), Section
2693 57-75-5(f)(xxii) * * *, Section 57-75-5(f)(xxviii) or Section
2694 57-75-5(f)(xxix), providing that the county or municipality will
2695 not levy any taxes, fees or assessments upon the enterprise other
2696 than taxes, fees or assessments that are generally levied upon all
2697 taxpayers, or all other taxpayers in the taxing districts in which
2698 such project is located, and the board of supervisors or the
2699 governing authorities also may each enter into a fee-in-lieu
2700 agreement as provided in Section 27-31-104 and/or Section
2701 27-31-105(2). Such agreements may be for a period not to exceed
2702 thirty (30) years, except that any fee-in-lieu agreement entered
2703 into under this section and Section 27-31-104 and/or Section
2704 27-31-105(2) shall become effective upon its execution by the
2705 enterprise and the county board of supervisors and/or municipal
2706 governing authorities, as the case may be, in accordance with
2707 Section 27-31-104, and continue in effect until all fee-in-lieu
2708 periods granted thereunder have expired; however, the period
2709 during which any fee-in-lieu may be granted under this section



2710 shall not exceed thirty (30) years, and no particular parcel of
2711 land, real property improvement or item of personal property shall
2712 be subject to a fee-in-lieu for a duration of more than ten (10)
2713 years.

2714 **SECTION 7.** Section 57-75-37, Mississippi Code of 1972, is
2715 amended as follows:

2716 57-75-37. (1) (a) (i) Any county in which there is to be
2717 constructed a project as defined in Section 57-75-5(f)(xviii) is
2718 authorized to assist in defraying the costs incurred or to be
2719 incurred by the enterprise establishing such project by:

2720 1. Contributing a sum of up to Five Million
2721 Dollars (\$5,000,000.00) to such enterprise for use in connection
2722 with the construction of the project; and/or

2723 2. Lending a sum of up to Five Million
2724 Dollars (\$5,000,000.00) upon such terms as the board of
2725 supervisors of such county and such enterprise may agree, the
2726 proceeds of which loan shall be used by such enterprise in
2727 connection with the construction or financing of the project.

2728 (ii) In order to provide the amounts set forth in
2729 paragraph (a)(i) of this subsection (1), any such county may
2730 appropriate monies from the county's general funds or provide such
2731 amounts from the proceeds of general obligation bonds, or any
2732 combination of the foregoing. Any such county may issue the bonds
2733 for such purpose pursuant to the procedures for the issuance of



2734 bonds under Chapter 9, Title 19, Mississippi Code of 1972, or
2735 Section 19-5-99.

2736 (b) The board of supervisors of any county may donate
2737 real property for use in the location, construction and/or
2738 operation of a project as defined under Section 57-75-5(f) (xviii)
2739 to one or more economic development authorities, economic
2740 development districts, industrial development authorities or
2741 similar public agencies created pursuant to state law that engage
2742 in economic or industrial development in the county, and any such
2743 public agencies may accept such donation of real property from the
2744 county. Such public agencies also may transfer and convey among
2745 themselves, with or without consideration being paid or received,
2746 real property to be used in the location, construction and/or
2747 operation of such a project, and may accept such transfers or
2748 donations.

2749 (2) Any county or municipality in which there is to be
2750 constructed a project as defined in Section 57-75-5(f) (xxvi) or
2751 57-75-5(f) (xxvii) is authorized to:

2752 (a) Acquire the site for such project and contribute
2753 the site to the enterprise owning or operating the project;

2754 (b) Apply for grants and loans and utilize the proceeds
2755 of such grants and loans for infrastructure related to the
2756 project; and



2757 (c) Enter into a lease agreement with the enterprise
2758 owning or operating the project for a term not to exceed
2759 ninety-nine (99) years.

2760 (3) (a) As used in this subsection:

2761 (i) "Project" shall have the meaning ascribed to
2762 such term in Section 57-75-5(f) (xxviii).

2763 (ii) "Public agency" means the county in which the
2764 project is located, any municipality located in the county, and/or
2765 any economic development authority, economic development district,
2766 industrial development authority or similar public agency created
2767 pursuant to state law that engages in economic or industrial
2768 development in the county or a municipality in the county.

2769 (b) Any county in which there is to be located a
2770 project is authorized to assist as provided in this paragraph in
2771 defraying the costs incurred or to be incurred by the enterprise
2772 establishing the project and any public agency in connection with
2773 the location, construction and/or operation of the project or any
2774 facilities or public infrastructure related to the project. The
2775 county may provide such assistance by contributing or lending any
2776 sum approved for such purpose by the board of supervisors of the
2777 county, upon such terms as the board of supervisors may agree, to
2778 the entity that directly or indirectly incurs or will incur such
2779 costs or as otherwise provided in paragraph (c) of this
2780 subsection. The proceeds of the contribution or loan shall be
2781 used by the recipient in connection with the location,



2782 construction and/or operation of the project or any facilities or
2783 public infrastructure related to the project.

2784 (c) In order to provide the amounts set forth in
2785 paragraph (b) of this subsection, any such county may appropriate
2786 monies from the county's general funds or provide such amounts
2787 from the proceeds of general obligation bonds, or any combination
2788 of the foregoing. Any such county may issue the bonds for such
2789 purpose pursuant to the procedures for the issuance of bonds under
2790 Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.

2791 (d) In any county in which there is to be located a
2792 project, the governing authorities of any public agency may:

2793 (i) Transfer and convey to the authority or the
2794 Mississippi Development Authority, with or without consideration
2795 being paid or received, any real and/or personal property for use
2796 in connection with the location, construction and/or operation of
2797 the project or any facilities or public infrastructure related to
2798 the project, and the authority and the Mississippi Development
2799 Authority may accept such transfers or donations;

2800 (ii) Transfer and convey among themselves, with or
2801 without consideration being paid or received, any real and/or
2802 personal property for use in connection with the location,
2803 construction and/or operation of a project or any facilities or
2804 public infrastructure related to the project, and may accept such
2805 transfers or donations; and



2806 (iii) Make grants or other contributions of funds
2807 to one another for use in connection with the location,
2808 construction and/or operation of such a project or any facilities
2809 or public infrastructure related to the project, and may accept
2810 such grants or contributions of funds.

2811 (e) In any county in which there is to be located a
2812 project, the person, entity or other agency seeking to acquire any
2813 real property to be used in connection with the location,
2814 construction and/or operation of the project, shall be exempt with
2815 respect to such property from the requirements of Section
2816 43-37-3(1)(b) and (c) if the purchase price for such property
2817 equals the lowest price negotiated between the owner of the
2818 property and the person, agency or other entity seeking to acquire
2819 the property, and at which the owner of the property is willing to
2820 sell the property.

2821 (4) (a) As used in this subsection:

2822 (i) "Project" shall have the meaning ascribed to
2823 such term in Section 57-75-5(f) (xxix).

2824 (ii) "Public agency" means the county in which the
2825 project is located, any municipality located in the county, and/or
2826 any economic development authority, economic development district,
2827 industrial development authority or similar public agency created
2828 pursuant to state law that engages in economic or industrial
2829 development in the county or a municipality in the county.



2830 (iii) "Board of education" shall have the meaning
2831 ascribed to such term in Section 29-3-1.1.

2832 (iv) "Superintendent of education" shall have the
2833 meaning ascribed to such term in Section 29-3-1.1.

2834 (b) In any county in which there is to be located a
2835 project, any public agency is authorized to assist as provided in
2836 this paragraph in defraying the costs incurred or to be incurred
2837 by the enterprise establishing the project and/or any public
2838 agency in connection with the location, construction and/or
2839 operation of the project or any facilities or public
2840 infrastructure related to the project. Any such public agency may
2841 provide such assistance by contributing or lending any sum
2842 approved for such purpose by the governing authority of such
2843 public agency, upon such terms as the governing authority of such
2844 public agency may agree, to the entity or public agency that
2845 directly or indirectly incurs or will incur such costs or as
2846 otherwise provided in paragraph (c) of this subsection. The
2847 proceeds of the contribution or loan shall be used by the
2848 recipient in connection with the location, construction and/or
2849 operation of the project or any facilities or public
2850 infrastructure related to the project, including, without
2851 limitation, to defray the costs of site preparation, utilities,
2852 real estate purchases, purchase options and improvements,
2853 infrastructure, roads, rail improvements, public works, job
2854 training, as well as planning, design and environmental impact



2855 studies with respect to a project, and any other expenses approved
2856 by any such public agency.

2857 (c) In order to provide the amounts set forth in
2858 paragraph (b) of this subsection:

2859 (i) Any such county may appropriate monies from
2860 the county's general funds or provide such amounts from the
2861 proceeds of general obligation bonds. Any such county may issue
2862 the bonds for such purpose pursuant to the procedures for the
2863 issuance of bonds under Chapter 9, Title 19, Mississippi Code of
2864 1972, Section 19-5-99 or in any other manner permitted by any
2865 local and private law or other general laws; and

2866 (ii) Any public agency may borrow or accept grants
2867 of such amounts from the authority or the Mississippi Development
2868 Authority for such duration and upon such terms and conditions
2869 approved by the governing authority of such public agency and the
2870 authority or Mississippi Development Authority, as applicable.

2871 (d) In any county in which there is to be located a
2872 project, the governing authority of any public agency may:

2873 (i) Transfer and convey to the authority or the
2874 Mississippi Development Authority, with or without consideration
2875 being paid or received, any real and/or personal property for use
2876 in connection with the location, construction and/or operation of
2877 the project or any facilities or public infrastructure related to
2878 the project, and the authority and the Mississippi Development
2879 Authority may accept such transfers or donations;



2880 (ii) Transfer and convey among themselves, with or
2881 without consideration being paid or received, any real and/or
2882 personal property for use in connection with the location,
2883 construction and/or operation of a project or any facilities or
2884 public infrastructure related to the project, and may accept such
2885 transfers or donations;

2886 (iii) Make grants or other contributions of funds
2887 to:

2888 1. One another for use in connection with the
2889 location, construction and/or operation of such a project or any
2890 facilities or public infrastructure related to the project, and
2891 may accept such grants or contributions of funds; and/or

2892 2. A local water association incorporated as
2893 a nonprofit corporation and located within such county for the
2894 purpose of defraying the costs incurred or to be incurred thereby
2895 in connection with water or wastewater-related infrastructure
2896 improvements, including an elevated water tank, located within the
2897 project area; and

2898 (iv) Make one or more periodic grants or other
2899 contributions of funds to an enterprise or affiliate thereof
2900 owning and/or operating a project in such amount or amounts
2901 approved by such governing authority, and enter into an agreement
2902 with such enterprise to make such periodic grants or other
2903 contributions of funds; however, the duration of any such



2904 obligation of the public agency to make such grants or other
2905 contributions shall not exceed thirty (30) years.

2906 (e) In any county in which there is to be located a
2907 project, the public agency seeking to acquire any real property to
2908 be used in connection with the location, construction and/or
2909 operation of the project, shall be exempt with respect to such
2910 property from the requirements of Section 43-37-3(1)(b) and (c) if
2911 the purchase price for such property equals the lowest price
2912 negotiated between the owner of the property and the public agency
2913 seeking to acquire the property, and at which the owner of the
2914 property is willing to sell the property, and any such public
2915 agency is further authorized to procure an option to purchase any
2916 such real property for such purchase price authorized by this
2917 subsection for the lowest option payment at which the owner of the
2918 property is willing to grant such option.

2919 (f) In any county in which there is to be located a
2920 project, upon the sale of any sixteenth section lands for
2921 industrial purposes as provided by law for such project, the board
2922 of education controlling such lands, the superintendent of
2923 education and the Mississippi Development Authority, on behalf of
2924 the state, may sell and convey all minerals in, on and under any
2925 such lands for such consideration determined to be adequate by,
2926 and upon such terms and conditions prescribed by, such board of
2927 education, superintendent of education and the Mississippi
2928 Development Authority.



2929 (g) In any county in which there is to be located a
2930 project, the governing authority of the applicable public agency
2931 may enter into an agreement binding on future governing
2932 authorities, for any period not to exceed thirty (30) years to:

2933 (i) Waive any and all fees and expenses associated
2934 with building permits and privilege licenses required for the
2935 project;

2936 (ii) Establish and/or maintain a rate structure
2937 for water supplied to the project and wastewater received from the
2938 project, which shall be no higher than the lowest tariff prices
2939 for such water and wastewater charged to any customer of equal or
2940 lesser volume located within the boundaries of the public agency;

2941 (iii) Provide firefighting, hazardous materials
2942 emergency response, technical rescue and medical response
2943 assistance to the enterprise owning or operating the project; and

2944 (iv) Require any contractor hired by the public
2945 agency for purposes of entering onto the project site for such
2946 project to perform work-related to the provision of water supply
2947 or wastewater services, to procure customary liability insurance
2948 designating the enterprise owning or operating the project as an
2949 additional insured and to contractually indemnify such enterprise
2950 for any losses incurred by the enterprise as a result of such
2951 contractor's negligence and/or willful acts or omissions arising
2952 from the contractor's entry upon such project site.



2953 (* * *5) The powers and authority granted in this section
2954 are an additional, alternative and supplemental method for the
2955 doing of the things authorized by this section and are additional
2956 and supplemental to, and not in derogation of, any other powers
2957 conferred by law.

2958 **SECTION 8.** Section 57-99-1, Mississippi Code of 1972, is
2959 amended as follows:

2960 57-99-1. As used in Sections 57-99-1 through 57-99-9, the
2961 following words and phrases shall have the meanings ascribed in
2962 this section unless the context clearly indicates otherwise:

2963 (a) "Qualified business or industry" means any company
2964 and affiliates thereof, pursuant to rules and regulations of the
2965 MDA, which is:

2966 (i) A project that has been certified by the * * *
2967 MMEIA as a project defined in Section 57-75-5(f)(xxi) and creates
2968 at least one thousand five hundred (1,500) jobs within sixty (60)
2969 months of the beginning of the project;

2970 (ii) A project that has been certified by the
2971 MMEIA as a project defined in Section 57-75-5(f)(xxii) and creates
2972 at least five hundred (500) jobs within seventy-two (72) months of
2973 the beginning of the project; * * *

2974 (iii) A project:

2975 1. That has been certified by the MMEIA as a
2976 project defined in Section 57-75-5(f)(xxviii);



2977 2. Creates at least twenty-five (25) jobs
2978 within sixty (60) months of the beginning of the project; and
2979 3. In which the average annual wages and
2980 taxable benefits of the jobs created by such project are at least
2981 one hundred ten percent (110%) of the most recently published
2982 average annual wage of the state or the most recently published
2983 average annual wage of the county in which the project is located,
2984 as determined by the Mississippi Department of Employment
2985 Security, whichever is the lesser * * *; or

2986 (iv) A project:

2987 1. That has been certified by the MMEIA as a
2988 project defined in Section 57-75-5(f) (xxix);

2989 2. That creates at least twenty-five (25)
2990 jobs within sixty (60) months following the date required by the
2991 MMEIA and prescribed by written agreement between the MMEIA and
2992 the enterprise establishing the project described in item 1 of
2993 this subparagraph (iv); and

2994 3. In which the average annual wages of the
2995 jobs created by such project are at least one hundred ten percent
2996 (110%) of the most recently published average annual wage of the
2997 state, as determined by the Mississippi Department of Employment
2998 Security.

2999 (b) "Qualified job" means full-time employment in this
3000 state within the project site of a qualified business or industry
3001 that has qualified to receive an incentive payment pursuant to



3002 Sections 57-99-1 through 57-99-9, which employment did not exist
3003 in this state before the date of approval by the MDA of the
3004 application of the qualified business or industry pursuant to the
3005 provisions of Sections 57-99-1 through 57-99-9. "Qualified job"
3006 also shall include full-time employment in this state of employees
3007 who are employed by an entity other than the establishment that
3008 has qualified to receive an incentive payment such as employees
3009 who are leased to and managed by the qualified business or
3010 industry, if such employment did not exist in this state before
3011 the date of approval by the MDA of the application of the
3012 establishment; provided, however, that in order for a qualified
3013 business or industry to receive incentive payments for such
3014 employees, the actual employer of the employees must agree to such
3015 payments being made to the qualified business or industry.

3016 (c) "Full-time employment" means a job of at least
3017 thirty-five (35) hours per week.

3018 (d) "Rebate amount" means the amount of Mississippi
3019 income taxes withheld from employees in qualified jobs that is
3020 available for rebate to the qualified business or industry,
3021 provided that:

3022 (i) Except as otherwise provided in this paragraph
3023 (d), the rebate amount shall be three and one-half percent
3024 (3-1/2%) of the wages and taxable benefits for qualified jobs; and

3025 (ii) In no event shall incentive payments exceed
3026 the actual Mississippi income taxes withheld from employees in



3027 qualified jobs that are available for rebate to the qualified
3028 business or industry.

3029 (e) "MDA" means the Mississippi Development Authority.

3030 (f) "MMEIA" means the Mississippi Major Economic Impact
3031 Authority.

3032 **SECTION 9.** Section 57-99-3, Mississippi Code of 1972, is
3033 amended as follows:

3034 57-99-3. (1) Except as otherwise provided in this section,
3035 a qualified business or industry that meets the qualifications
3036 specified in Sections 57-99-1 through 57-99-9 may receive
3037 quarterly incentive payments for a period not to exceed
3038 twenty-five (25) years from the * * * Department of Revenue
3039 pursuant to the provisions of Sections 57-99-1 through 57-99-9 in
3040 an amount which shall be equal to the lesser of three and one-half
3041 percent (3-1/2%) of the wages and taxable benefits for qualified
3042 jobs or the actual amount of Mississippi income tax withheld by
3043 the employer for the qualified jobs. A qualified business or
3044 industry may elect the date upon which the incentive rebate period
3045 will begin. Such date may not be later than sixty (60) months
3046 after the date the business or industry applied for incentive
3047 payments; however, in the case of a qualified business or industry
3048 described in Section 57-99-1(a)(ii), such date may not be later
3049 than seventy-two (72) months after the date the business or
3050 industry applied for incentive payments, or for a qualified
3051 business or industry described in Section 57-99-1(a)(iv), such



3052 date may not be later than the date that is sixty (60) months
3053 after the earlier of:

3054 (a) The date the qualified business or industry applied
3055 for incentive payments; or

3056 (b) The start of commercial production as defined in a
3057 definitive agreement between such qualified business or industry
3058 and the MDA.

3059 (2) In order to receive incentive payments, an establishment
3060 shall apply to the MDA. The application shall be on a form
3061 prescribed by the MDA and shall contain such information as may be
3062 required by the MDA to determine if the applicant is qualified.

3063 (3) In order to qualify to receive such payments, the
3064 establishment applying shall be required to:

3065 (a) Be engaged in a qualified business or industry; and

3066 (b) The business or industry must create and maintain
3067 the minimum number of qualified jobs as set forth in Section
3068 57-99-1. Establishments that are approved as a qualified business
3069 or industry under Sections 57-99-1 through 57-99-9 may not receive
3070 incentive payments under Section 57-62-1 et seq.

3071 (4) Upon approval of such an application, the MDA shall
3072 notify the * * * Department of Revenue and shall provide it with a
3073 copy of the approved application. The * * * Department of Revenue
3074 may require the qualified business or industry to submit such
3075 additional information as may be necessary to administer the
3076 provisions of Sections 57-99-1 through 57-99-9. The qualified



3077 business or industry shall report to the * * * Department of
3078 Revenue periodically to show its continued eligibility for
3079 incentive payments. The qualified business or industry may be
3080 audited by the * * * Department of Revenue to verify such
3081 eligibility.

3082 **SECTION 10.** Section 21-1-59, Mississippi Code of 1972, is
3083 amended as follows:

3084 21-1-59. (1) No municipality shall be created or shall
3085 change its boundaries so as to include within the limits of such
3086 municipality any of the buildings or grounds of any state
3087 institution, unless consent thereto shall be obtained in writing
3088 from the board of trustees of such institution or such other
3089 governing board or body as may be created for the control of such
3090 institution. Inclusion of the buildings or grounds of any state
3091 institution within the area of a municipal incorporation or
3092 expansion without the consent hereinabove required shall be
3093 voidable at the option of the affected institution within six (6)
3094 months after the institution becomes aware of the inclusion. Upon
3095 consent to inclusion within the area of a municipal incorporation
3096 or expansion, a state institution may require, subject to
3097 agreement of the municipality involved, conditions relating to
3098 land use development, zoning requirements, building codes and
3099 delivery of governmental services which shall be applicable to the
3100 buildings or grounds of the institution included in the
3101 municipality.



3102 Provided further, that any future changes in the boundaries
3103 of a presently existing municipality which extends into or further
3104 extends into a county other than the county in which the
3105 municipality's principal office is located shall not affect the
3106 public school district located in the annexed area, unless and
3107 until consent thereto shall have first been obtained in writing
3108 from the board of trustees of the school district proposed to be
3109 partially or wholly included in the change of municipal
3110 boundaries.

3111 Provided further, that any change in the boundaries of a
3112 presently existing municipality of any Class 1 county having two
3113 (2) judicial districts, being traversed by U.S. Highway 11 which
3114 intersects U.S. Highway 84, shall not affect the public school
3115 district located in the annexed area and shall not change the
3116 governmental unit to which the school taxes are paid, unless
3117 approved by referendum as hereinafter provided.

3118 In the event that twenty percent (20%) of the registered
3119 voters residing within the area to be annexed by a municipality
3120 petition the governing body of such municipality for a referendum
3121 on the question of inclusion in the municipal school district
3122 within sixty (60) days of public notice of the adoption of such
3123 ordinance, such notice given in the same manner and for the same
3124 length of time as is provided in Section 21-1-15 with regard to
3125 the creation of municipal corporations, the governing body of the
3126 county in which the area to be annexed is located shall hold a



3127 referendum of all registered voters residing within the area to be
3128 annexed on the question of inclusion in the municipal school
3129 district. Approval of the ordinance shall be made by a majority
3130 vote of the qualified electors voting in said referendum to be
3131 held within ninety (90) days from the date of filing and
3132 certification of the petition provided for herein on the question
3133 of such extension or contraction. The referendum shall be held in
3134 the same manner as are other county elections.

3135 The inclusion of buildings or grounds of any state
3136 institution within the area of a municipal incorporation or
3137 expansion in any proceedings creating a municipality or enlarging
3138 the boundaries of a municipality prior to the effective date of
3139 Senate Bill 2307, 1987 Regular Session (Chapter 359, eff March 18,
3140 1987), is hereby ratified, confirmed and validated, regardless of
3141 whether such inclusion was in conformity with the requirements of
3142 this section at the time of such proceedings, and such inclusion
3143 shall not be void or voidable by any affected state institution on
3144 or after the effective date of Senate Bill 2307, 1987 Regular
3145 Session (Chapter 359, eff March 18, 1987). This paragraph shall
3146 not be applicable to and shall not be construed to validate the
3147 inclusion of buildings or grounds of any state institution within
3148 the area of a municipal incorporation or expansion where such
3149 inclusion or the proceedings involving such inclusion were
3150 declared invalid or void in a final adjudication of a court of
3151 competent jurisdiction prior to the effective date of Senate Bill



3152 2307, 1987 Regular Session (Chapter 359, eff March 18, 1987), and
3153 the decision of such court was not appealed within the applicable
3154 time period for appeals from such court or was not overturned by
3155 any court to which an appeal may have been made.

3156 (2) The governing authorities of a municipality may enter
3157 into an agreement with an enterprise operating a project as
3158 defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) * * *,
3159 Section 57-75-5(f)(xxviii) or Section 57-75-5(f)(xxix) providing
3160 that the municipality shall not change its boundaries so as to
3161 include within the limits of such municipality the project site of
3162 such a project unless consent thereto shall be obtained in writing
3163 from the enterprise operating the project. Such agreement may be
3164 for a period not to exceed thirty (30) years. Such agreement
3165 shall be binding on future governing authorities of such
3166 municipality.

3167 **SECTION 11.** Section 27-7-30, Mississippi Code of 1972, is
3168 amended as follows:

3169 27-7-30. (1) (a) As used in this subsection, "qualified
3170 business or industry" means any company and its affiliates, that
3171 has been certified by the Major Economic Impact Authority as a
3172 project as defined in Section 57-75-5(f)(xxi).

3173 (b) A qualified business or industry shall be exempt
3174 from the tax imposed by this chapter on income arising from a
3175 project as defined in Section 57-75-5(f)(xxi) only, and all other
3176 income shall be subject to the tax imposed by this chapter. The



3177 exemption does not apply to activities subject to Mississippi
3178 income tax prior to certification of the project.

3179 (c) The income tax exemption authorized by this
3180 subsection shall not exceed twenty (20) years. A qualified
3181 business or industry must create at least one thousand five
3182 hundred (1,500) jobs prior to receiving the exemption authorized
3183 by this subsection and may elect the date upon which the
3184 twenty-year period will begin; however, the date may not be later
3185 than sixty (60) months after the date the qualified business or
3186 industry begins commercial production.

3187 (d) In the event that the monthly average number of
3188 full-time jobs maintained by the qualified business or industry
3189 falls below one thousand five hundred (1,500) jobs, the tax
3190 exemption authorized by this subsection shall be reduced as
3191 follows:

3192 (i) If the monthly average number of full-time
3193 jobs for a taxable year is more than one thousand four hundred
3194 (1,400) but less than one thousand five hundred (1,500), the
3195 amount of the exemption shall be reduced by one percent (1%) for
3196 the taxable year.

3197 (ii) If the monthly average number of full-time
3198 jobs for a taxable year is more than one thousand one hundred
3199 (1,100) but less than one thousand four hundred one (1,401), then
3200 the amount of the exemption shall be reduced by twenty percent
3201 (20%) for the taxable year.



3202 (iii) If the monthly average number of full-time
3203 jobs for the taxable year is more than eight hundred (800) but
3204 less than one thousand one hundred one (1,101), then the amount of
3205 the exemption shall be reduced by forty percent (40%) for the
3206 taxable year.

3207 (iv) If the monthly average number of full-time
3208 jobs for the taxable year is more than five hundred (500) but less
3209 than eight hundred one (801), then the amount of the exemption
3210 shall be reduced by sixty percent (60%) for the taxable year.

3211 (v) If the monthly average number of full-time
3212 jobs for the taxable year is more than two hundred (200) but less
3213 than five hundred one (501), then the amount of the exemption
3214 shall be reduced by eighty percent (80%) for the taxable year.

3215 (vi) If the monthly average number of full-time
3216 jobs for the taxable year is two hundred (200) or less, the
3217 qualified business or industry shall not be eligible for the
3218 exemption for the taxable year.

3219 (2) (a) As used in this subsection, "qualified business or
3220 industry" means any company and its affiliates that has been
3221 certified by the Major Economic Impact Authority as a project as
3222 defined in Section 57-75-5(f)(xxviii).

3223 (b) A qualified business or industry shall be exempt
3224 from the tax imposed by this chapter on income arising from a
3225 project as defined in Section 57-75-5(f)(xxviii) only, and all
3226 other income shall be subject to the tax imposed by this chapter.



3227 The exemption does not apply to activities subject to Mississippi
3228 income tax prior to certification of the project.

3229 (c) The income tax exemption authorized by this
3230 subsection shall not exceed twenty (20) years unless the qualified
3231 business or industry creates and maintains for a period of three
3232 (3) years not less than one thousand (1,000) jobs, in which case
3233 the exemption period shall be extended by five (5) years.

3234 (d) In the event that the annual average number of
3235 full-time jobs maintained by the qualified business or industry
3236 falls below the qualified business or industry's job commitment
3237 for two (2) consecutive years, the tax exemption authorized by
3238 this subsection shall be suspended until the first tax year during
3239 which the annual average number of full-time jobs maintained by
3240 the qualified business or industry reaches the qualified business
3241 or industry's job commitment.

3242 (3) (a) As used in this subsection, "qualified business or
3243 industry" means any company and its affiliates that has been
3244 certified by the Major Economic Impact Authority as a project as
3245 defined in Section 57-75-5(f)(xxix).

3246 (b) A qualified business or industry shall be exempt
3247 from the tax imposed by this chapter on income arising from a
3248 project as defined in Section 57-75-5(f)(xxix) only, and all other
3249 income shall be subject to the tax imposed by this chapter. The
3250 exemption does not apply to activities subject to Mississippi
3251 income tax prior to certification of the project.



3252 (c) The income tax exemption authorized by this
3253 subsection shall not exceed twenty-five (25) years. A qualified
3254 business or industry must create the minimum annual number of
3255 full-time jobs required by the authority pursuant to a written
3256 agreement between the authority and such qualified business or
3257 industry and may elect the date upon which the twenty-five-year
3258 period will begin; however, the date may not be later than sixty
3259 (60) months after the date the qualified business or industry
3260 begins commercial production.

3261 (d) In the event that the annual number of full-time
3262 jobs maintained by the qualified business or industry falls below
3263 the minimum annual number of full-time jobs required by the
3264 authority pursuant to a written agreement between the authority
3265 and such qualified business or industry for two (2) consecutive
3266 years, the tax exemption authorized by this subsection shall be
3267 suspended until the first tax year during which the annual number
3268 of full-time jobs maintained by the qualified business or industry
3269 reaches the minimum annual number of full-time jobs required by
3270 the authority pursuant to a written agreement between the
3271 authority and such qualified business or industry.

3272 (e) The qualified business or industry shall be
3273 entitled to utilize a single sales apportionment factor in the
3274 calculation of its liability for income tax imposed by this
3275 chapter for any year for which it files a Mississippi income tax
3276 return. The qualified business or industry shall be entitled to



3277 continue to utilize such single sales apportionment factor
3278 notwithstanding a suspension of the income tax exemption pursuant
3279 to paragraph (d) of this subsection.

3280 (4) (a) As used in this subsection, "qualified business or
3281 industry" means any company and that has been certified by the
3282 Major Economic Impact Authority as a project as defined in Section
3283 57-75-5(f) (xxx) .

3284 (b) A qualified business or industry shall be exempt
3285 from the tax imposed by this chapter on income arising from a
3286 project as defined in Section 57-75-5(f) (xxx) only, and all other
3287 income shall be subject to the tax imposed by this chapter. The
3288 exemption does not apply to activities subject to Mississippi
3289 income tax prior to certification of the project.

3290 (c) The income tax exemption authorized by this
3291 subsection shall not exceed twenty (20) years. A qualified
3292 business or industry must create at least one thousand (1,000)
3293 jobs prior to receiving the exemption authorized by this
3294 subsection and may elect the date upon which the twenty-year
3295 period will begin; however, the date may not be later than sixty
3296 (60) months after the date the qualified business or industry
3297 begins commercial production and in no event later than December
3298 31, 2022.

3299 (3) A qualified business or industry that utilizes the
3300 exemption authorized by this section shall not be eligible for the
3301 credits authorized in Sections 57-73-21 through 57-73-29.



3302 (4) The Mississippi Development Authority may promulgate
3303 rules and regulations necessary to administer the provisions of
3304 this section.

3305 **SECTION 12.** Section 27-31-1, Mississippi Code of 1972, is
3306 amended as follows:

3307 27-31-1. The following shall be exempt from taxation:

3308 (a) All cemeteries used exclusively for burial
3309 purposes.

3310 (b) All property, real or personal, belonging to the
3311 State of Mississippi or any of its political subdivisions, except
3312 property of a municipality not being used for a proper municipal
3313 purpose and located outside the county or counties in which such
3314 municipality is located. A proper municipal purpose within the
3315 meaning of this section shall be any authorized governmental or
3316 corporate function of a municipality.

3317 (c) All property, real or personal, owned by units of
3318 the Mississippi National Guard, or title to which is vested in
3319 trustees for the benefit of any unit of the Mississippi National
3320 Guard; provided such property is used exclusively for such unit,
3321 or for public purposes, and not for profit.

3322 (d) All property, real or personal, belonging to any
3323 religious society, or ecclesiastical body, or any congregation
3324 thereof, or to any charitable society, or to any historical or
3325 patriotic association or society, or to any garden or pilgrimage
3326 club or association and used exclusively for such society or



3327 association and not for profit; not exceeding, however, the amount
3328 of land which such association or society may own as provided in
3329 Section 79-11-33. All property, real or personal, belonging to
3330 any rural waterworks system or rural sewage disposal system
3331 incorporated under the provisions of Section 79-11-1. All
3332 property, real or personal, belonging to any college or
3333 institution for the education of youths, used directly and
3334 exclusively for such purposes, provided that no such college or
3335 institution for the education of youths shall have exempt from
3336 taxation more than six hundred forty (640) acres of land;
3337 provided, however, this exemption shall not apply to commercial
3338 schools and colleges or trade institutions or schools where the
3339 profits of same inure to individuals, associations or
3340 corporations. All property, real or personal, belonging to an
3341 individual, institution or corporation and used for the operation
3342 of a grammar school, junior high school, high school or military
3343 school. All property, real or personal, owned and occupied by a
3344 fraternal and benevolent organization, when used by such
3345 organization, and from which no rentals or other profits accrue to
3346 the organization, but any part rented or from which revenue is
3347 received shall be taxed.

3348 (e) All property, real or personal, held and occupied
3349 by trustees of public schools, and school lands of the respective
3350 townships for the use of public schools, and all property kept in
3351 storage for the convenience and benefit of the State of



3352 Mississippi in warehouses owned or leased by the State of
3353 Mississippi, wherein said property is to be sold by the Alcoholic
3354 Beverage Control Division of the Department of Revenue of the
3355 State of Mississippi.

3356 (f) All property, real or personal, whether belonging
3357 to religious or charitable or benevolent organizations, which is
3358 used for hospital purposes, and nurses' homes where a part
3359 thereof, and which maintain one or more charity wards that are for
3360 charity patients, and where all the income from said hospitals and
3361 nurses' homes is used entirely for the purposes thereof and no
3362 part of the same for profit.

3363 (g) The wearing apparel of every person; and also
3364 jewelry and watches kept by the owner for personal use to the
3365 extent of One Hundred Dollars (\$100.00) in value for each owner.

3366 (h) Provisions on hand for family consumption.

3367 (i) All farm products grown in this state for a period
3368 of two (2) years after they are harvested, when in the possession
3369 of or the title to which is in the producer, except the tax of
3370 one-fifth of one percent (1/5 of 1%) per pound on lint cotton now
3371 levied by the Board of Commissioners of the Mississippi Levee
3372 District; and lint cotton for five (5) years, and cottonseed,
3373 soybeans, oats, rice and wheat for one (1) year regardless of
3374 ownership.

3375 (j) All guns and pistols kept by the owner for private
3376 use.



3377 (k) All poultry in the hands of the producer.

3378 (l) Household furniture, including all articles kept in
3379 the home by the owner for his own personal or family use; but this
3380 shall not apply to hotels, rooming houses or rented or leased
3381 apartments.

3382 (m) All cattle and oxen.

3383 (n) All sheep, goats and hogs.

3384 (o) All horses, mules and asses.

3385 (p) Farming tools, implements and machinery, when used
3386 exclusively in the cultivation or harvesting of crops or timber.

3387 (q) All property of agricultural and mechanical
3388 associations and fairs used for promoting their objects, and where
3389 no part of the proceeds is used for profit.

3390 (r) The libraries of all persons.

3391 (s) All pictures and works of art, not kept for or
3392 offered for sale as merchandise.

3393 (t) The tools of any mechanic necessary for carrying on
3394 his trade.

3395 (u) All state, county, municipal, levee, drainage and
3396 all school bonds or other governmental obligations, and all bonds
3397 and/or evidences of debts issued by any church or church
3398 organization in this state, and all notes and evidences of
3399 indebtedness which bear a rate of interest not greater than the
3400 maximum rate per annum applicable under the law; and all money
3401 loaned at a rate of interest not exceeding the maximum rate per



3402 annum applicable under the law; and all stock in or bonds of
3403 foreign corporations or associations shall be exempt from all ad
3404 valorem taxes.

3405 (v) All lands and other property situated or located
3406 between the Mississippi River and the levee shall be exempt from
3407 the payment of any and all road taxes levied or assessed under any
3408 road laws of this state.

3409 (w) Any and all money on deposit in either national
3410 banks, state banks or trust companies, on open account, savings
3411 account or time deposit.

3412 (x) All wagons, carts, drays, carriages and other
3413 horse-drawn vehicles, kept for the use of the owner.

3414 (y) (i) Boats, seines and fishing equipment used in
3415 fishing and shrimping operations and in the taking or catching of
3416 oysters.

3417 (ii) All towboats, tugboats and barges documented
3418 under the laws of the United States, except watercraft of every
3419 kind and character used in connection with gaming operations.

3420 (z) All materials used in the construction and/or
3421 conversion of vessels in this state; vessels while under
3422 construction and/or conversion; vessels while in the possession of
3423 the manufacturer, builder or converter, for a period of twelve
3424 (12) months after completion of construction and/or conversion,
3425 and as used herein the term "vessel" shall include ships, offshore
3426 drilling equipment, dry docks, boats and barges, except watercraft



3427 of every kind and character used in connection with gaming
3428 operations.

3429 (aa) Sixty-six and two-thirds percent (66-2/3%) of
3430 nuclear fuel and reprocessed, recycled or residual nuclear fuel
3431 by-products, fissionable or otherwise, used or to be used in
3432 generation of electricity by persons defined as public utilities
3433 in Section 77-3-3.

3434 (bb) All growing nursery stock.

3435 (cc) A semitrailer used in interstate commerce.

3436 (dd) All property, real or personal, used exclusively
3437 for the housing of and provision of services to elderly persons,
3438 disabled persons, mentally impaired persons or as a nursing home,
3439 which is owned, operated and managed by a not-for-profit
3440 corporation, qualified under Section 501(c)(3) of the Internal
3441 Revenue Code, whose membership or governing body is appointed or
3442 confirmed by a religious society or ecclesiastical body or any
3443 congregation thereof.

3444 (ee) All vessels while in the hands of bona fide
3445 dealers as merchandise and which are not being operated upon the
3446 waters of this state shall be exempt from ad valorem taxes. As
3447 used in this paragraph, the terms "vessel" and "waters of this
3448 state" shall have the meaning ascribed to such terms in Section
3449 59-21-3.

3450 (ff) All property, real or personal, owned by a
3451 nonprofit organization that: (i) is qualified as tax exempt under



3452 Section 501(c) (4) of the Internal Revenue Code of 1986, as
3453 amended; (ii) assists in the implementation of the national
3454 contingency plan or area contingency plan, and which is created in
3455 response to the requirements of Title IV, Subtitle B of the Oil
3456 Pollution Act of 1990, Public Law 101-380; (iii) engages primarily
3457 in programs to contain, clean up and otherwise mitigate spills of
3458 oil or other substances occurring in the United States coastal or
3459 tidal waters; and (iv) is used for the purposes of the
3460 organization.

3461 (gg) If a municipality changes its boundaries so as to
3462 include within the boundaries of such municipality the project
3463 site of any project as defined in Section 57-75-5(f) (iv)1, Section
3464 57-75-5(f) (xxi) or Section 57-75-5(f) (xxviii) or Section
3465 57-75-5(f) (xxix), all real and personal property located on the
3466 project site within the boundaries of such municipality that is
3467 owned by a business enterprise operating such project, shall be
3468 exempt from ad valorem taxation for a period of time not to exceed
3469 thirty (30) years upon receiving approval for such exemption by
3470 the Mississippi Major Economic Impact Authority. The provisions
3471 of this paragraph shall not be construed to authorize a breach of
3472 any agreement entered into pursuant to Section 21-1-59.

3473 (hh) All leases, lease contracts or lease agreements
3474 (including, but not limited to, subleases, sublease contracts and
3475 sublease agreements), and leaseholds or leasehold interests
3476 (including, but not limited to, subleaseholds and subleasehold



3477 interests), of or with respect to any and all property (real,
3478 personal or mixed) constituting all or any part of a facility for
3479 the manufacture, production, generation, transmission and/or
3480 distribution of electricity, and any real property related
3481 thereto, shall be exempt from ad valorem taxation during the
3482 period as the United States is both the title owner of the
3483 property and a sublessee of or with respect to the property;
3484 however, the exemption authorized by this paragraph (hh) shall not
3485 apply to any entity to whom the United States sub-subleases its
3486 interest in the property nor to any entity to whom the United
3487 States assigns its sublease interest in the property. As used in
3488 this paragraph, the term "United States" includes an agency or
3489 instrumentality of the United States of America. This paragraph
3490 (hh) shall apply to all assessments for ad valorem taxation for
3491 the 2003 calendar year and each calendar year thereafter.

3492 (ii) All property, real, personal or mixed, including
3493 fixtures and leaseholds, used by Mississippi nonprofit entities
3494 qualified, on or before January 1, 2005, under Section 501(c)(3)
3495 of the Internal Revenue Code to provide support and operate
3496 technology incubators for research and development start-up
3497 companies, telecommunication start-up companies and/or other
3498 technology start-up companies, utilizing technology spun-off from
3499 research and development activities of the public colleges and
3500 universities of this state, State of Mississippi governmental



3501 research or development activities resulting therefrom located
3502 within the State of Mississippi.

3503 (jj) All property, real, personal or mixed, including
3504 fixtures and leaseholds, of start-up companies (as described in
3505 paragraph (ii) of this section) for the period of time, not to
3506 exceed five (5) years, that the start-up company remains a tenant
3507 of a technology incubator (as described in paragraph (ii) of this
3508 section).

3509 (kk) All leases, lease contracts or lease agreements
3510 (including, but not limited to, subleases, sublease contracts and
3511 sublease agreements), and leaseholds or leasehold interests, of or
3512 with respect to any and all property (real, personal or mixed)
3513 constituting all or any part of an auxiliary facility, and any
3514 real property related thereto, constructed or renovated pursuant
3515 to Section 37-101-41, Mississippi Code of 1972.

3516 (ll) Equipment brought into the state temporarily for
3517 use during a disaster response period as provided in Sections
3518 27-113-1 through 27-113-9 and subsequently removed from the state
3519 on or before the end of the disaster response period as defined in
3520 Section 27-113-5.

3521 **SECTION 13.** Section 27-65-101, Mississippi Code of 1972, is
3522 amended as follows:

3523 27-65-101. (1) The exemptions from the provisions of this
3524 chapter which are of an industrial nature or which are more
3525 properly classified as industrial exemptions than any other



3526 exemption classification of this chapter shall be confined to
3527 those persons or property exempted by this section or by the
3528 provisions of the Constitution of the United States or the State
3529 of Mississippi. No industrial exemption as now provided by any
3530 other section except Section 57-3-33 shall be valid as against the
3531 tax herein levied. Any subsequent industrial exemption from the
3532 tax levied hereunder shall be provided by amendment to this
3533 section. No exemption provided in this section shall apply to
3534 taxes levied by Section 27-65-15 or 27-65-21.

3535 The tax levied by this chapter shall not apply to the
3536 following:

3537 (a) Sales of boxes, crates, cartons, cans, bottles and
3538 other packaging materials to manufacturers and wholesalers for use
3539 as containers or shipping materials to accompany goods sold by
3540 said manufacturers or wholesalers where possession thereof will
3541 pass to the customer at the time of sale of the goods contained
3542 therein and sales to anyone of containers or shipping materials
3543 for use in ships engaged in international commerce.

3544 (b) Sales of raw materials, catalysts, processing
3545 chemicals, welding gases or other industrial processing gases
3546 (except natural gas) to a manufacturer for use directly in
3547 manufacturing or processing a product for sale or rental or
3548 repairing or reconditioning vessels or barges of fifty (50) tons
3549 load displacement and over. For the purposes of this exemption,
3550 electricity used directly in the electrolysis process in the



3551 production of sodium chlorate shall be considered a raw material.
3552 This exemption shall not apply to any property used as fuel except
3553 to the extent that such fuel comprises by-products which have no
3554 market value.

3555 (c) The gross proceeds of sales of dry docks, offshore
3556 drilling equipment for use in oil or natural gas exploration or
3557 production, vessels or barges of fifty (50) tons load displacement
3558 and over, when the vessels or barges are sold by the manufacturer
3559 or builder thereof. In addition to other types of equipment,
3560 offshore drilling equipment for use in oil or natural gas
3561 exploration or production shall include aircraft used
3562 predominately to transport passengers or property to or from
3563 offshore oil or natural gas exploration or production platforms or
3564 vessels, and engines, accessories and spare parts for such
3565 aircraft.

3566 (d) Sales to commercial fishermen of commercial fishing
3567 boats of over five (5) tons load displacement and not more than
3568 fifty (50) tons load displacement as registered with the United
3569 States Coast Guard and licensed by the Mississippi Commission on
3570 Marine Resources.

3571 (e) The gross income from repairs to vessels and barges
3572 engaged in foreign trade or interstate transportation.

3573 (f) Sales of petroleum products to vessels or barges
3574 for consumption in marine international commerce or interstate
3575 transportation businesses.



3576 (g) Sales and rentals of rail rolling stock (and
3577 component parts thereof) for ultimate use in interstate commerce
3578 and gross income from services with respect to manufacturing,
3579 repairing, cleaning, altering, reconditioning or improving such
3580 rail rolling stock (and component parts thereof).

3581 (h) Sales of raw materials, catalysts, processing
3582 chemicals, welding gases or other industrial processing gases
3583 (except natural gas) used or consumed directly in manufacturing,
3584 repairing, cleaning, altering, reconditioning or improving such
3585 rail rolling stock (and component parts thereof). This exemption
3586 shall not apply to any property used as fuel.

3587 (i) Sales of machinery or tools or repair parts
3588 therefor or replacements thereof, fuel or supplies used directly
3589 in manufacturing, converting or repairing ships, vessels or barges
3590 of three thousand (3,000) tons load displacement and over, but not
3591 to include office and plant supplies or other equipment not
3592 directly used on the ship, vessel or barge being built, converted
3593 or repaired. For purposes of this exemption, "ships, vessels or
3594 barges" shall not include floating structures described in Section
3595 27-65-18.

3596 (j) Sales of tangible personal property to persons
3597 operating ships in international commerce for use or consumption
3598 on board such ships. This exemption shall be limited to cases in
3599 which procedures satisfactory to the commissioner, ensuring



3600 against use in this state other than on such ships, are
3601 established.

3602 (k) Sales of materials used in the construction of a
3603 building, or any addition or improvement thereon, and sales of any
3604 machinery and equipment not later than three (3) months after the
3605 completion of construction of the building, or any addition
3606 thereon, to be used therein, to qualified businesses, as defined
3607 in Section 57-51-5, which are located in a county or portion
3608 thereof designated as an enterprise zone pursuant to Sections
3609 57-51-1 through 57-51-15.

3610 (l) Sales of materials used in the construction of a
3611 building, or any addition or improvement thereon, and sales of any
3612 machinery and equipment not later than three (3) months after the
3613 completion of construction of the building, or any addition
3614 thereon, to be used therein, to qualified businesses, as defined
3615 in Section 57-54-5.

3616 (m) Income from storage and handling of perishable
3617 goods by a public storage warehouse.

3618 (n) The value of natural gas lawfully injected into the
3619 earth for cycling, repressuring or lifting of oil, or lawfully
3620 vented or flared in connection with the production of oil;
3621 however, if any gas so injected into the earth is sold for such
3622 purposes, then the gas so sold shall not be exempt.

3623 (o) The gross collections from self-service commercial
3624 laundering, drying, cleaning and pressing equipment.



3625 (p) Sales of materials used in the construction of a
3626 building, or any addition or improvement thereon, and sales of any
3627 machinery and equipment not later than three (3) months after the
3628 completion of construction of the building, or any addition
3629 thereon, to be used therein, to qualified companies, certified as
3630 such by the Mississippi Development Authority under Section
3631 57-53-1.

3632 (q) Sales of component materials used in the
3633 construction of a building, or any addition or improvement
3634 thereon, sales of machinery and equipment to be used therein, and
3635 sales of manufacturing or processing machinery and equipment which
3636 is permanently attached to the ground or to a permanent foundation
3637 and which is not by its nature intended to be housed within a
3638 building structure, not later than three (3) months after the
3639 initial start-up date, to permanent business enterprises engaging
3640 in manufacturing or processing in Tier Three areas (as such term
3641 is defined in Section 57-73-21), which businesses are certified by
3642 the Department of Revenue as being eligible for the exemption
3643 granted in this paragraph (q).

3644 (r) (i) Sales of component materials used in the
3645 construction of a building, or any addition or improvement
3646 thereon, and sales of any machinery and equipment not later than
3647 three (3) months after the completion of the building, addition or
3648 improvement thereon, to be used therein, for any company
3649 establishing or transferring its national or regional headquarters



3650 from within or outside the State of Mississippi and creating a
3651 minimum of twenty (20) jobs at the new headquarters in this state.
3652 The Department of Revenue shall establish criteria and prescribe
3653 procedures to determine if a company qualifies as a national or
3654 regional headquarters for the purpose of receiving the exemption
3655 provided in this subparagraph (i).

3656 (ii) Sales of component materials used in the
3657 construction of a building, or any addition or improvement
3658 thereon, and sales of any machinery and equipment not later than
3659 three (3) months after the completion of the building, addition or
3660 improvement thereon, to be used therein, for any company expanding
3661 or making additions after January 1, 2013, to its national or
3662 regional headquarters within the State of Mississippi and creating
3663 a minimum of twenty (20) new jobs at the headquarters as a result
3664 of the expansion or additions. The Department of Revenue shall
3665 establish criteria and prescribe procedures to determine if a
3666 company qualifies as a national or regional headquarters for the
3667 purpose of receiving the exemption provided in this subparagraph
3668 (ii).

3669 (s) The gross proceeds from the sale of semitrailers,
3670 trailers, boats, travel trailers, motorcycles and all-terrain
3671 cycles if exported from this state within forty-eight (48) hours
3672 and registered and first used in another state.

3673 (t) Gross income from the storage and handling of
3674 natural gas in underground salt domes and in other underground



3675 reservoirs, caverns, structures and formations suitable for such
3676 storage.

3677 (u) Sales of machinery and equipment to nonprofit
3678 organizations if the organization:

3679 (i) Is tax exempt pursuant to Section 501(c)(4) of
3680 the Internal Revenue Code of 1986, as amended;

3681 (ii) Assists in the implementation of the
3682 contingency plan or area contingency plan, and which is created in
3683 response to the requirements of Title IV, Subtitle B of the Oil
3684 Pollution Act of 1990, Public Law 101-380; and

3685 (iii) Engages primarily in programs to contain,
3686 clean up and otherwise mitigate spills of oil or other substances
3687 occurring in the United States coastal and tidal waters.

3688 For purposes of this exemption, "machinery and equipment"
3689 means any ocean-going vessels, barges, booms, skimmers and other
3690 capital equipment used primarily in the operations of nonprofit
3691 organizations referred to herein.

3692 (v) Sales or leases of materials and equipment to
3693 approved business enterprises as provided under the Growth and
3694 Prosperity Act.

3695 (w) From and after July 1, 2001, sales of pollution
3696 control equipment to manufacturers or custom processors for
3697 industrial use. For the purposes of this exemption, "pollution
3698 control equipment" means equipment, devices, machinery or systems
3699 used or acquired to prevent, control, monitor or reduce air, water



3700 or groundwater pollution, or solid or hazardous waste as required
3701 by federal or state law or regulation.

3702 (x) Sales or leases to a manufacturer of motor vehicles
3703 or powertrain components operating a project that has been
3704 certified by the Mississippi Major Economic Impact Authority as a
3705 project as defined in Section 57-75-5(f)(iv)1, Section
3706 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and
3707 equipment; special tooling such as dies, molds, jigs and similar
3708 items treated as special tooling for federal income tax purposes;
3709 or repair parts therefor or replacements thereof; repair services
3710 thereon; fuel, supplies, electricity, coal and natural gas used
3711 directly in the manufacture of motor vehicles or motor vehicle
3712 parts or used to provide climate control for manufacturing areas.

3713 (y) Sales or leases of component materials, machinery
3714 and equipment used in the construction of a building, or any
3715 addition or improvement thereon to an enterprise operating a
3716 project that has been certified by the Mississippi Major Economic
3717 Impact Authority as a project as defined in Section
3718 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi), Section 57-75-5(f)(xxii)
3719 or Section 57-75-5(f)(xxviii) and any other sales or leases
3720 required to establish or operate such project.

3721 (z) Sales of component materials and equipment to a
3722 business enterprise as provided under Section 57-64-33.



3723 (aa) The gross income from the stripping and painting
3724 of commercial aircraft engaged in foreign or interstate
3725 transportation business.

3726 (bb) [Repealed]

3727 (cc) Sales or leases to an enterprise owning or
3728 operating a project that has been designated by the Mississippi
3729 Major Economic Impact Authority as a project as defined in Section
3730 57-75-5(f) (xviii) of machinery and equipment; special tooling such
3731 as dies, molds, jigs and similar items treated as special tooling
3732 for federal income tax purposes; or repair parts therefor or
3733 replacements thereof; repair services thereon; fuel, supplies,
3734 electricity, coal and natural gas used directly in the
3735 manufacturing/production operations of the project or used to
3736 provide climate control for manufacturing/production areas.

3737 (dd) Sales or leases of component materials, machinery
3738 and equipment used in the construction of a building, or any
3739 addition or improvement thereon to an enterprise owning or
3740 operating a project that has been designated by the Mississippi
3741 Major Economic Impact Authority as a project as defined in Section
3742 57-75-5(f) (xviii) and any other sales or leases required to
3743 establish or operate such project.

3744 (ee) Sales of parts used in the repair and servicing of
3745 aircraft not registered in Mississippi engaged exclusively in the
3746 business of foreign or interstate transportation to businesses
3747 engaged in aircraft repair and maintenance.



3748 (ff) Sales of component materials used in the
3749 construction of a facility, or any addition or improvement
3750 thereon, and sales or leases of machinery and equipment not later
3751 than three (3) months after the completion of construction of the
3752 facility, or any addition or improvement thereto, to be used in
3753 the building or any addition or improvement thereto, to a
3754 permanent business enterprise operating a data/information
3755 enterprise in Tier Three areas (as such areas are designated in
3756 accordance with Section 57-73-21), meeting minimum criteria
3757 established by the Mississippi Development Authority.

3758 (gg) Sales of component materials used in the
3759 construction of a facility, or any addition or improvement
3760 thereto, and sales of machinery and equipment not later than three
3761 (3) months after the completion of construction of the facility,
3762 or any addition or improvement thereto, to be used in the facility
3763 or any addition or improvement thereto, to technology intensive
3764 enterprises for industrial purposes in Tier Three areas (as such
3765 areas are designated in accordance with Section 57-73-21), as
3766 certified by the Department of Revenue. For purposes of this
3767 paragraph, an enterprise must meet the criteria provided for in
3768 Section 27-65-17(1)(f) in order to be considered a technology
3769 intensive enterprise.

3770 (hh) Sales of component materials used in the
3771 replacement, reconstruction or repair of a building or facility
3772 that has been destroyed or sustained extensive damage as a result



3773 of a disaster declared by the Governor, sales of machinery and
3774 equipment to be used therein to replace machinery or equipment
3775 damaged or destroyed as a result of such disaster, including, but
3776 not limited to, manufacturing or processing machinery and
3777 equipment which is permanently attached to the ground or to a
3778 permanent foundation and which is not by its nature intended to be
3779 housed within a building structure, to enterprises or companies
3780 that were eligible for the exemptions authorized in paragraph (q),
3781 (r), (ff) or (gg) of this subsection during initial construction
3782 of the building that was destroyed or damaged, which enterprises
3783 or companies are certified by the Department of Revenue as being
3784 eligible for the exemption granted in this paragraph.

3785 (ii) Sales of software or software services transmitted
3786 by the Internet to a destination outside the State of Mississippi
3787 where the first use of such software or software services by the
3788 purchaser occurs outside the State of Mississippi.

3789 (jj) Gross income of public storage warehouses derived
3790 from the temporary storage of raw materials that are to be used in
3791 an eligible facility as defined in Section 27-7-22.35.

3792 (kk) Sales of component building materials and
3793 equipment for initial construction of facilities or expansion of
3794 facilities as authorized under Sections 57-113-1 through 57-113-7
3795 and Sections 57-113-21 through 57-113-27.



3796 (11) Sales and leases of machinery and equipment
3797 acquired in the initial construction to establish facilities as
3798 authorized in Sections 57-113-1 through 57-113-7.

3799 (mm) Sales and leases of replacement hardware, software
3800 or other necessary technology to operate a data center as
3801 authorized under Sections 57-113-21 through 57-113-27.

3802 (nn) Sales of component materials used in the
3803 construction of a building, or any addition or improvement
3804 thereon, and sales or leases of machinery and equipment not later
3805 than three (3) months after the completion of the construction of
3806 the facility, to be used in the facility, to permanent business
3807 enterprises operating a facility producing renewable crude oil
3808 from biomass harvested or produced, in whole or in part, in
3809 Mississippi, which businesses meet minimum criteria established by
3810 the Mississippi Development Authority. As used in this paragraph,
3811 the term "biomass" shall have the meaning ascribed to such term in
3812 Section 57-113-1.

3813 (oo) Sales of supplies, equipment and other personal
3814 property to an organization that is exempt from taxation under
3815 Section 501(c)(3) of the Internal Revenue Code and is the host
3816 organization coordinating a professional golf tournament played or
3817 to be played in this state and the supplies, equipment or other
3818 personal property will be used for purposes related to the golf
3819 tournament and related activities.



3820 (pp) Sales of materials used in the construction of a
3821 health care industry facility, as defined in Section 57-117-3, or
3822 any addition or improvement thereon, and sales of any machinery
3823 and equipment not later than three (3) months after the completion
3824 of construction of the facility, or any addition thereon, to be
3825 used therein, to qualified businesses, as defined in Section
3826 57-117-3. This paragraph shall be repealed from and after July 1,
3827 2022.

3828 (qq) Sales or leases to a manufacturer of automotive
3829 parts operating a project that has been certified by the
3830 Mississippi Major Economic Impact Authority as a project as
3831 defined in Section 57-75-5(f) (xxviii) of machinery and equipment;
3832 or repair parts therefor or replacements thereof; repair services
3833 thereon; fuel, supplies, electricity, coal, nitrogen and natural
3834 gas used directly in the manufacture of automotive parts or used
3835 to provide climate control for manufacturing areas.

3836 (rr) Gross collections derived from guided tours on any
3837 navigable waters of this state, which include providing
3838 accommodations, guide services and/or related equipment operated
3839 by or under the direction of the person providing the tour, for
3840 the purposes of outdoor tourism. The exemption provided in this
3841 paragraph (rr) does not apply to the sale of tangible personal
3842 property by a person providing such tours.

3843 (ss) Retail sales of truck-tractors and semitrailers
3844 used in interstate commerce and registered under the International



3845 Registration Plan (IRP) or any similar reciprocity agreement or
3846 compact relating to the proportional registration of commercial
3847 vehicles entered into as provided for in Section 27-19-143.

3848 (tt) Sales exempt under the Facilitating Business Rapid
3849 Response to State Declared Disasters Act of 2015 (Sections
3850 27-113-1 through 27-113-9).

3851 (uu) Sales or leases to an enterprise and its
3852 affiliates operating a project that has been certified by the
3853 Mississippi Major Economic Impact Authority as a project as
3854 defined in Section 57-75-5(f)(xxix) of:

3855 (i) All personal property and fixtures, including
3856 without limitation, sales or leases to the enterprise and its
3857 affiliates of:

3858 1. Manufacturing machinery and equipment;

3859 2. Special tooling such as dies, molds, jigs
3860 and similar items treated as special tooling for federal income
3861 tax purposes;

3862 3. Component building materials, machinery
3863 and equipment used in the construction of buildings, and any other
3864 additions or improvements to the project site for the project;

3865 4. Nonmanufacturing furniture, fixtures and
3866 equipment (inclusive of all communications, computer, server,
3867 software and other hardware equipment); and

3868 5. Fuel, supplies (other than
3869 nonmanufacturing consumable supplies and water), electricity,



3870 nitrogen gas and natural gas used directly in the
3871 manufacturing/production operations of such project or used to
3872 provide climate control for manufacturing/production areas of such
3873 project;

3874 (ii) All replacements of, repair parts for or
3875 services to repair items described in subparagraph (i)1, 2 and 3
3876 of this paragraph; and

3877 (iii) All services taxable pursuant to Section
3878 27-65-23 required to establish, support, operate, repair and/or
3879 maintain such project.

3880 (vv) Sales or leases to an enterprise operating a
3881 project that has been certified by the Mississippi Major Economic
3882 Impact Authority as a project as defined in Section
3883 57-75-5(f)(xxx) of:

3884 (i) Purchases required to establish and operate
3885 the project, including, but not limited to, sales of component
3886 building materials, machinery and equipment required to establish
3887 the project facility and any additions or improvements thereon;
3888 and

3889 (ii) Machinery, special tools (such as dies,
3890 molds, and jigs) or repair parts thereof, or replacements and
3891 lease thereof, repair services thereon, fuel, supplies and
3892 electricity, coal and natural gas used in the manufacturing
3893 process and purchased by the enterprise owning or operating the
3894 project for the benefit of the project.



3895 (2) Sales of component materials used in the construction of
3896 a building, or any addition or improvement thereon, sales of
3897 machinery and equipment to be used therein, and sales of
3898 manufacturing or processing machinery and equipment which is
3899 permanently attached to the ground or to a permanent foundation
3900 and which is not by its nature intended to be housed within a
3901 building structure, not later than three (3) months after the
3902 initial start-up date, to permanent business enterprises engaging
3903 in manufacturing or processing in Tier Two areas and Tier One
3904 areas (as such areas are designated in accordance with Section
3905 57-73-21), which businesses are certified by the Department of
3906 Revenue as being eligible for the exemption granted in this
3907 subsection, shall be exempt from one-half (1/2) of the taxes
3908 imposed on such transactions under this chapter.

3909 (3) Sales of component materials used in the construction of
3910 a facility, or any addition or improvement thereon, and sales or
3911 leases of machinery and equipment not later than three (3) months
3912 after the completion of construction of the facility, or any
3913 addition or improvement thereto, to be used in the building or any
3914 addition or improvement thereto, to a permanent business
3915 enterprise operating a data/information enterprise in Tier Two
3916 areas and Tier One areas (as such areas are designated in
3917 accordance with Section 57-73-21), which businesses meet minimum
3918 criteria established by the Mississippi Development Authority,



3919 shall be exempt from one-half (1/2) of the taxes imposed on such
3920 transaction under this chapter.

3921 (4) Sales of component materials used in the construction of
3922 a facility, or any addition or improvement thereto, and sales of
3923 machinery and equipment not later than three (3) months after the
3924 completion of construction of the facility, or any addition or
3925 improvement thereto, to be used in the building or any addition or
3926 improvement thereto, to technology intensive enterprises for
3927 industrial purposes in Tier Two areas and Tier One areas (as such
3928 areas are designated in accordance with Section 57-73-21), which
3929 businesses are certified by the Department of Revenue as being
3930 eligible for the exemption granted in this subsection, shall be
3931 exempt from one-half (1/2) of the taxes imposed on such
3932 transactions under this chapter. For purposes of this subsection,
3933 an enterprise must meet the criteria provided for in Section
3934 27-65-17(1)(f) in order to be considered a technology intensive
3935 enterprise.

3936 (5) (a) For purposes of this subsection:

3937 (i) "Telecommunications enterprises" shall have
3938 the meaning ascribed to such term in Section 57-73-21;

3939 (ii) "Tier One areas" mean counties designated as
3940 Tier One areas pursuant to Section 57-73-21;

3941 (iii) "Tier Two areas" mean counties designated as
3942 Tier Two areas pursuant to Section 57-73-21;



3943 (iv) "Tier Three areas" mean counties designated
3944 as Tier Three areas pursuant to Section 57-73-21; and

3945 (v) "Equipment used in the deployment of broadband
3946 technologies" means any equipment capable of being used for or in
3947 connection with the transmission of information at a rate, prior
3948 to taking into account the effects of any signal degradation, that
3949 is not less than three hundred eighty-four (384) kilobits per
3950 second in at least one (1) direction, including, but not limited
3951 to, asynchronous transfer mode switches, digital subscriber line
3952 access multiplexers, routers, servers, multiplexers, fiber optics
3953 and related equipment.

3954 (b) Sales of equipment to telecommunications
3955 enterprises after June 30, 2003, and before July 1, 2020, that is
3956 installed in Tier One areas and used in the deployment of
3957 broadband technologies shall be exempt from one-half (1/2) of the
3958 taxes imposed on such transactions under this chapter.

3959 (c) Sales of equipment to telecommunications
3960 enterprises after June 30, 2003, and before July 1, 2020, that is
3961 installed in Tier Two and Tier Three areas and used in the
3962 deployment of broadband technologies shall be exempt from the
3963 taxes imposed on such transactions under this chapter.

3964 (6) Sales of component materials used in the replacement,
3965 reconstruction or repair of a building that has been destroyed or
3966 sustained extensive damage as a result of a disaster declared by
3967 the Governor, sales of machinery and equipment to be used therein



3968 to replace machinery or equipment damaged or destroyed as a result
3969 of such disaster, including, but not limited to, manufacturing or
3970 processing machinery and equipment which is permanently attached
3971 to the ground or to a permanent foundation and which is not by its
3972 nature intended to be housed within a building structure, to
3973 enterprises that were eligible for the partial exemptions provided
3974 for in subsections (2), (3) and (4) of this section during initial
3975 construction of the building that was destroyed or damaged, which
3976 enterprises are certified by the Department of Revenue as being
3977 eligible for the partial exemption granted in this subsection,
3978 shall be exempt from one-half (1/2) of the taxes imposed on such
3979 transactions under this chapter.

3980 **SECTION 14.** Section 29-1-1, Mississippi Code of 1972, is
3981 amended as follows:

3982 29-1-1. (1) Except as otherwise provided in subsections
3983 (7), (8) * * *, (9) and (13) of this section, the title to all
3984 lands held by any agency of the State of Mississippi shall appear
3985 on all deeds and land records under the name of the "State of
3986 Mississippi." A deed may also recite the name of the agency for
3987 whose benefit and use the land is acquired, but the recital shall
3988 not be deemed or construed to be a limitation on the grant or an
3989 impairment of title held by the State of Mississippi. Use and
3990 possession of the land may be reassigned by act of the Legislature
3991 or by interagency conveyance where each agency has statutory
3992 authority to acquire and dispose of land. For the purpose of this



3993 section, the term "agency" shall be defined as set forth in
3994 Section 31-7-1(a). The provisions of this section shall not
3995 affect the authority of any agency to use any land held by the
3996 agency. No assets or property of the Public Employees' Retirement
3997 System of Mississippi shall be transferred in violation of Section
3998 272A of the Mississippi Constitution of 1890. Each state agency
3999 shall inventory any state-held lands which are titled in the name
4000 of the agency. The agency shall execute quitclaim deeds and any
4001 other necessary documents to transfer the name and title of the
4002 property to the State of Mississippi. State agencies shall
4003 furnish to the Secretary of State certified copies of the
4004 quitclaim deeds and all other deeds whereby the state agency
4005 acquires or disposes of state-held land.

4006 (2) The Secretary of State, under the general direction of
4007 the Governor and as authorized by law, shall sell and convey the
4008 public lands in the manner and on the terms provided herein for
4009 the several classes thereof; he shall perform all the
4010 administrative and executive duties appertaining to the selection,
4011 location, surveying, platting, listing, and registering these
4012 lands or otherwise concerning them; and he shall investigate the
4013 status of the various "percent" funds accrued and accruing to the
4014 state from the sale of lands by the United States, and shall
4015 collect and pay the funds into the Treasury in the manner provided
4016 by law. The Secretary of State, with the approval of the



4017 Governor, acting on behalf of the state, may accept gifts or
4018 donations of land to the State of Mississippi.

4019 (3) In accordance with Sections 7-11-11 and 7-11-13, the
4020 Secretary of State shall be required to sign all conveyances of
4021 all state-held land. For purposes of this section, the term
4022 "conveyance" shall mean any sale or purchase of land by the State
4023 of Mississippi for use by any agency, board or commission thereof.
4024 Failure to obtain legislative approval pursuant to subsection (4)
4025 of this section and the signature of the Secretary of State on any
4026 conveyance regarding the sale or purchase of lands for the state
4027 including any agency, board or commission thereof, shall render
4028 the attempted sale or purchase of the lands void. Nothing in this
4029 section shall be construed to authorize any state agency, board,
4030 commission or public official to convey any state-held land unless
4031 this authority is otherwise granted by law. The Secretary of
4032 State shall not withhold arbitrarily his signature from any
4033 purchase or sale authorized by the Mississippi State Legislature.
4034 Except for those lands forfeited to the state for the nonpayment
4035 of taxes, conveyed to another state agency or entity as provided
4036 in subsection (11) of this section or acquired by the Mississippi
4037 Transportation Commission under Section 65-1-123, no state-held
4038 land shall be sold for less than the fair market value as
4039 determined by two (2) professional appraisers selected by the
4040 State Department of Finance and Administration, who are certified
4041 general appraisers of the State of Mississippi. The proceeds from



4042 any sale by an agency, board, commission or public official of
4043 state-held lands shall be deposited into the State General Fund
4044 unless otherwise provided by law.

4045 (4) Before any state-held land is sold to any individual or
4046 private entity, thirty (30) days' advance notice of the intended
4047 sale shall be provided by the Secretary of State to the State
4048 Legislature and to all state agencies for the purpose of
4049 ascertaining whether an agency has a need for the land and for the
4050 purpose of ascertaining whether the sale of the land was
4051 authorized by law. If no agency of the state expresses in writing
4052 to the Secretary of State by the end of the thirty-day period a
4053 desire to use the land, then the Secretary of State, with the
4054 prior approval of the Mississippi Legislature to sell the
4055 state-held land, may offer the land for sale to any individual or
4056 private entity. Such notice to state agencies is given in aid of
4057 internal management of the real property inventory of the state,
4058 and this notice requirement shall not be applied to challenge or
4059 defeat any title heretofore or hereafter granted by the state
4060 under any law authorized by the Mississippi Legislature providing
4061 for the sale or disposal of property.

4062 (5) A cultural resources survey may be performed on any
4063 state-held land before the disposition of the land if the * * *
4064 Mississippi Department of Archives and History deems this survey
4065 necessary. The cost of the survey and any archaeological studies
4066 deemed necessary by the * * * Mississippi Department of Archives



4067 and History shall be paid by the selling agency and recouped from
4068 the proceeds of the sale.

4069 (6) Before any land may be purchased by the state for the
4070 benefit of any state agency, the Secretary of State, or his
4071 designee, shall search and examine all state land records to
4072 determine whether the state owns any land that may fit the
4073 particular need of the agency. The Secretary of State, or his
4074 designee, shall notify the agency if it is determined that any
4075 state-held land is available for use by the agency. The agency
4076 shall determine if such land accommodates its needs and shall
4077 determine whether to make an official request to the proper
4078 authorities to have the use of the land.

4079 (7) This section shall not apply to: (a) any lands
4080 purchased or acquired for construction and maintenance of highways
4081 or highway rights-of-way by the Mississippi Department of
4082 Transportation, or (b) any lands acquired by the state by
4083 forfeiture for nonpayment of ad valorem taxes and heretofore or
4084 hereafter sold under authority of any other section of Chapter 1,
4085 Title 29, specifically relating to tax-forfeited lands.

4086 (8) This section shall not apply to any lands purchased
4087 solely by the use of federal funds or lands for which authority to
4088 transfer or dispose of these lands is governed by federal law or
4089 federal regulations insofar as the application of this section
4090 limits or impairs the ability of the Secretary of State to acquire
4091 or dispose of the land. However, any state agency acquiring or



4092 disposing of land exempted from the application of this section by
4093 this subsection shall furnish the Secretary of State certified
4094 copies of all deeds executed for those transfers or disposals.

4095 (9) Any lands purchased by the Mississippi Major Economic
4096 Impact Authority for a "project" as defined in Section 57-75-5
4097 shall be excluded from the provisions of this section.

4098 (10) The Secretary of State may recover from any agency,
4099 corporation, board, commission, entity or individual any cost that
4100 is incurred by his office for the record-keeping responsibilities
4101 regarding the sale or purchase of any state-held lands.

4102 (11) Subsections (4), (5) and (6) of this section shall not
4103 apply to sales or purchases of land when the Legislature expressly
4104 authorizes or directs a state agency to sell, purchase or
4105 lease-purchase a specifically described property. However, when
4106 the Legislature authorizes a state agency to sell or otherwise
4107 convey specifically described real property to another state
4108 agency or other entity such as a county, municipality, economic
4109 development district created under Section 19-5-99 or similar
4110 entity, without providing that the conveyance may not be made for
4111 less than the fair market value of the property, then the state
4112 agency authorized to convey such property must make the following
4113 determinations before conveying the property:

4114 (a) That the state agency or other entity to which the
4115 proposed conveyance is to be made has an immediate need for the
4116 property;



4117 (b) That there are quantifiable benefits that will
4118 inure to the state agency or other entity to which the proposed
4119 conveyance is to be made which outweigh any quantifiable costs to
4120 the state agency authorized to make the conveyance; and

4121 (c) That the state agency or other entity to which the
4122 proposed conveyance is to be made lacks available funds to pay
4123 fair market value for the property. If the state agency
4124 authorized to convey such property fails to make such
4125 determinations, then it shall not convey the property for less
4126 than the fair market value of the property.

4127 (12) This section shall not apply to the donation and
4128 conveyance of the Nanih Waiya State Park to the Mississippi Band
4129 of Choctaw Indians.

4130 (13) This section shall not apply to any lands acquired,
4131 sold, or leased pursuant to Section 59-5-1 et seq.

4132 **SECTION 15.** Section 31-19-25, Mississippi Code of 1972, is
4133 amended as follows:

4134 31-19-25. All bonds issued pursuant to any laws of this
4135 state and hereafter sold by the governing authority of or on
4136 behalf of any county, road district, school district, drainage
4137 district or other political subdivision or instrumentality of this
4138 state shall be advertised for sale on sealed bids or at public
4139 auction. Such advertisement shall be published at least two (2)
4140 times in a newspaper published in the county in which the
4141 political subdivision or instrumentality is situated, and if no



4142 newspaper is published in such county, then in a newspaper
4143 published in an adjoining county; with respect to a political
4144 subdivision or instrumentality which is composed of more than one
4145 (1) county, such advertisement shall be published at least two (2)
4146 times in a newspaper having a general circulation in each county
4147 all or a portion of which is part of the political subdivision or
4148 instrumentality. The first publication in each case shall be made
4149 at least ten (10) days preceding the date fixed for the reception
4150 of bids, and such notice shall give the time and place of sale.

4151 The governing authority may reject any and all bids, whether
4152 so stated in the notice of sale or not. If the bonds are not sold
4153 pursuant to such advertisement, they may be sold by the governing
4154 authority by private sale at any time within sixty (60) days after
4155 the date advertised for the reception of bids; but no such private
4156 sale shall be made at a price less than the highest bid which
4157 shall have been received pursuant to such advertisement. If not
4158 so sold at private sale, said bonds shall be readvertised in the
4159 manner herein prescribed.

4160 Every bid for the purchase of any of such bonds shall be
4161 accompanied by a cashier's check, certified check or exchange,
4162 payable to the proper governing authority, issued or certified by
4163 a bank located in this state in the amount of not less than two
4164 percent (2%) of the par value of the bonds offered for sale, as a
4165 guaranty that the bidder will carry out his contract and purchase
4166 the bonds if the bid is accepted. If the successful bidder fails



4167 to purchase the bonds pursuant to his bid and contract, the amount
4168 of such good faith check shall be retained by the governing
4169 authority and covered into the proper fund as liquidated damages
4170 for such failure.

4171 This section shall not apply to the sale of bonds by the
4172 State of Mississippi through the State Bond Commission or the sale
4173 of bonds or any other indebtedness incurred by a county in
4174 connection with a project as defined under Section
4175 57-75-5(f) (xxviii) or Section 57-75-5(f) (xxix).

4176 A failure to comply with any provision of this section shall
4177 not invalidate such bonds, but any member of the governing board,
4178 commission or other governing authority who shall willfully
4179 violate any of said provisions and shall willfully fail to give
4180 the notices herein required shall be liable personally and on his
4181 official bond for a penalty in each case of Five Hundred Dollars
4182 (\$500.00) and, in addition thereto, for all financial loss that
4183 may result to the county, municipality, road district, school
4184 district, drainage district or other political subdivision or
4185 instrumentality of the state or county resulting from such willful
4186 failure to comply herewith. Such penalty and damages may be
4187 recovered by suit of the Attorney General, a district attorney or
4188 of any citizen of such county or other political subdivision in
4189 any court of competent jurisdiction, for the use and benefit of
4190 the county or other such political subdivision or instrumentality.



4191 **SECTION 16.** Section 43-37-3, Mississippi Code of 1972, is
4192 amended as follows:

4193 43-37-3. (1) Any person, agency or other entity acquiring
4194 real property for any project or program in which public funds are
4195 used shall comply with the following policies:

4196 (a) Every reasonable effort shall be made to acquire
4197 expeditiously real property by negotiation.

4198 (b) Real property shall be appraised before the
4199 initiation of negotiations, except that the acquiring person,
4200 agency or other entity may adopt a procedure in compliance with
4201 federal regulations to waive the appraisal in cases involving the
4202 acquisition by sale or donation of property with a low fair market
4203 value. For the purposes of this chapter, property with a low fair
4204 market value is property with a fair market value of Ten Thousand
4205 Dollars (\$10,000.00) or less. The owner or his designated
4206 representative shall be given an opportunity to accompany the
4207 appraiser during his inspection of the property.

4208 (c) (i) Except as otherwise provided in subparagraph
4209 (ii) of this paragraph, the price that shall be paid for real
4210 property shall be the lesser of the best negotiated price or the
4211 approved appraisal of the fair market value or the price at which
4212 the property is offered for sale. Any decrease or increase in the
4213 fair market value of real property prior to the date of valuation
4214 caused by the public improvement for which the property is
4215 acquired or by the likelihood that the property would be acquired



4216 for such improvement, other than that due to physical
4217 deterioration within the reasonable control of the owner, will be
4218 disregarded in determining the compensation for the property. The
4219 owner of the real property to be acquired shall be provided with a
4220 written statement of, and summary of the basis for, the amount
4221 established as just compensation. Where appropriate, the just
4222 compensation for the real property acquired and for damages to
4223 remaining real property shall be separately stated.

4224 (ii) The purchase price for real property may
4225 exceed the amount offered as just compensation for the property
4226 when reasonable efforts to negotiate an agreement at that amount
4227 have failed, and the person, agency or other entity seeking to
4228 acquire the property approves an administrative settlement as
4229 reasonable, prudent and in the best interests of the public. When
4230 state funds pay for all or a portion of the acquisition, the
4231 purchasing person, agency or other entity shall prepare a written
4232 statement explaining the reasons that justified the purchase price
4233 exceeding the amount offered as just compensation, including any
4234 anticipated trial risks, and any available information supporting
4235 an administrative settlement.

4236 (d) No owner shall be required to surrender possession
4237 of real property before the agreed purchase price is paid or there
4238 is deposited with the state court, in accordance with applicable
4239 law, for the benefit of the owner an amount not less than the
4240 approved appraisal of the fair market value of such property, or



4241 the amount of the award of compensation in the condemnation
4242 proceeding of such property.

4243 (e) The construction or development of a public
4244 improvement shall be so scheduled that, to the greatest extent
4245 practicable, no person lawfully occupying real property shall be
4246 required to move from a dwelling (assuming a replacement dwelling
4247 will be available) or to move his business or farm operation
4248 without at least ninety (90) days' written notice from the date by
4249 which such move is required.

4250 (f) If an owner or tenant is permitted to occupy the
4251 real property acquired on a rental basis for a short term or for a
4252 period subject to termination by the acquiring authority on short
4253 notice, the amount of rent required shall not exceed the fair
4254 rental value of the property to a short-term occupier.

4255 (g) In no event shall the time of condemnation be
4256 advanced, or negotiations or condemnation and the deposit of funds
4257 in court for the use of the owner be deferred, or any other
4258 coercive action be taken to compel an agreement on the price to be
4259 paid for the property.

4260 (h) If an interest in real property is to be acquired
4261 by exercise of power of eminent domain, formal condemnation
4262 proceedings shall be instituted. The acquiring authority shall
4263 not intentionally make it necessary for an owner to institute
4264 legal proceedings to prove the fact of the taking of his real
4265 property.



4266 (i) If the acquisition of only part of the property
4267 would leave its owner with an uneconomic remnant, an offer to
4268 acquire that remnant shall be made. For the purposes of this
4269 chapter, an uneconomic remnant is a parcel of real property in
4270 which the owner is left with an interest after the partial
4271 acquisition of the owner's property and which the person, agency
4272 or other entity acquiring the property determines has little or no
4273 value or utility to the owner.

4274 (j) A person whose real property is being acquired in
4275 accordance with this chapter may, after the person has been fully
4276 informed of his right to receive just compensation for such
4277 property, donate such property, any part thereof, any interest
4278 therein or any compensation paid therefor to the person, agency or
4279 other entity acquiring the property in such manner as he so
4280 determines.

4281 (2) Any real property acquired by any person, agency or
4282 other entity using public funds in accordance with Section
4283 57-75-37(3) or Section 57-75-37(4) shall be exempt from the
4284 provisions of subsection (1)(b) and (c) of this section to the
4285 extent permitted by Section 57-75-37(3) or Section 57-75-37(4).

4286 **SECTION 17.** Section 27-13-5, Mississippi Code of 1972, is
4287 amended as follows:

4288 27-13-5. (1) **Franchise tax levy.** Except as otherwise
4289 provided in subsections (3), (4), (5) and (7) of this section,
4290 there is hereby imposed, to be paid and collected as hereinafter



4291 provided, a franchise or excise tax upon every corporation,
4292 association or joint-stock company or partnership treated as a
4293 corporation under the income tax laws or regulations, organized or
4294 created for pecuniary gain, having privileges not possessed by
4295 individuals, and having authorized capital stock now existing in
4296 this state, or hereafter organized, created or established, under
4297 and by virtue of the laws of the State of Mississippi, equal to
4298 Two Dollars and Fifty Cents (\$2.50) for each One Thousand Dollars
4299 (\$1,000.00), or fraction thereof, of the value of the capital
4300 used, invested or employed in the exercise of any power, privilege
4301 or right enjoyed by such organization within this state, except as
4302 hereinafter provided. In no case shall the franchise tax due for
4303 the accounting period be less than Twenty-five Dollars (\$25.00).
4304 It is the purpose of this section to require the payment to the
4305 State of Mississippi of this tax for the right granted by the laws
4306 of this state to exist as such organization, and to enjoy, under
4307 the protection of the laws of this state, the powers, rights,
4308 privileges and immunities derived from the state by the form of
4309 such existence.

4310 (2) **Annual report of domestic corporations.** Each domestic
4311 corporation shall file an annual report as required by the
4312 provisions of Section 79-4-16.22.

4313 (3) (a) A corporation that has negotiated a fee-in-lieu as
4314 defined in Section 57-75-5 shall not be subject to the tax levied
4315 by this section on such project; * * * however, * * * the



4316 fee-in-lieu payment shall be otherwise treated in the same manner
4317 as the payment of franchise taxes.

4318 (b) (i) As used in this paragraph:

4319 1. "Authority" shall have the meaning
4320 ascribed to such term in Section 57-75-5(b);

4321 2. "Project" shall have the meaning ascribed
4322 to such term in Section 57-75-5(f)(xxix); and

4323 3. "Enterprise" shall mean the corporation
4324 authorized for the project pursuant to Section 57-75-5(f)(xxix).

4325 (ii) The term of the franchise tax fee-in-lieu
4326 agreement negotiated under this subsection and authorized by
4327 Section 57-75-5(j), between the authority and the enterprise for
4328 the project shall not exceed twenty-five (25) years. The
4329 franchise tax fee-in-lieu agreement shall apply only to new
4330 franchise tax liability attributable to the project, and shall not
4331 apply to any existing franchise tax liability of the enterprise in
4332 connection with any current operations in this state.

4333 (iii) In the event that the annual number of
4334 full-time jobs maintained by the enterprise falls below the
4335 minimum annual number of full-time jobs required by the authority
4336 pursuant to a written agreement between the authority and the
4337 enterprise for two (2) consecutive years, the franchise tax
4338 fee-in-lieu for the project shall be suspended until the first tax
4339 year during which the annual number of full-time jobs maintained
4340 by the enterprise reaches the minimum annual number of full-time



4341 jobs required by the authority pursuant to a written agreement
4342 between the authority and the enterprise.

4343 (iv) The enterprise shall be entitled to utilize a
4344 single sales apportionment factor in the calculation of its
4345 liability for franchise tax imposed by this chapter which is
4346 attributable to the project for any year for which it files a
4347 Mississippi franchise tax return. The enterprise shall be
4348 entitled to continue to utilize such single sales apportionment
4349 factor notwithstanding a suspension of the franchise tax
4350 fee-in-lieu pursuant to subparagraph (iii) of this paragraph.

4351 (4) An approved business enterprise as defined in the Growth
4352 and Prosperity Act shall not be subject to the tax levied by this
4353 section on the value of capital used, invested or employed by the
4354 approved business enterprise in a growth and prosperity county or
4355 supervisors district as provided in the Growth and Prosperity Act.

4356 (5) A business enterprise operating a project as defined in
4357 Section 57-64-33, in a county that is a member of a regional
4358 economic development alliance created under the Regional Economic
4359 Development Act shall not be subject to the tax levied by this
4360 section on the value of capital used, invested or employed by the
4361 business enterprise in such a county as provided in Section
4362 57-64-33.

4363 (6) The tax levied by this chapter and paid by a business
4364 enterprise located in a redevelopment project area under Sections



4365 57-91-1 through 57-91-11 shall be deposited into the Redevelopment
4366 Project Incentive Fund created in Section 57-91-9.

4367 (7) A business enterprise as defined in Section 57-113-1
4368 that is exempt from certain state taxes under Section 57-113-5
4369 shall not be subject to the tax levied by this section on the
4370 value of capital used, invested or employed by the business
4371 enterprise.

4372 **SECTION 18.** Section 27-13-7, Mississippi Code of 1972, is
4373 amended as follows:

4374 27-13-7. (1) **Franchise tax levy.** Except as otherwise
4375 provided in subsections (3), (4), (5) and (7) of this section,
4376 there is hereby imposed, levied and assessed upon every
4377 corporation, association or joint-stock company, or partnership
4378 treated as a corporation under the income tax laws or regulations
4379 as hereinbefore defined, organized and existing under and by
4380 virtue of the laws of some other state, territory or country, or
4381 organized and existing without any specific statutory authority,
4382 now or hereafter doing business or exercising any power, privilege
4383 or right within this state, as hereinbefore defined, a franchise
4384 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each
4385 One Thousand Dollars (\$1,000.00), or fraction thereof, of the
4386 value of capital used, invested or employed within this state,
4387 except as hereinafter provided. In no case shall the franchise
4388 tax due for the accounting period be less than Twenty-five Dollars
4389 (\$25.00). It is the purpose of this section to require the



4390 payment of a tax by all organizations not organized under the laws
4391 of this state, measured by the amount of capital or its
4392 equivalent, for which such organization receives the benefit and
4393 protection of the government and laws of the state.

4394 (2) **Annual report of foreign corporations.** Each foreign
4395 corporation authorized to transact business in this state shall
4396 file an annual report as required by the provisions of Section
4397 79-4-16.22.

4398 (3) (a) A corporation that has negotiated a fee-in-lieu as
4399 defined in Section 57-75-5 shall not be subject to the tax levied
4400 by this section on such project; * * * however, * * * the
4401 fee-in-lieu payment shall be otherwise treated in the same manner
4402 as the payment of franchise taxes.

4403 (b) (i) As used in this paragraph:

4404 1. "Authority" shall have the meaning
4405 ascribed to such term in Section 57-75-5(b);

4406 2. "Project" shall have the meaning ascribed
4407 to such term in Section 57-75-5(f)(xxix); and

4408 3. "Enterprise" shall mean the corporation
4409 authorized for the project pursuant to Section 57-75-5(f)(xxix).

4410 (ii) The term of the franchise tax fee-in-lieu
4411 agreement negotiated under this subsection and authorized by
4412 Section 57-75-5(j), between the authority and the enterprise for
4413 the project shall not exceed twenty-five (25) years. The
4414 franchise tax fee-in-lieu agreement shall apply only to new



4415 franchise tax liability attributable to the project, and shall not
4416 apply to any existing franchise tax liability of the enterprise in
4417 connection with any current operations in this state.

4418 (iii) In the event that the annual number of
4419 full-time jobs maintained by the enterprise falls below the
4420 minimum annual number of full-time jobs required by the authority
4421 pursuant to a written agreement between the authority and the
4422 enterprise for two (2) consecutive years, the franchise tax
4423 fee-in-lieu for the project shall be suspended until the first tax
4424 year during which the annual number of full-time jobs maintained
4425 by the enterprise reaches the minimum annual number of full-time
4426 jobs required by the authority pursuant to a written agreement
4427 between the authority and the enterprise.

4428 (iv) The enterprise shall be entitled to utilize a
4429 single sales apportionment factor in the calculation of its
4430 liability for franchise tax imposed by this chapter which is
4431 attributable to the project for any year for which it files a
4432 Mississippi franchise tax return. The enterprise shall be
4433 entitled to continue to utilize such single sales apportionment
4434 factor notwithstanding a suspension of the franchise tax
4435 fee-in-lieu pursuant to subparagraph (iii) of this paragraph.

4436 (4) An approved business enterprise as defined in the Growth
4437 and Prosperity Act shall not be subject to the tax levied by this
4438 section on the value of capital used, invested or employed by the



4439 approved business enterprise in a growth and prosperity county or
4440 supervisors district as provided in the Growth and Prosperity Act.

4441 (5) A business enterprise operating a project as defined in
4442 Section 57-64-33, in a county that is a member of a regional
4443 economic development alliance created under the Regional Economic
4444 Development Act shall not be subject to the tax levied by this
4445 section on the value of capital used, invested or employed by the
4446 business enterprise in such a county as provided in Section
4447 57-64-33.

4448 (6) The tax levied by this chapter and paid by a business
4449 enterprise located in a redevelopment project area under Sections
4450 57-91-1 through 57-91-11 shall be deposited into the Redevelopment
4451 Project Incentive Fund created in Section 57-91-9.

4452 (7) A business enterprise as defined in Section 57-113-1
4453 that is exempt from certain state taxes under Section 57-113-5
4454 shall not be subject to the tax levied by this section on the
4455 value of capital used, invested or employed by the business
4456 enterprise.

4457 **SECTION 19.** Section 19-9-5, Mississippi Code of 1972, is
4458 amended as follows:

4459 19-9-5. No county shall hereafter issue bonds secured by a
4460 pledge of its full faith and credit for the purposes authorized by
4461 law in an amount which, when added to the then outstanding bonds
4462 of such county, shall exceed either (a) fifteen percent (15%) of
4463 the assessed value of the taxable property within such county



4464 according to the last completed assessment for taxation, or (b)
4465 fifteen percent (15%) of the assessment upon which taxes were
4466 levied for its fiscal year ending September 30, 1984, whichever is
4467 greater.

4468 However, any county in the state which shall have experienced
4469 washed-out or collapsed bridges on the public roads of the county
4470 for any cause or reason may hereafter issue bonds for bridge
4471 purposes as now authorized by law in an amount which, when added
4472 to the then outstanding general obligation bonds of such county,
4473 shall not exceed either (a) twenty percent (20%) of the assessed
4474 value of the taxable property within such county according to the
4475 last completed assessment for taxation or (b) fifteen percent
4476 (15%) of the assessment upon which taxes were levied for its
4477 fiscal year ending September 30, 1984, whichever is greater.

4478 Provided further, in computing such indebtedness, there may
4479 be deducted all bonds or other evidences of indebtedness
4480 heretofore or hereafter issued, for the construction of hospitals,
4481 ports or other capital improvements which are payable primarily
4482 from the net revenue to be generated from such hospital, port or
4483 other capital improvement, which revenue shall be pledged to the
4484 retirement of such bonds or other evidences of indebtedness,
4485 together with the full faith and credit of the county. However,
4486 in no case shall any county contract any indebtedness payable in
4487 whole or in part from proceeds of ad valorem taxes which, when
4488 added to all of the outstanding general obligation indebtedness,



4489 both bonded and floating, shall exceed either (a) twenty percent
4490 (20%) of the assessed value of all taxable property within such
4491 county according to the last completed assessment for taxation, or
4492 (b) fifteen percent (15%) of the assessment upon which taxes were
4493 levied for its fiscal year ending September 30, 1984, whichever is
4494 greater. Nothing herein contained shall be construed to apply to
4495 contract obligations in any form heretofore or hereafter incurred
4496 by any county which are subject to annual appropriations therefor,
4497 or to bonds heretofore or hereafter issued by any county for
4498 school purposes, or to bonds issued by any county under the
4499 provisions of Sections 57-1-1 through 57-1-51, or to any
4500 indebtedness incurred under Section 55-23-8, or to bonds issued
4501 under Section 57-75-37 or to any other indebtedness incurred under
4502 57-75-37(4).

4503 **SECTION 20.** Section 29-3-29, Mississippi Code of 1972, is
4504 amended as follows:

4505 29-3-29. Before any sixteenth section school land or land
4506 granted in lieu thereof may be sold or leased for industrial
4507 development thereon, therein or thereunder under the provisions of
4508 this chapter, the board of education controlling such land shall
4509 first determine that such sale or lease will be fair market value.
4510 In the determination of the fair market value of said land the
4511 comparative sales method shall be used, and the highest and best
4512 use of said sixteenth section lands shall be determined on the
4513 basis of finding that said land shall be susceptible to any use



4514 that comparative land in private ownership may be used, that there
4515 will be prompt and substantial industrial development on, in, or
4516 under said land after the sale or lease, that the acreage to be
4517 sold or leased is not in excess of the amount of land reasonably
4518 required for immediate use and for such future expansion as may be
4519 reasonably anticipated, and that such sale or lease will be
4520 beneficial to and in the best interest of the schools of the
4521 district for which said land is held. All of said findings,
4522 including the amount of the sale price or gross rental for said
4523 land, shall be spread on the minutes of the board of education.
4524 Also, if the board of education proposes to sell said land, said
4525 board shall first enter into a contract or obtain a legal option
4526 to purchase, for a specified price not in excess of fair market
4527 value, other land in the county of acreage of equivalent fair
4528 market value, and such contract or option shall be spread on the
4529 minutes of said board. However, not more than one hundred (100)
4530 acres in any one (1) sixteenth section school lands in any county
4531 may be sold under this chapter for the purpose of being made an
4532 industrial park or a part of such industrial park, provided the
4533 provisions of this section and Sections 57-5-1 and 57-5-23 are
4534 fully complied with.

4535 A certified copy of the resolution or order of the board of
4536 education, setting out the foregoing findings, together with a
4537 certified copy of the order approving and setting out the terms of
4538 the contract or option to purchase other lands where a sale of



4539 land is proposed and an application to the Mississippi
4540 Agricultural and Industrial Board for the certificate authorizing
4541 said sale or lease, shall be forwarded to the county board of
4542 supervisors, which board shall make an independent investigation
4543 of the proposed sale or lease and of the proposed purchase of
4544 other land.

4545 If said county board of supervisors shall concur in the
4546 finding of fact of the board of education, and shall find that it
4547 is to the best interests of the schools of the district to enter
4548 into such sale or lease, it may enter on its minutes a resolution
4549 or order approving the action of the board of education.

4550 If the said county board of supervisors shall not concur in
4551 the findings of the board of education, or shall find that the
4552 proposed sale or lease will not be in the best interest of the
4553 schools of the district, then it may, by resolution or order,
4554 disapprove the proposed sale or lease, and such action shall be
4555 final.

4556 Except as otherwise permitted by Section 57-75-37(4)(f),
4557 there shall be reserved all minerals in, on, and under any lands
4558 conveyed under the provisions hereof. Provided, however, that in
4559 any county bordering on the State of Alabama, traversed by the
4560 Tombigbee River, in which U.S. Highway 82 intersects U.S. Highway
4561 45 and in which is situated a state supported institution of
4562 higher learning, upon the sale of any sixteenth section lands for
4563 industrial purposes as provided by law, the board of education,



4564 the superintendent of education and the Mississippi Agricultural
4565 and Industrial Board, may sell and convey all minerals except oil,
4566 gas, sulphur and casinghead gas on, in and under the said
4567 sixteenth section lands so sold for industrial purposes. Said
4568 oil, gas, sulphur and casinghead gas shall be reserved together
4569 with such rights of use, ingress and egress as shall not
4570 unreasonably interfere with the use of the lands by the purchaser.
4571 Prior written approval for such use, ingress and egress, shall be
4572 obtained from the surface owner or, if such approval is
4573 unreasonably withheld, may be obtained from the chancery court of
4574 the county in which said land is located.

4575 Certified copies of the resolutions or orders of the board of
4576 supervisors and of the board of education and of the application
4577 to the Mississippi Agricultural and Industrial Board shall be
4578 transmitted to the county superintendent of education, if there be
4579 one in the county, who, if he approves the proposed sale or lease,
4580 shall so certify and forward same to the Mississippi Agricultural
4581 and Industrial Board. If there be no county superintendent of
4582 education in the county, then the board of education whose
4583 district embraces the entire county shall so certify and transmit
4584 said copies to the Mississippi Agricultural and Industrial Board
4585 for further action.

4586 Upon receipt of the aforesaid application and certified
4587 copies of the said resolution and orders, the Mississippi
4588 Agricultural and Industrial Board shall make investigation to



4589 determine whether or not the proposed sale or lease of said land
4590 will promote prompt and substantial industrial development
4591 thereon, therein, or thereunder. If the board finds that such
4592 sale or lease will promote prompt and substantial industrial
4593 development thereon, therein or thereunder, and further finds that
4594 the person, firm or corporation who proposes to establish said
4595 industry is financially responsible, and that the acreage to be
4596 sold or leased is not in excess of the amount of land reasonably
4597 required for immediate use and for such future expansion as may be
4598 reasonably anticipated, then the board, in its discretion, may
4599 issue a certificate to the board of education of said district so
4600 certifying, and said certificate shall be the authority for the
4601 board of education to enter into the proposed sale or lease. If
4602 the Mississippi Agricultural and Industrial Board does not so
4603 find, then it shall decline to issue said certificate which action
4604 shall be final.

4605 The Mississippi Agricultural and Industrial Board, when
4606 issuing a certificate to the county board of education certifying
4607 its findings and authorizing said sale or lease, may,
4608 nevertheless, in its discretion, make such sale or lease
4609 conditioned on and subject to the vote of the qualified electors
4610 of said district. Upon receipt of a certificate so conditioned
4611 upon an election, or upon a petition as hereinafter provided for,
4612 the board of education, by resolution spread upon its minutes,
4613 shall forward a copy of the certificate to the board of



4614 supervisors who by resolution upon its minutes, shall call an
4615 election to be held in the manner now provided by law for holding
4616 county elections, and shall fix in such resolution a date upon
4617 which such an election shall be held, of which not less than three
4618 (3) weeks notice shall be given by the clerk of said board of
4619 supervisors by publishing a notice in a newspaper published in
4620 said county once each week for three (3) consecutive weeks
4621 preceding the same, or if no newspaper is published in said
4622 county, then in a newspaper having a general circulation therein,
4623 and by posting a notice for three (3) weeks preceding said
4624 election at three (3) public places in said county. At such
4625 election, all qualified voters of the county may vote, and the
4626 ballots used shall have printed thereon a brief statement of the
4627 proposed sale or lease of said land, including the description and
4628 price, together with the words "For the proposed sale or lease"
4629 and the words "Against the proposed sale or lease," and the voter
4630 shall vote by placing a cross (x) or check (v) opposite his choice
4631 of the proposition. Should the election provided for herein
4632 result in favor of the proposed sale or lease by at least
4633 two-thirds (2/3) of the votes cast being in favor of the said
4634 proposition, the board of supervisors shall notify the board of
4635 education who may proceed forthwith to sell or lease said land in
4636 accordance with the proposition so submitted to the electors. If
4637 less than two-thirds (2/3) of those voting in such special



4638 election vote in favor of the said sale or lease, then said land
4639 shall not be sold or leased.

4640 The board of education shall further be required, prior to
4641 passing of a resolution expressing its intent to sell said land,
4642 to publish a notice of intent to sell said land for three (3)
4643 consecutive weeks in a newspaper published in said county or, if
4644 there be none, in a newspaper having a general circulation in said
4645 county, and to post three (3) notices thereof in three (3) public
4646 places in said county, one (1) of which shall be at the
4647 courthouse, for said time. If within the period of three (3)
4648 weeks following the first publication of said intent, a petition
4649 signed by twenty percent (20%) of the qualified electors of said
4650 county shall be filed with the board of supervisors requesting an
4651 election concerning the sale, then an election shall be called as
4652 hereinabove provided.

4653 **SECTION 21.** Section 27-31-104, Mississippi Code of 1972, is
4654 amended as follows:

4655 **[Through June 30, 2022, this section shall read as follows:]**

4656 27-31-104. (1) County boards of supervisors and municipal
4657 authorities are each hereby authorized and empowered to enter into
4658 an agreement with an enterprise granting, and pursuant to such
4659 agreement grant a fee-in-lieu of ad valorem taxes, including ad
4660 valorem taxes levied for school purposes, for projects totaling
4661 over One Hundred Million Dollars (\$100,000,000.00). In addition
4662 to those new enterprises enumerated in Section 27-31-101,



4663 Mississippi Code of 1972, the term "projects," as used in this
4664 section, shall include:

4665 (a) A private company (as such term is defined in
4666 Section 57-61-5, Mississippi Code of 1972) having a minimum
4667 capital investment of One Hundred Million Dollars
4668 (\$100,000,000.00) * * *; or

4669 (b) A qualified business (as such term is defined in
4670 Section 57-117-3) meeting minimum criteria established by the
4671 Mississippi Development Authority.

4672 (2) A county board of supervisors may enter into a
4673 fee-in-lieu agreement on behalf of the county and any county
4674 school district, and a municipality may enter into such a
4675 fee-in-lieu agreement on behalf of the municipality and any
4676 municipal school district located in the municipality; however, if
4677 the project is located outside the limits of a municipality but
4678 within the boundaries of the municipal school district, then the
4679 county board of supervisors may enter into such a fee-in-lieu
4680 agreement on behalf of the school district granting a fee-in-lieu
4681 of ad valorem taxes for school district purposes.

4682 (* * *3) * * * Any grant of a fee-in-lieu of ad valorem
4683 taxes shall be evidenced by a written agreement negotiated by the
4684 enterprise and the county board of supervisors and/or municipal
4685 authority, as the case may be, and given final approval by the
4686 Mississippi Development Authority as satisfying the requirements
4687 of this section.



4688 (* * *4) The minimum sum allowable as a fee-in-lieu shall
4689 not be less than one-third (1/3) of the ad valorem levy, including
4690 ad valorem taxes for school district purposes, and except as
4691 otherwise provided, the sum allowed shall be apportioned between
4692 the county or municipality, as appropriate, and the school
4693 districts in such amounts as may be determined by the county board
4694 of supervisors or municipal governing authority, as the case may
4695 be, however, except as otherwise provided in this section, from
4696 the sum allowed the apportionment to school districts shall not be
4697 less than the school districts' pro rata share based upon the
4698 proportion that the millage imposed for the school districts by
4699 the appropriate levying authority bears to the millage imposed by
4700 such levying authority for all other county or municipal purposes.
4701 Any fee-in-lieu agreement entered into in under this section shall
4702 become a binding obligation of the parties to the agreement, be
4703 effective upon its execution by the parties and approval by the
4704 Mississippi Development Authority and continue until expiration of
4705 the fee-in-lieu granted under the agreement; however, the term for
4706 which the fee-in-lieu may be granted under the agreement shall not
4707 exceed a single period of ten (10) years commencing on the date
4708 specified in accordance with the agreement, except as otherwise
4709 provided in Section 17-25-23 or Section 57-75-33, * * * or any
4710 other provision of law. Any such agreement shall be binding,
4711 according to its terms, on future boards of supervisors of the



4712 county and/or governing authorities of a municipality, as the case
4713 may be, for the duration of the agreement.

4714 (* * *5) The fee-in-lieu may be a stated fraction or
4715 percentage of the ad valorem taxes otherwise payable or a stated
4716 dollar amount. If the fee is a fraction or percentage of the ad
4717 valorem tax levy, it shall be annually computed on all ad valorem
4718 taxes otherwise payable, including school taxes, as the same may
4719 vary from year to year based upon changes in the millage rate or
4720 assessed value and shall not be less than one-third (1/3) of that
4721 amount. If the fee is a stated dollar amount, said amount shall
4722 be the higher of the sum provided for fixed payment or one-third
4723 (1/3) of the total of all ad valorem taxes otherwise payable as
4724 annually determined during each year of the fee-in-lieu.

4725 (* * *6) Notwithstanding Section 27-31-111, the parties to
4726 a fee-in-lieu may agree on terms and conditions providing for the
4727 reduction, suspension, termination or reinstatement of a
4728 fee-in-lieu agreement or any fee-in-lieu period granted thereunder
4729 upon the cessation of operations by project for twelve (12) or
4730 more consecutive months or due to other conditions set forth in
4731 the agreement.

4732 (7) For a project as defined in Section 57-75-5(f)(xxi) and
4733 located in a county that is a member of a regional economic
4734 development alliance created under Section 57-64-1 et seq., the
4735 members of the regional economic development alliance may divide
4736 the sum allowed as a fee-in-lieu in a manner as determined by the



4737 alliance agreement, and the boards of supervisors of the member
4738 counties may then apportion the sum allowed between school
4739 district purposes and all other county purposes.

4740 (* * *8) For a project as defined in Section
4741 57-75-5(f)(xxvi), the board of supervisors of the county in which
4742 the project is located may negotiate with the school district in
4743 which the project is located and apportion to the school district
4744 an amount of the fee-in-lieu that is agreed upon in the
4745 negotiations different than the amount provided for in subsection
4746 (3) of this section.

4747 (* * *9) For a project as defined in Section
4748 57-75-5(f)(xxviii), the annual amount of the fee-in-lieu
4749 apportioned to the county shall not be less than the amount
4750 necessary to pay the debt service on bonds issued by the county
4751 pursuant to Section 57-75-37(3)(c).

4752 **[From and after July 1, 2022, this section shall read as**
4753 **follows:]**

4754 27-31-104. (1) County boards of supervisors and municipal
4755 authorities are each hereby authorized and empowered to enter into
4756 an agreement with an enterprise granting, and pursuant to such
4757 agreement grant a fee-in-lieu of ad valorem taxes, including ad
4758 valorem taxes levied for school purposes, for projects totaling
4759 over One Hundred Million Dollars (\$100,000,000.00). In addition
4760 to those new enterprises enumerated in Section 27-31-101,
4761 Mississippi Code of 1972, the term "projects," as used in this



4762 section, shall include a private company (as such term is defined
4763 in Section 57-61-5, Mississippi Code of 1972) having a minimum
4764 capital investment of One Hundred Million Dollars
4765 (\$100,000,000.00).

4766 (2) A county board of supervisors may enter into a
4767 fee-in-lieu agreement on behalf of the county and any county
4768 school district, and a municipality may enter into such a
4769 fee-in-lieu agreement on behalf of the municipality and any
4770 municipal school district located in the municipality; however, if
4771 the project is located outside the limits of a municipality but
4772 within the boundaries of the municipal school district, then the
4773 county board of supervisors may enter into such a fee-in-lieu
4774 agreement on behalf of the school district granting a fee-in-lieu
4775 of ad valorem taxes for school district purposes.

4776 (* * *3) * * * Any grant of a fee-in-lieu of ad valorem
4777 taxes shall be evidenced by a written agreement negotiated by the
4778 enterprise and the county board of supervisors and/or municipal
4779 authority, as the case may be, and given final approval by the
4780 Mississippi Development Authority as satisfying the requirements
4781 of this section.

4782 (* * *4) The minimum sum allowable as a fee-in-lieu shall
4783 not be less than one-third (1/3) of the ad valorem levy, including
4784 ad valorem taxes for school district purposes, and except as
4785 otherwise provided, the sum allowed shall be apportioned between
4786 the county or municipality, as appropriate, and the school



4787 districts in such amounts as may be determined by the county board
4788 of supervisors or municipal governing authority, as the case may
4789 be, however, except as otherwise provided in this section, from
4790 the sum allowed the apportionment to school districts shall not be
4791 less than the school districts' pro rata share based upon the
4792 proportion that the millage imposed for the school districts by
4793 the appropriate levying authority bears to the millage imposed by
4794 such levying authority for all other county or municipal purposes.
4795 Any fee-in-lieu agreement entered into in under this section shall
4796 become a binding obligation of the parties to the agreement, be
4797 effective upon its execution by the parties and approval by the
4798 Mississippi Development Authority and continue until expiration of
4799 the fee-in-lieu granted under the agreement; however, the term for
4800 which the fee-in-lieu may be granted under the agreement shall not
4801 exceed a single period of ten (10) years commencing on the date
4802 specified in accordance with the agreement, except as otherwise
4803 provided in Section 17-25-23 or Section 57-75-33, * * * or any
4804 other provision of law. Any such agreement shall be binding,
4805 according to its terms, on future boards of supervisors of the
4806 county and/or governing authorities of a municipality, as the case
4807 may be, for the duration of the agreement.

4808 (* * *5) The fee-in-lieu may be a stated fraction or
4809 percentage of the ad valorem taxes otherwise payable or a stated
4810 dollar amount. If the fee is a fraction or percentage of the ad
4811 valorem tax levy, it shall be annually computed on all ad valorem



4812 taxes otherwise payable, including school taxes, as the same may
4813 vary from year to year based upon changes in the millage rate or
4814 assessed value and shall not be less than one-third (1/3) of that
4815 amount. If the fee is a stated dollar amount, said amount shall
4816 be the higher of the sum provided for fixed payment or one-third
4817 (1/3) of the total of all ad valorem taxes otherwise payable as
4818 annually determined during each year of the fee-in-lieu.

4819 (* * *6) Notwithstanding Section 27-31-111, the parties to
4820 a fee-in-lieu may agree on terms and conditions providing for the
4821 reduction, suspension, termination or reinstatement of a
4822 fee-in-lieu agreement or any fee-in-lieu period granted thereunder
4823 upon the cessation of operations by project for twelve (12) or
4824 more consecutive months or due to other conditions set forth in
4825 the agreement.

4826 (7) For a project as defined in Section 57-75-5(f)(xxi) and
4827 located in a county that is a member of a regional economic
4828 development alliance created under Section 57-64-1 et seq., the
4829 members of the regional economic development alliance may divide
4830 the sum allowed as a fee-in-lieu in a manner as determined by the
4831 alliance agreement, and the boards of supervisors of the member
4832 counties may then apportion the sum allowed between school
4833 district purposes and all other county purposes.

4834 (* * *8) For a project as defined in Section
4835 57-75-5(f)(xxvi), the board of supervisors of the county in which
4836 the project is located may negotiate with the school district in



4837 which the project is located and apportion to the school district
4838 an amount of the fee-in-lieu that is agreed upon in the
4839 negotiations different than the amount provided for in subsection
4840 (3) of this section.

4841 (* * *9) For a project as defined in Section
4842 57-75-5(f)(xxviii), the annual amount of the fee-in-lieu
4843 apportioned to the county shall not be less than the amount
4844 necessary to pay the annual debt service on bonds issued by the
4845 county pursuant to Section 57-75-37(3)(c).

4846 **SECTION 22.** Section 27-31-107, Mississippi Code of 1972, is
4847 amended as follows:

4848 27-31-107. Any person, firm or corporation claiming
4849 exemptions from municipal or county ad valorem taxation as
4850 provided in Sections 27-31-101 through 27-31-117 shall first file
4851 an application with the governing authorities of the municipality
4852 or the county board of supervisors, as the case may be, on or
4853 before June 1 of the year following the year of completion of the
4854 new enterprise or completion of the expansion or addition;
4855 however, no such application shall be required for, nor shall this
4856 section otherwise apply to, any fee-in-lieu of ad valorem
4857 taxation, granted pursuant to Section 27-31-104 or 27-31-105(2).

4858 Each copy shall be subscribed and sworn to by the individual
4859 making the application or, if a firm or corporation, by an officer
4860 or person duly authorized to do so. In the application, full
4861 information shall be given as to the property proposed to be



4862 exempted, the kind of articles to be manufactured, and the date
4863 from which exemption is claimed. Each application shall also show
4864 an itemized listing of the true value of all such property sought
4865 to be exempted. The governing authorities of the municipality or
4866 county board of supervisors may, by resolution spread on its
4867 minutes, approve such application for all or any part of the
4868 property sought to be exempted and for all or any part of the
4869 authorized period of exemption. The resolution of approval shall
4870 also have an itemized listing of the true value of all property to
4871 be exempted. The application, together with the resolution of
4872 approval, shall be forwarded to the * * * Department of Revenue
4873 within thirty (30) days from the date of the resolution.
4874 The * * * department shall proceed to investigate the matter and
4875 determine whether the property is eligible for the exemption.
4876 After investigation of the eligibility of the property, the * * *
4877 department shall certify its determination to the governing
4878 authorities of the municipality or the county board of
4879 supervisors. If such property sought to be exempted is not
4880 eligible for such exemption, as above set forth, the * * *
4881 Department of Revenue shall so certify. If the * * * Department
4882 of Revenue certifies that the applicant is eligible for an
4883 exemption, it shall be discretionary with the board of supervisors
4884 or municipal authorities as to whether they grant the exemption,
4885 but in no event shall an exemption be granted if the * * *
4886 Department of Revenue certifies that the applicant is not eligible



4887 for an exemption. The original copy of the application for
4888 exemption shall be returned to the governing authorities of the
4889 municipality or the county board of supervisors, as the case may
4890 be.

4891 **SECTION 23.** This act shall take effect and be in force from
4892 and after its passage.

